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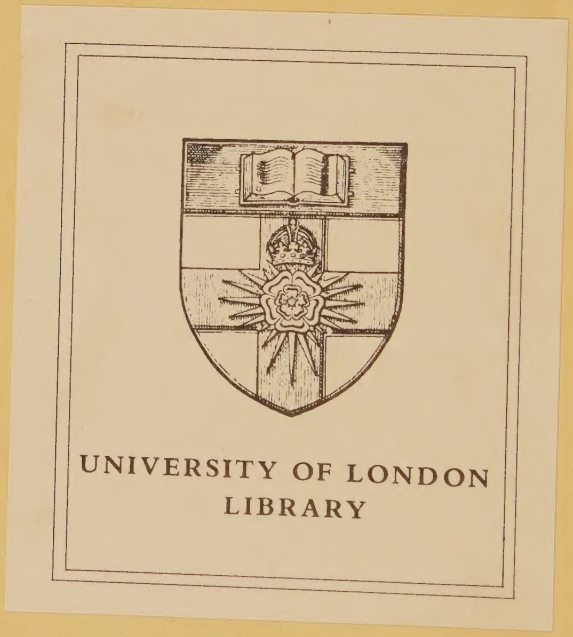

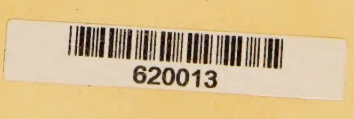
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HANSARD'S

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COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

21° & 22° VICTORIÆ, 1857-8.

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COMPRISING THE PERIOD FROM

THE EIGHTEENTH DAY OF JUNE, 1858,

TO

THE SECOND DAY OF AUGUST, 1858.

Fourth and last Volume of Session 1857-8.

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HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

SECOND SESSION OF THE *SEVENTEENTH PARLIAMENT* OF THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*' APPOINTED TO MEET 30 APRIL, 1857, AND THENCE CONTINUED TILL 3 DECEMBER, 1857, IN THE TWENTY-FIRST YEAR OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

FOURTH VOLUME OF THE SESSION.

HOUSE OF LORDS,

Friday, June 18, 1858.

MINUTES.] PUBLIC BILLS.—2ª Peace Preservation (Ireland) Act Continuance.
3ª Law of False Pretences Amendment.

GOVERNMENT OF INDIA.
QUESTION.

THE MARQUESS OF LANSDOWNE wished to ask a question to which he did not expect to receive an answer until the noble Earl at the head of the Government was able to be present, but it referred to a subject of overwhelming importance, which, indeed, was not yet under the consideration of their Lordships, but which could not but be constantly within their view. He referred to the new settlement of the government of India. That subject required as much deliberation by their Lordships' House as by the other House of Parliament, but although a great many weeks had passed the matter had not yet come before their Lordships. It appeared from those sources of information with which they were daily supplied, that this great question, after assuming various aspects, and presenting itself in every possible form, had at last lost its way in the House of Commons, but by great good fortune it seemed now to have recovered the right road. Having determined to proceed no further with the Resolutions and to bring in a Bill the Government were now able to communicate to their Lordships the progress they had made. He had no other object than that there should be an early despatch of this great measure so far as was consistent with that opportunity of full consideration which their Lordships were entitled to demand. He wished therefore to ask whether it was the intention of Her Majesty's Government to propose to the other House of Parliament that the Resolutions agreed to by that House should be communicated to their Lordships without waiting for the passing of the Bill? He was willing to acquiesce in what seemed to be the general feeling of the Government and of their Lordships, but it appeared to him that by the communication of these Resolutions the House might have the advantage—if advantage it were—of being enabled to enter upon the consideration of some of the most important topics without waiting for the Bill itself, which might possibly not come before them for a long period, and such a course might contribute to the saving of time when the Bill did at last reach them.

THE EARL OF MALMESBURY said, that in the absence of his noble Friend at the head of the Government, he must ask the noble Marquess to allow him to postpone a positive answer until Monday. He very much feared that his noble Friend would not be well enough to appear in his place on that day, but he would communicate the

question of the noble Marquess, and he was sure his noble Friend would give it that attention which any suggestion coming from him always deserved.

PRIVATE BILLS.

LORD STANLEY OF ALDERLEY moved that a Select Committee be appointed to inquire into the present System of Proceedings in Parliament on Private Bills, and to consider whether any Improvement could be effected to facilitate such Legislation and diminish its Expense. The noble Lord, having described in some detail the present mode of proceeding in reference to Private Bills, and the alterations which the system had undergone from time to time, said, the great evil of the existing mode lay in the expense to promoters of such Bills consequent upon their having to prove their case first before a Committee of the House of Commons, and then before one of the House of Lords. One way of meeting or diminishing this evil would be to assimilate, as far as possible the Standing Orders of both Houses of Parliament, in reference to private Bills. When this was done the Question whether these Orders had been complied with might be referred to some officer or officers of each House, in the case both of opposed and unopposed Bills. He submitted also, that with respect to unopposed Bills that Parliament should be satisfied with one proof, which might be made before a joint Committee composed of Members of both Houses who should give their decision once for all. He urged upon the House that it was worth while to inquire whether alterations could not be introduced into the present practice in the hope of diminishing expenses, improving the mode of procedure, and facilitating the transaction of business. One proposal which he should be disposed to make with that view would be the organization of a panel of chairmen who should, as in the case of the House of Commons, preside over the Committees of their Lordships' House, and give their advice and assistance in matters of difficulty. The delay in fixing the time of hearing had always been the subject of complaint, and something ought to be done to remove that ground of vexation. Again it would be highly desirable to adopt some means for the purpose of more equalizing the distribution of business throughout the Session. It was desirable to inquire whether it was not possible to reduce the expense and facilitate the transaction of business so as to remove from the public mind an impression that now prevailed that their Lordships' tribunal was not only expensive but unfair and dilatory. The best means of doing that, he thought, would be the appointment of a Committee, and, therefore, he had now to submit a Motion to that effect to their Lordships.

LORD REDESDALE said, that since the great improvements in the proceedings with respect to private business originated in that House in 1837, he thought the Committees had worked as well as anything of that sort could; but at the same time he did not think a Parliamentary Committee was the best tribunal for inquiring into these matters. With regard to the expense, he did not think the expense was heavy, except when the Bills were opposed, and, with regard to them, a great portion of the expense was attributable to the parties who had the conduct of the inquiry, and the frightful length of time occupied in consequence. He was not quite sure that something might not be done by requiring that the parties should send in a list of witnesses stating the several points on which they proposed to call them, and that that list should be submitted in the first instance to a Standing Committee, for this purpose, which should limit the number of witnesses that each might call. The investigations before Committees of this House were always shorter than in the other House, and the reason given was that the matter had already been investigated. With regard to the double procedure between the two Houses, he did not think that a great deal was to be gained on that head, because, as he had stated, the great expense was on opposed Bills, and he thought that on opposed Bills a double investigation was desirable. But there might be something done by mutual communication between the two Houses to prevent the necessity of a double investigation on points that were not disputed. Another suggestion was, that there should be in the House a panel of chairmen; but he did not think they could work that in the same way that they did in the House of Commons, which had much more command over their Members than this House had. Another was, that the two Houses should work together, and that they should exchange Bills. At one time he was strongly in favour of something of that sort; and supposing that some great stress of business were to occur, as

in 1845, he thought some such arrangement would be desirable: but in ordinary times he did not think it would; because the more time they allowed to the agents the longer would they delay. He would observe that the greatest good had arisen from the Order he was the means of getting passed, that after a certain day no Private Bills would be taken. He thought that from the appointment of the Committee some small good might arise, but he was afraid from the nature of the subject that very little was to be done in the way of remedy for the evils complained of.

LORD BROUGHAM said, he was more sanguine than the noble Lord who had just spoken as to the result of the appointment of this Committee. The improved mode of conducting the business commenced in this House in 1837, and was suggested by him to the Duke of Wellington. He suggested that there should be a joint Committee, seven of the Commons and five of the Lords, for each Bill, by which means double investigation, which was the great evil, would be avoided. Another suggestion was, that the Committee should sit with a legal assessor. He greatly lamented that these plans were not then adopted, as the root of the evil was the double investigation. Great good had arisen from the appointment of Examiners, though their functions were confined to the Standing Orders. He thought that the same principle might be applied to the merits of the case. If the Committees were appointed, and a good understanding was come to between this Committee and the Committee of the House of Commons, which he understood was to be appointed, he would fain hope that some good would be effected.

LORD PORTMAN said, he was decidedly of opinion that there should be an examination in each House into the merits of the different Bills, and that the doing away with such deliberate examination would not conduce to the public advantage. He thought, however, that the investigations, and consequently the expense, might be curtailed with great advantage. One important step towards an improvement of the system would be by giving the Committees the power of directing which side should begin in the Private Committees. For instance, in cases which had been determined by the other House, the opponents of a measure might be called upon to state their objections, and then the promoters would have those objections only to meet. He had seen that done in some cases with great success. He also thought it would be a considerable improvement on the present system if a number of Peers, who would attend punctually, would undertake the labour of attending to Private Bills; they would by this means qualify themselves to be very valuable chairmen of Committees, and would render a great service to the public. With respect to the Motion of his noble Friend, he should be happy to render the Committee any assistance in his power in carrying out his inquiry.

THE EARL OF DONOUGHMORE said, he rather doubted the useful working of a joint Committee of both Houses. Perhaps such a Committee might be beneficially employed in deciding questions relating to Standing Orders, but in other cases he thought separate Committees most desirable. It was to be regretted that Parliament had not yet arrived at some definite conclusion as to the principles on which railway legislation was to be carried on; it would be very advantageous if some regulations could be laid down to enable the public to judge whether certain projects were likely to receive the sanction of Parliament, for at present it was impossible for the parties interested to know how any proposal would be received by the Committees. He admitted the difficulties which surrounded the subject, but thought it possible that some general directions might be given as to the settlement of particular questions affecting the interests of the public, when competing railway measures were submitted to Parliament; and perhaps it might be desirable to have some public department to report on each railway project, so that the rights of the public might be protected.

After a few words from Lord STANLEY of ALDERLEY in reply,

Motion *agreed to.*

Committee named.

VICARAGE OF CAMBERWELL.—LAW OF SEQUESTRATION.—PETITION.

LORD ST. LEONARDS presented a petition from the vestry of St. Giles, under their corporate seal, for inquiry into the circumstances connected with the sequestration of the vicarage of Camberwell, and for Amendment of the Law of Sequestration. The petitioners, the members of the vestry of Camberwell, represented that the number of souls in that parish was 60,000, and that the income of the vicar was £2,300

per annum. The vicar had been compelled to leave the parish in consequence of being greatly in debt, owing at the time he left about £30,000, secured by sequestration, and the balance now due being £20,000. Under these circumstances, the ministerial duty, for which £2,300 a year was paid by the parish, was performed by two curates appointed by the Bishop, who had no power under the existing Act of Parliament to give a larger salary than £200 a year between them. The petitioners complained, and most justly, of this state of things, and desired an inquiry to be made into the condition of the parish, and prayed that their Lordships would originate some law with regard to sequestration. He regretted that none of the members of the right rev. Bench were present, but he trusted that the case would become known to them by some means or other, and that they would suggest a remedy for such a state of things. No one could deny that the law as it stood required some alteration. There were three parties concerned in a sequestration—the minister himself, the parishioners, and the creditors of the clergyman. The parishioners had a right to complain if, while they were paying a large sum for the services of the church, those services were performed by one or two curates in the receipt of £200 a year, the surplus being paid over to the creditors of the incumbent. By law, a clergyman could not charge his living with any debts that he might incur. If a judgment were obtained against him, he could not charge his living with the payment of the debt; and yet by the operation of the law, and by the judgment creditor praying a sequestration by the Ecclesiastical Court, a sequestrator was appointed who took possession of the temporalities of the living, provided curates at not more than £200 a year, and allotted the remainder of the clergyman's income to the payment of the debt; so that when an incumbent was embarrassed he applied to the money dealers, who were perfectly aware of the nature of the security they could obtain. The moment things went wrong these money dealers took out a sequestration and seized the whole of the temporalities, to the exclusion of the general creditors. The tradesmen of the parish, for example, who might imprudently have trusted the clergyman were cut out by the sequestration. He held that a clergyman was bound to the spot where his duties were to be performed; and, although an excuse might be made for improvidence, he ought never to be excused for wilfully running into debt, and being thereby prevented from executing the sacred duties of his office. Instead of allowing a clergyman to obtain a license to reside from his parish or to reside as an outlaw abroad for the purpose of avoiding his creditors, he ought to be bound to remain at his post, and execute his duties; and if he could not do this, from having wilfully and recklessly run into debt, he would declare the living void and strip his gown from him, as being incapable of performing his duties. Without taking from the creditors all the security they now possessed, he certainly would not suffer a sequestration to take place which enabled one great creditor to take the whole surplus income of the living. He would have one person appointed by the Ecclesiastical Court to receive the whole income of the living. The incumbent should receive a certain allowance, fixed by the Bishop, but should be compelled to reside and perform the duties while he was endeavouring to become a better man. He would then let all the tradesmen and other creditors share equally in the payment of the debts. The object he should have in view would be to prevent clergymen from becoming improvident and incapable of performing their duties to their parish; and on the other hand, it would render persons cautious how they allowed him to get into their debt. Creditors, again, who wished to obtain a great interest for their money would not be able to avail themselves of the necessities and improvidence of clergymen. He trusted that the petition would receive the consideration of the Government and of the heads of the Church, and that some remedy would be devised from the evils to which he had called their attention.

VISCOUNT DUNGANNON, in common with his noble and learned Friend, regretted that none of the right rev. Prelates had been present to hear the statement he had just made. He thought the House ought to be grateful to his noble and learned Friend for calling their attention to so important a subject. He himself (Viscount Dungannon) knew many instances in which the incumbents of populous parishes had been living abroad for many years, while their livings were under sequestration, and the duty of the living had been discharged by one or more curates on meagre salaries. This was a most lamentable state of things. The proposed scheme of the noble and learned Lord was one of a most important character. He (Viscount Dungannon) had seen evils

Lord St. Leonards

result from the present state of the law in more parishes than one, and trusted that the subject would have the serious attention of the Legislature, and he thought that no one would be better able to give the required attention to the subject than the master mind of the noble and learned Lord who had introduced the topic.

LORD REDESDALE hoped that the noble and learned Lord who had introduced the subject would take the matter into his serious consideration; for it was well-known that unless some individual took it up earnestly, it would never be taken up in a general way. The evil had gone on for a great length of time; every one was sensible of it, and no attempt at any remedy was proposed. The evil in a great degree arose from the fact that people did not consider sufficiently the trust connected with their living. They treated it too much as property, and in a great many other matters connected with the livings and preferments of the Church that feeling was allowed to prevail. A Bill had been introduced for depriving Members of either House of Parliament of their seats under certain circumstances, and great benefit would be done to the Church if the same system were adopted in respect to livings made vacant under certain proceedings. There was a trust connected with Church livings as well as seats in Parliament; and it was necessary that the example of the clergyman should be beneficial to his parishioners rather than the contrary, and if he got into difficulties and embarrassments it was desirable that he and his living should be separated. He, however, did hope that while provision was made for the due performance of spiritual duties in the Church, the question of property would be no less considered in connection with Church preferments and the due performance of ecclesiastical duties.

Petition to lie on the Table.

House adjourned at half past Seven o'clock to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, June 18, 1858.

MINUTES.] NEW WRIT—for Norfolk County (Eastern Division), *v.* Sir Edward North Buxton, Baronet, deceased.

PUBLIC BILLS.—1° Railways Act (Ireland) Continuance; Portendic and Albreda Convention.

2° Funded Debt.

THE GERMAN CORPS AT THE CAPE.
QUESTION.

SIR DE L. EVANS said, he rose to ask the Secretary of State for War from what fund the German Legion at the Cape of Good Hope have been paid during the last year the Field Allowances and Full Pay which the Governor of that Colony is stated to have issued to them. He would also beg to ask by what authority the Governor has placed those Troops on Field Allowance at a time when there was no war.

GENERAL PEEL said, that he was instructed to say that the Field Pay and Allowances were paid out of the Commissariat Chest, by order of the Governor. But when this order came home his predecessor, Lord Panmure, gave directions that no more Allowances to this force should be paid out of the Imperial Fund; that if they were to be paid it must be out of the Colonial Chest. In that direction he entirely agreed, and the House would observe that there was no sum charged in the Estimates this year for the Cape Corps.

AGGRAVATED ASSAULTS ACT.
QUESTION.

MR. FITZROY said, he rose to put a question which, to make intelligible, he must preface with a short statement. He had himself brought in a measure to put a stop to attacks made on defenceless females. But since that Act was passed he had reason to believe that it was perverted to purposes to which it was never intended to apply, and such a case he believed had occurred now. He begged, therefore, to ask the Secretary of State for the Home Department whether his attention has been called to a case which has recently occurred before the Wareham Petty Sessions, when a carpenter of the name of Craft was sentenced, under the Aggravated Assaults Act, to six months' imprisonment, with hard labour, for kissing the daughter of the Rev. H. C. Collins of Farringdon Rectory, Devon, on landing from a steamer between Poole and Swanage?

MR. WALPOLE said, in answer to the question of his right hon. Friend, he had to state that his attention had not been called to the case; but if his right hon. Friend would cause the facts of the case to be laid before him in the ordinary way, he would look into it, and see if the Act of Parliament, of which his right hon. Friend was the author, required amendment, as might very possibly be the case.

THE CHINESE EXPEDITION.
QUESTION.

MR. HORSFALL said, he wished to ask the Under Secretary of State for Foreign Affairs, whether there is any truth in the reports which appear in the French Papers of an arrangement restricting the discretionary powers of the Plenipotentiaries in China, and ordering them to negotiate at Canton, Pekin, or elsewhere?

MR. SEYMOUR FITZGERALD said, he had to inform the hon. Member that there was no truth in the statement contained in the French papers that any arrangement had been made restricting the discretionary power of the Plenipotentiaries in China. Those Plenipotentiaries had full discretionary power to negotiate either at Canton, has they had hitherto done, or to proceed to the North in order that they might have more direct communications with the Chinese Government. The step which the British Plenipotentiary had recently taken in proceeding North appeared to him to be most judicious, and he hoped that that step would lead to an early termination of the differences, at which Her Majesty's Government, in common with the rest of their fellow countrymen, would sincerely rejoice.

MR. G. A. HAMILTON moved that the House at its rising adjourn till Monday.

THE AFRICAN SQUADRON.—SLAVE TRADE.—OBSERVATIONS.

MR. P. O'BRIEN said, he had given notice of his intention to call the attention of Her Majesty's Government to the inexpediency of maintaining the large Naval Force at present employed upon the West Coast of Africa and on the West Indian Waters for the suppression of the Slave Trade, a question which was at the present time of absorbing importance. But he had been told by gentlemen of great experience and authority on both sides of the House that this was a question of too great importance to be brought forward on the Motion for the adjournment of the House, and with this explanation he would beg to withdraw his Notice.

DISEMBODIMENT OF THE MILITIA.
QUESTION.

COLONEL FRENCH said, he rose to ask the Secretary of State for War if it was his intention to recommend the disembodiment of any additional regiments of Militia, and if he will inform the House on what principle the sixteen regiments lately disembodied were selected. He should not have been induced to make the inquiry had the Secretary for War given a decided answer to the question put a short time ago by the hon. and gallant Member for Southwark (Sir C. Napier.) That hon. and gallant Gentleman had asked whether it was intended to replace the regiments sent to India by embodying an equal number of militia regiments. No decided answer was given; and he was rather surprised that his hon. and gallant Friend had not followed up his question. However, he wished now to follow it up with reference to his own regiment, the Roscommon Militia, which, he believed, had not been fairly treated. Every officer and man of that regiment had volunteered to serve in India or China, and when he wrote to communicate that offer to the War Office the only answer he received was in the cold official style, informing him that the offer had been sent to the Horse Guards. A short time afterwards he heard from the Horse Guards that he ought to have made the offer to the Lord Lieutenant of Ireland. He wrote accordingly to the Lord Lieutenant, and received a reply thanking the regiment for the offer, and that was all he had heard of the matter. The regiment was then at Roscommon; shortly afterwards it was sent to Aldershot, and after remaining there a short time it was ordered to Portsmouth where its efficiency had elicited the praise of Lord William Paulett. While there, orders were issued for the regiment to hold itself in readiness to proceed to Ireland, as it had been included in the sixteen regiments selected for disembodiment. The reason given was that it had not furnished its quota of recruits to the regular army; but that was simply because no opportunity had up to that time been afforded to it for volunteering. When an opportunity was at length afforded them they availed themselves of it, and 136 men were accepted. He imputed no blame to the right hon. and gallant Officer opposite, but he complained of the system. If he had had only one authority to deal with he could have satisfied it of the justice of his claim, but the system under which persons were bandied about from one authority to another was calculated to excite the greatest dissatisfaction. He could not but express his fears that if the militia regiments were dealt with in this manner, considerable difficulty would be experienced in inducing the men to come forward upon future oc-

casions, besides occasioning a vast amount of dissatisfaction amongst the officers.

GENERAL PEEL said, that the remarks of his hon. and gallant Friend were somewhat different from the notice he had put upon the paper, which was merely an inquiry as to whether the Government intended to disembody any more regiments of militia. His hon. and gallant Friend also referred to a question put by the hon. and gallant Member for Southwark (Sir C. Napier) the other evening, as to whether it was the intention of the Government to embody any more regiments. He would advert to both these questions. In the first place, it was not the intention of Her Majesty's Government either to embody or to disembody more militia regiments at present. The only reason why he did not answer the hon. and gallant Member for Southwark at the time was, that his question was based upon a misunderstanding of what was contemplated for India. There was no additional force of 10,000 men going out to India, and therefore there was no necessity for embodying ten more militia regiments to replace them. The drafts that were about to be sent out were the usual monthly drafts, which were larger than usual this month, because the drafts for last month were delayed till now, that the recruits might not arrive in India in the middle of the hot season. As to the principle on which the sixteen militia regiments were disembodied, he had often explained it to the House. He could assure his hon. and gallant Friend that this was no case of divided responsibility between the Horse Guards and the War Office. It was perfectly and completely within his power as Secretary for War to have selected the regiments for disembodiment in the most arbitrary manner, but instead of that he had laid down the principle that those regiments which had given a certain number of recruits to the line by a fixed date, and still remained efficient, were first to be retained; afterwards, those that had given the number nearest approaching to that standard and still remained efficient. He, therefore, sent to the Horse Guards for a return of the recruits received from the different militia regiments up to the day agreed upon, and all the responsibility that rested upon the Horse Guards in relation to the matter was for the accuracy of this return. He would be the last to deny the great services of the Roscommon or any other militia regiment, but he had rigidly adhered to his rule, and he must add that if the hon. and gallant Gentleman would refer to the return he had alluded to, he would find that the Roscommon had given the smallest number of recruits to the line of all the militia regiments.

THE WELLINGTON MONUMENT.

QUESTION.

MR. STIRLING said, he rose to ask the Chief Commissioner of Works whether it is the intention of Her Majesty's Government to order any one of the Prize Designs for the Wellington Monument, now exhibited in the Conference Room, to be executed for Saint Paul's? and if not, whether he will state the course which the Government proposes to adopt with regard to the design and construction of the Monument? The result of the competition for the Wellington Monument was the exhibition last year in Westminster Hall of a number of designs, which, as a whole, he must say, with all respect, turned out to be a failure. In this opinion he was fortified by the concurrence of every one with whom he had conversed on the matter. This was, in the main, a subject of great regret; for it was a melancholy thing to see so much time, thought, and genius, as must have been expended in their preparation completely thrown away. There were, no doubt, monuments of great merit exhibited; but many of them were wholly inapplicable to the purpose for which they were intended. There were designs in the rich and fanciful style of the sixteenth century, very beautiful in themselves, but totally incongruous with the severe and chaste architecture of Wren. He thought that these mistakes and all this waste of labour were greatly owing to the want of more explicit conditions than those which had been laid down for the guidance of the competitors; for those who had issued the conditions appeared to have forgotten the important fact that in these times sculptors were no longer architects, as was the case in the sixteenth and seventeenth centuries, when every great sculptor was also a great architect, and every eminent architect was a sculptor. As an instance of this, it was sufficient to name Michael Angelo and other eminent men. He thought he might safely say that since those professions had been separated monumental art had declined, and very few good monuments had been erected in the churches. As for Poet's Corner it represented an undertaker's shop rather than a

out of the country confessed to two policemen and the driver of the car upon which he was being driven, that the whole of his evidence upon the trial was a fabrication. That statement produced a strong impression upon the public mind, for it was impossible to forget the dying declaration of their innocence by the two unfortunate men, and also the fact that Burke had been proved to be a perjurer. The confidence also in the credibility of the witness Sadler had been much shaken by what had taken place at the petty sessions at Thurles last Saturday. Sadler had written to the professional gentlemen engaged on behalf of the Cormacks, stating that he was in possession of information which would enable them to test the falsehood of the statements made at the trial, and last Saturday, before a large bench of magistrates, he had acknowledged having written such a letter, but denied that there was a single word of truth in it. Now, that was a grave matter for investigation, and it was an extraordinary thing that Burke should be got out of the way, and thus prevented being examined upon the subject. It was said that Burke wrote that letter, in order to please certain persons, but it appeared to him that, if credible at all, which was very doubtful, he was as credible in the one case as the other. He hoped that the right hon. Gentleman would produce the documents he had asked for, but whether he did so or not he was determined not to abandon the subject until it should be made apparent who were the guilty parties.

MR. GILPIN said, that he thought the hon. Member had done great service in bringing the matter forward. He himself had received numerous communications from various parts of Ireland—from Dublin, Clonmel, Waterford, Cork, and other places—which clearly proved that the impression generally prevailed that the men who had been hanged were as innocent of the crime for which they were executed as the learned Judge himself. He had to acknowledge the courtesy which he had received from the right hon. Gentleman opposite in all the communications which he had had with him on the subject; but the fact was, that it was generally believed in Ireland that there had been a failure of justice. In some of the newspapers opinions had been expressed that these men had not got a fair trial, and that they were innocent of the crime for which they had suffered. The *Limerick Reporter* spoke of the charge of the Judge as being violent and passionate, and as being more like the harangue of an advocate than the impartial summing up of a Judge. He was told that it was not an uncommon thing in Ireland to send witnesses who had given evidence on such trials out of the country. He regretted it should be so. He concluded by expressing a hope that the right hon. Gentleman would grant the paper asked for by his hon. Friend, and that the House would institute a most searching investigation into the subject in order to give security to human life in Ireland.

MR. BAGWELL said, he wished to confirm in every respect the statements which had been made by the two hon. Gentlemen who had preceded him. He had no hesitation in saying that there had never been a trial which had created so much excitement, or in which there was so strong an impression that justice had not been done. Indeed, until the law of Ireland was made the same as the law of England with regard to the police, it would be difficult to satisfy the people of Ireland that justice was impartially administered in that country. At present, if any crime were perpetrated the executive had the power of sending any number of police they pleased to any district in Ireland, and keeping them at the expense of the district until there was a conviction, and, consequently, a readiness to convict was the very natural result.

MR. WHITESIDE said, that in bringing forward this question the hon. Gentleman was taking a course which was hardly legitimate, as it was making the House of Commons a Court of Appeal from the regular and ordinary tribunals for administration of justice. In this case two men had been tried and found guilty, according to law, for the crime of murder. They had been executed, and now, some two months after their execution, the statement which they had just heard had been made by the hon. Member. When he succeeded to office, he found that this case had been partly advised upon by his predecessor, and a most frightful case it was. The murdered gentleman (Mr. Ellis) was an agent, and, at the same time, an active and successful farmer in Tipperary. He was a Scotchman, and a strong man in the prime of life; and he attended the market in Dublin every Wednesday, on which day it was known that he usually returned. He was murdered within a short distance of his own home; and an investi-

gation was instituted on the part of the Crown, in order to discover the perpetrators of the deed. There was, and there ought to be, sympathy for the accused; but there sometimes was a great want of sympathy for those who endeavoured to assert and maintain the law. The House was called upon to believe that twelve gentlemen, as grave, serious, and considerate as any panel he had ever seen in a jury box, had consigned two of their fellow-creatures to death upon insufficient evidence, and that the learned Judge who tried the case had not merely erred in point of law—for that was not pretended—but had taken a false and prejudiced view of the facts. The two prisoners had been in the employment of Mr. Ellis, whose wages they received; and the man Spillane, the informer, was likewise in his service. Burke, the driver of the car, a lad about eighteen years of age, was also the deceased's domestic servant. The two Cormacks lived a short distance from Mr. Ellice's residence; and that gentleman could not reach or return from the railway without passing by their door. It was said there was a popular impression in favour of their innocence. On the night of the murder there was a card party at their house; and, he must say, that though he had some knowledge of strange trials, he had been astonished to learn, in the course of that inquiry, the amount of the demoralization that existed. The card party broke up about half-past nine o'clock; and the accused were proved by independent evidence to have been not long after that time at a place within twenty minutes' walk of the spot where the murder was committed. Spillane stated that the Cormacks wanted him to wait till all the rest of the company had left, and they saw Mr. Ellis's car driven past by the boy Burke, whom they knew perfectly well to be going to the railway station for his master. Spillane also swore that they had arranged with him before for the murder of Mr. Ellis. No doubt this witness admitted that he had previously borne a hand with the same two men in a business of the same kind; but he said that they had missed the gentleman, and it was not necessary to name him because he was still alive. Spillane swore that the prisoners desired him to leave the house with the rest of the company, and then to return. The hon. Gentleman had omitted to mention a most material fact. An innocent man, who had come from Connaught in search of work, and who, with his family, occupied a room in Cormack's house, gave important testimony. He stated that he went out into the kitchen after the company had gone and saw the two Cormacks, and heard them talking about going to bed. This man retired to his own room, and he afterwards heard the latch of the door raised, and the sound of the footsteps of some persons leaving the house. These men had exhibited a dexterity and ability which, if applied to a better purpose, might have made their fortunes. They laid their plans skilfully. They went with a blunderbuss to the part of the road where the car must pass and placed a number of branches at a particular spot. As soon as the vehicle approached, Mr. Ellis naturally asked the driver to get down and see what was on the road. Burke got down accordingly. The blunderbuss had been loaded with pieces of iron and slugs obtained from a blacksmith's forge, and the whole charge was discharged at the body of Mr. Ellis, who fell without a groan. The blacksmith proved that the punch with which he punched his iron had a defect in it, and two bits of the charge found in the deceased's body contained exactly the same mark as was borne by the pieces of iron in the smithy of the blacksmith. The informer swore that to load the blunderbuss in the most deadly manner they sent to the forge for the pieces of iron. Burke, the driver, said he was much terrified; that to save his own life he stooped down and took away the branches, and that he looked into the very faces of the men. After the shot had been fired, what followed? The nearest house to go to was the Cormack's; but instead of hastening there, the lad Burke galloped as fast as he could to the police station, then to the doctor's, and next to the clergyman's. Meantime the prisoners separated, one of them going to hide the blunderbuss in a haystack a mile distant. One of them was nearly arrested by the police before he got back to his house. These men had had the benefit of a fair trial. They challenged thirty or forty jurymen, and three or four were challenged on the part of the Crown. It was easy to say to the counsel for the Crown, "Why did you take that course?" Being a stranger in the county, if he were informed that there was a man in the jury box who was not indifferent between the parties, he had a right to ask him, while he was unsworn, to stand by. The counsel for the prisoner had thanked him for

what he had done, because when the men were both put upon their trial they got the advantage of the full challenge ; and there was not a scintilla of objection taken to the mode of proceeding. It was true that, connected with the coroner's inquest, there was this extraordinary fact—that one of the Cormacks was empannelled as a juryman ; and that constituted one reason why the jury law ought to be corrected. And when the young man Burke was asked on the trial why he had not told the coroner that he knew who it was that had murdered his master, his answer was, "Because the murderer stood before me, and I was terrified out of my life." Nobody, who had not had personal experience of them, could tell the difficulties which encompassed those who had the task of administering justice in Ireland, and it was most unfair for the hon. Member to say that twelve gentlemen, every one of whom had given his verdict at the peril of his life, had given that verdict against his conscience, and contrary to the evidence. [The O'Donoghoe explained that he had said nothing of the kind]. He certainly understood that the hon. Gentleman had impeached the trial, and spoken somewhat severely of the learned Judge. Now he could state that he had seen the Report of the trial, which had been drawn up by the Judge, and it was only due to that learned person to say that it was a most faithful and minutely accurate report. He (Mr. Whiteside) gave no opinion upon the case, the executive Government decided upon the advice of the Judge, assisted by the Lord Chancellor. He had only one word further to say. It was stated there were only two witnesses against them. That was not so. There was the third, who heard them leave the house ; and the very circumstances were witnesses against them. There was one witness, Mr. Sadler, on whom some reflection was attempted to be cast ; but what did he prove ? He was the keeper of the Bridewell in which the Cormacks were at first confined. He swore that when the man named Connaught Jack, who had been arrested along with the other inmates of the house, was being taken to the Bridewell, one of the Cormacks asked the other, who could see the road from his cell, "Whom have they got now ?" "Connaught Jack."—"What do they want with him ?" "Because he was in the house." —"Has he been examined yet ?" "No." —"Then if you see him tell him to be sure and say we did not leave the house that night." That was all the evidence given by Mr. Sadler. Had this evidence been obtained by corruption or other unworthy means, of course it was worth nothing ; but when one conspirator chose to address another, and was overheard, it was quite right to give in evidence what he said. It was true that on the Saturday, when only one of these men was tried, the jury did not agree ; but he understood that there were ten for a conviction and only two against it. On the Monday morning he felt it his duty to put thom both upon their trial. The hon. Gentleman complained that the whole country was scoured for jurors. It was true the usual notices were served, but the reason was that the panel was then nearly exhausted, and it was necessary to obtain additional jurymen. The summonses were sent out in the regular manner, and he denied that any man was set aside on account either of his politics or of his religion. Some one had said that the members of the jury were descendants of the old Cromwellians. He did not know whether or not that was the case, but he could say that they appeared to be honest and conscientious men, and to be affected by the solemnity of the occasion. They tried the case, they found their verdict, and that House had no authority to sit in review upon that judgment. He did not blame either the hon. Gentleman the Member for the county, or the other hon. Gentleman (Mr. Gilpin) who had spoken according to his own humane feelings and convictions. He had been before asked what had become of Burke and Spillane. If the Crown had allowed Spillane to be seen in Tipperary for an hour after he gave evidence he would have been torn into a thousand pieces. He would not tell the hon. Gentleman what had become of Spillane, because it might reach the ears of those who had no sympathy with a witness. As to Burke, he must say a more dangerous witness to an accused person could not be found, for he was an ingenuous young man, with a countenance which betokened innocence, and from whom the counsel for the prisoners were not able to extract the confession of a single act of which he need be ashamed. Burke, however, was not an informer, although Spillane was. He was the servant of the murdered man, and under such circumstances, was he to be censured for giving evidence of what he swore that he saw ? After the trial, however, it was thought desirable to remove him from the country. The Crown never deserted a witness—and it

was important that this should be known —whose life was put in jeopardy by his giving evidence of the truth, and so long as he had anything to do with the administration of justice it never would. It was necessary to send the young man to the seaport to embark. He was placed on a car with two policemen. The car driver began to question him, and said, "Are you the fellow that gave evidence against the Cormacks?" The whole of this notable charge was got up out of a conversation under such circumstances between the young man and the driver. Neither of them were on their oaths, and anything they said could not be allowed to impeach the testimony given on oath, sifted by cross-examination. The car driver's report spread through the country, and the hon. Gentleman was quite correct in stating it had created a great sensation; the local papers were full of charges against the administration of justice. As soon as the Solicitor General heard of the matter he had Burke fetched from Liverpool, a step which, although well intended, was not, in his (Mr. Whiteside's) opinion necessary, inquired into the facts to discover whether there was any reason to impute perjury to him, and came to the conclusion that there was not. The result was that Burke was sent to a place which he (Mr. Whiteside) would not name, even if he knew it. These were the facts of the case, and he trusted that after this statement the observations of the hon. Gentleman, with regard to the Judge, would not be thought to be any impeachment upon that learned person; because one Judge might speak more decidedly than another, and if he stated the law and the facts fairly to the jury, it would be unjust to censure him for what might be no more than his ordinary manner. The trial took place according to law, the judgment was submitted to Lord Eglinton, six weeks elapsed between the passing of the sentence and its execution, the learned Judge furnished his report upon the case; from first to last the proceedings were conducted according to law and ought to be satisfactory to that House.

MR. BRADY said, that as might be expected, they had heard an excellent oration from the right hon. and learned Gentleman. But these unfortunate men had been tried and convicted upon evidence, particularly from one of the witnesses, of a most unsatisfactory nature, and he must add, after a most partial charge from the presiding Judge. He thought the whole of the evidence in this case was wholly unsubstantiated, and the witnesses unworthy of belief. The ends of justice had not been attained in the manner in which they ought to have been. He believed that Burke spoke the truth when he stated that the whole of his evidence was a fiction, and therefore he trusted the right hon. and learned Gentleman would feel it to be his duty to lay the whole of the papers on the table of the House.

THE CONFESSIONAL IN BELGRAVIA.

QUESTION.

MR. BUTLER said, he rose to ask the right hon. Gentleman the Chancellor of the Exchequer the question of which he had given notice in consequence of the practices alleged to have taken place at the Confessional in the district of St. Barnabas, Pimlico, and the statements that similar practices are adopted by other ministers of the Established Church in that neighbourhood. In asking these questions, he (Mr. Butler) desired to say that he had always been of opinion that matters affecting religious feelings and prejudices were better avoided in that House; at all events, if it were necessary to mention such subjects, it would only be under a strong sense of public duty. He felt that with reference to this important question he had a duty to perform to those who had sent him to that House. The borough of the Tower Hamlets contained a population of over half a million of souls, and it was scarcely necessary for him to say that his constituents were deeply interested in the matter; on their behalf he desired to know if the time had not arrived when the serious question whether they were to have Auricular Confession in the Established Church of England should be decided? He (Mr. Butler) had only this morning been informed that the decision of the Bishop of London in the case of the Rev. Mr. Poole would be appealed against, and that the matter for which that rev. gentleman had been censured would be brought under the cognizance of the Primate of England. God forbid, therefore, that he should prejudge the case, or utter one word in that House to the prejudice of the rev. gentleman. He had the utmost confidence that justice would be done. But other cases had occurred, and the subject was one of the greatest importance, not only to the inhabitants of St. Barnabas, Pimlico, but to the whole community, from the Queen on the Throne of these realms but to the

meanest of her subjects. Without trespassing further upon the attention of the House, he would respectfully ask the right hon. Gentleman the head of the Government in that House, the questions which he had put on the paper in order that the people might receive the assurance of Her Majesty's Government, that such practices would not be allowed to be continued. Those questions were, whether it was the intention of the Government to take any steps in consequence of the practices alleged to have taken place at the Confessional in the district of St. Barnabas, Pimlico, and the statements that similar practices are being continued by other members of our Church in that neighbourhood, and whether the Government is in communication with the proper ecclesiastical authority, in order to the punishment of all who may have taken part in such practices.

MR. WALPOLE said, that as his right hon. Friend the Chancellor of the Exchequer would have other questions to answer, and could address the House only once upon that occasion, the hon. Gentleman would, perhaps, allow him (Mr. Walpole) to offer the explanation which the Government had to make upon that subject. He had no hesitation whatever on behalf of the Government, in distinctly stating that if such practices as those complained of had taken place as alleged, the sooner they were put an end to the better; but if, on the other hand, doubts existed that those practices had taken place as alleged—and denials had been made as to the truth of the charges—it would be better to leave the matter for the present in the hands of those under whose judicial cognizance it would come, and as the subject would come under judicial cognizance, the less they discussed it in that House the better. He believed that all discussions at present would be premature, and therefore they ought not to be sanctioned by the House.

STATE OF THE THAMES.—QUESTION.

MR. R. D. MANGLES said, he rose to ask the Chief Commissioner of Works what steps he has taken, or proposes to take, to preserve the health of the Members of the two Houses of Parliament from being destroyed by the present pestilential condition of the River Thames. When he asked a question—cognate with the present—on a former occasion, the noble Lord opposite (Lord J. Manners) referred him to that august body constituted by Act of Parliament, and called the Metropolitan Board of Works, and told him that the matter was under their consideration. He had noticed the proceedings of that body since they first began to enter upon their duties. At first he was pleased to see that their proceedings were practical and energetic, and gave hope that something would be done to purify the river, but latterly they had been completely futile, and he had ceased to take any notice of them. Indeed he believed that the public press had discontinued to report their proceedings, and had left them to their own devices. He had been told that the only plan before the Board at the present moment for abating the dreadful nuisance which was oppressing not only the Members of both Houses of Parliament, but the whole community on the banks of the Thames, was one for delivering the whole sewage of London into the middle of the Thames, instead of the sides of the river; and that scheme seemed to exhaust the wisdom of the body. He would also state another fact, for the purpose of showing how they managed the business committed to their care. They sat, he believed, with great regularity, and one of the Resolutions which they had to consider that very day was a Resolution of which Mr. Wright, one of their members, had given notice in the following terms:—

"That he would draw attention to the present polluted state of the river Thames, and move that the Board will, on a day to be agreed upon, inspect the river in a steamboat hired for the purpose."

They had thus to consider whether they should parade the river in a steamboat, with a view to ascertain what was its condition at a time when, as we suppose, no rational men could have any doubt upon the subject. If they were to go on that voyage of inspection, he (Mr. Mangles) hoped that they would take a good supply of brandy and other condiments with them, for the purpose of obtaining relief from the sickening sensations they must experience. An hon. Friend of his who had gone down the river the other day to see the *Leviathan* had told him that he had been obliged to stop on the way to take a large dose of the stimulating alcohol to which he had referred, in order to counteract the nauseating effects of the voyage. He (Mr. Mangles) believed that the House had committed a great mistake in handing over a matter of that importance to any municipal body. The question was really one of an imperial character, and ought to have been so treated by the Legislature. He felt persuaded that Parliament ought at once to arrest its past error, and take the

matter into its own hands. This metropolis was by far the most populous and the wealthiest city in the world, and yet it appeared that its inhabitants were unable to relieve themselves from the pollution of their own filth. If cholera were to visit the metropolis while the river was in its present state, the mortality would be something dreadful, and a great responsibility would rest upon the Legislature. Every one would remember the remarkable chapter in Lord Macaulay's *History of England*, which described the state of England in the reign of Charles II., but that which struck us as most wonderful and strange — the unpaved streets, for example, infested by highwaymen — would be as nothing, to the astonishing fact for our descendants that we so long submitted to this dreadful nuisance. Parliament had handed over the whole matter to the Metropolitan Board of Works, and nothing was done. When he was a young man, he remembered Thames salmon were celebrated. The salmon, wiser than Members of Parliament, had avoided the pollution, and he was informed that cartloads of fish were taken out of the Thames which had died in consequence of the state of the river. A noble mansion was prepared for the right hon. Gentleman who occupied the Chair, but could any hon. Gentleman expect Mr. Speaker to live in an atmosphere into which they would not put their worst enemy? They had built on the banks of the Thames a most magnificent palace for the Legislature, but how could they direct the attention of any foreigner to it, when he would be welcomed by a stench which was overpowering? God had given to them a most magnificent river, and they had turned it into the vilest of sewers. The country could provide £320,000,000 for railways, but £1,000,000 or £2,000,000 could not be applied to diminish this great evil.

Mr. CUBITT said, he rose to beg permission to vindicate the Board of Works, of which he was a member, as far as he could from the aspersions which had been cast upon it. The fault was with Parliament. Parliament invented a scheme which was not practicable, and appointed the Board of Works to carry it out. The Board were directed to carry the sewage below the metropolitan district, and they set about the work by calling upon engineers to produce a plan, which, if the scheme were good, was a good plan. They sent it up to the Chief Commissioner of Works, whose duty it was to say whether it was a proper scheme. He naturally shrank from the responsibility, and called in professional aid. The engineers to whom it was referred said the sewage would come back too far up the river, and the Chief Commissioner sent the plan back. The engineers of the Board produced another plan, which carried the sewage lower down the river. The Chief Commissioner was in the same "fix"—either to put a veto on it, or take the responsibility of it. He very wisely called in three engineers who had never had anything to do with the matter, and said to them, "Advise me whether this is a proper thing to do." They looked into it and said, "The metropolis will in a few years be three times as large as it is now, and you ought to provide for the future." The engineers of the Chief Commissioner prepared a plan, and it was sent to the Board of Works. The Board, besides ordering the work to be done, had to find the money to do it. The estimate for the plan sent to them was between £5,000,000 and £6,000,000, and those who were called upon to advise the Board said, "It is a monstrous plan, and will cost twice as much as the estimate." The Board had to consider whether they ought to spend £10,000,000 or £11,000,000, to be raised by a rate exclusively on the metropolitan district, and, besides that, many persons doubted whether the scheme was a proper one. He confessed he very much doubted the propriety of returning the 80,000,000 gallons of water which they received daily, half of it from the Thames west of London at a point thirty miles distant. They had provided a daily supply of thirty-two gallons of water for every man, woman, and child, and by that means there was in London a perfectly healthy internal system; but the question was, whether in hot dry summer weather they could take out that bulk of water without affecting the supply if it were returned at so distant a point. He had been on the Thames for the last three or four days, and he entirely agreed in everything which had been said as to the vile state of that magnificent river. Something must be done. If the Board of Works had been appointed to consider what was to be done they might be charged with neglect of duty; but Parliament did not charge them with that duty. They said, "Make a great sewer and take the sewage away," and there was a dispute whether they proposed to carry it far enough or not. Within the last few weeks

a Committee had been appointed to hear the scheme of Mr. Goldsworthy Gurney. He was a Member of the Committee, and he took upon himself to say that it would be a very valuable auxiliary to any scheme which could be proposed. But it would not do alone. There must be some means by which the water could be returned into the Thames almost as pure as when it was taken out, and it was his decided opinion that it would not do to send the water away thirty miles from London. He had no doubt that it was possible to devise some scheme which would be satisfactory.

Mr. WARREN said, that he found himself suddenly forestalled by the hon. Member for Guildford, not having been aware that he had intended to put his question on the Votes relating to the subject to which his (Mr. Warren's) Motion referred, and least of all that he had intended to go into the question at large. The subject, however, was much too important and pressing to be passed over without further notice; and he still intended to call the attention of the House to it, but very shortly. The root of the whole mischief, from which we were now beginning to suffer so seriously, lay in the enormous fallacy of supposing that a local Board could cope with a national exigency of such magnitude. For was not the salubrity of this great Metropolis a matter of national moment? Here was the seat of the Imperial Legislature, and here were collected together annually the *élite* of the intellect, the social power, the learning of the whole realm. What was meant by the "season"—the height of the season—but the presence of these? If Paris might be said to be France, much more might London be pronounced Great Britain, where all its vast interests were consulted and cared for. Had the nation at large, then, no interest—an interest great and direct—in the arrangements which ought to secure not so muchs the comfort, as the mere safety of those whose presence and services here were of such moment? Then if the injury were a national one, it ought to be provided for by national arrangements, and those on a commensurate scale of efficiency, and by a measure worthy of the energy and utility of the nation. But what had been the result? The insupportable and pestilential atmosphere, generated by the reeking river outside, now, and for a long time, in a condition which was a scandal to us before all Europe. The House had trifled with a great opportunity and ruined a noble river, and done it by Act of Parliament. Just three years ago, namely, on the 14th of August, 1855, was passed an Act "For the Better Local Management of the Metropolis"—the preamble of which recited that the principal object was, "to provide for the Sewerage and Drainage thereof." It constituted and incorporated a Metropolitan Board of Works, and vested in them all the main sewers, till then vested in the Commissioners of Sewers, and which were recited in a schedule to the Act to be seventy-one in number—fifty on the North, and twenty-one on the South side of the river Thames—each one of these huge conduits having great numbers of tributary sewers pouring into it, and all the seventy-one pouring their loathsome contents daily and hourly into the Thames. Well, to enable this new Board to deal with this matter, it was armed with all manner of powers, of even the most arbitrary character—powers of making, repairing, closing, enlarging, narrowing, altering the direction, and increasing or diminishing the number of sewers, the grand object being, as recited in the Act, "to prevent all or any part of the Sewage within the Metropolis from flowing or passing into the River Thames in or near to the Metropolis;"—and the House should observe that the Board was to cause "all such sewers and works to be completed on or before the 31st December, 1860." The Act came into operation on the 1st January, 1856,—this was the 18th June, 1858, and what had been hitherto done? Nothing; and, on the contrary, matters had got worse—infinitely worse than before. The 126th section of the Act required the Board, before commencing any of their sewers and works, to submit the plan, and an estimate of the expense of them to the Commissioners of Her Majesty's Works and Public Buildings, whose approval was necessary before the plan was carried into effect. The Board et to work, with the engineers, at once; but, up to the present moment, when matters remain at a dead lock, nothing had been the result, but a series of abortions—abortive plans, crudely conceived by the Board, and as ruthlessly condemned by the right hon. Baronet late the First Commissioner of Works. He (Mr. Warren) would not, as he had fully intended, go through them in detail, but confine himself to the very first of these precious schemes, which was in flat defiance of the plainest possible provisions of the Act which had called the Board into existence. The right hon. Baronet the Member for Marylebone gave an account to this House,

on the 11th December last, of all the various dealings between himself and the Board down to that time. He said that on the 3rd of June, 1856—that was within five months of the Board's being in existence—the Board sent him a plan which he took for granted was in conformity with the spirit and intention of the Act; but on examining it, he found that it provided that the sewage should flow into the Thames at a point within the Metropolis! And so they went on, from bad to worse,—their second plan providing outfalls just ouside the river, and insuring the constant reflux of the sewage, with the tide, into the Metropolitan area. Thus we had been trifled with up to the present moment—even when matters had become past all bearing. The Metropolitan Board of Works had proved itself utterly impotent to effect the object for which it had been called into existence, and the Government ought at once to address itself vigorously to the subject, which brooked no further delay. It was a duty which challenged their best energies. If they wished to anticipate support in the House, and especially the suffrages of the Metropolitan Members, they could not more effectually gain that aid, than by putting an end to the dangerous trifling which had hitherto gone on. The Government were at present, from all he heard and observed, conducting the business of the country admirably, but let them not underrate the magnitude of the task which was now set them, nor shrink from undertaking it. They might depend on the House supporting them.

LORD JOHN MANNERS said, he must apologise to the hon. Member for Perthshire (Mr. Stirling) for not having answered at an earlier moment the question he had put to him relative to the monument to be erected to the late Duke of Wellington. The hon. Member, however, had very fairly stated the past history of the matter. In 1856, the artists of all countries were invited to compete; in 1857, the judges made their award, that award being signed, among others, by Lord Lansdowne, Lord Overstone, the Dean of St. Paul's, and his right hon. Friend the Member for the University of Oxford. The judges selected the designs for which they awarded the prizes without regarding the question of their adaptation to the site which was then indicated in the Cathedral where it was intended to place the monument, and they suggested, and he thought most properly, that before they determined which, if any, of the designs should be selected, the Government should consult some architect of eminence as to the local effect which would be produced by the erection of any particular monument in St. Paul's. When he came into office no practical step appeared to have been taken beyond the presentation of the report of the judges. He, therefore, thought it to be his duty, considering the time, thought, and cost which had been devoted to the designs, to endeavour to come to some definite opinion, in his own mind at least, as to whether any one of the designs which had obtained prizes was worthy of being placed in St. Paul's Cathedral. In all the discussions in that House upon art and taste, hon. Gentlemen and noble Lords were apt to dogmatise in a manner which might be pardonable in Spanish Inquisitors pronouncing on matters of Christian faith, but which appeared to him singularly out of place when they were discussing what—to use the phrase of the hon. Member for West Surrey (Mr. Drummond)—were mere matters of opinion; and in stating the conclusion at which he had arrived on this subject, he wished to guard himself against being supposed to claim infallibility. Having then given the best attention in his power to the designs, he came to the conclusion that he should not feel himself entitled to recommend Her Majesty to set them all aside, and say that none of them were worthy of being erected in the Cathedral. Under the circumstances, he had thought himself bound to act on the recommendation of the judges, that some one competent to advise on the subject should be consulted as to the local effect which would be produced by the various designs. No one appeared to him better qualified by position and accomplishments to give advice than Mr. Penrose. They went over the designs together, and the design which they both thought the best was that known as No. 18, the design of Mr. Stevens. It was a great relief for him to find that the judgment which he himself had formed was sanctioned by Mr. Penrose. They then examined the area of St. Paul's, to see whether the site indicated was the most worthy, and, after consulting with various high authorities, they had come to the conclusion that the site indicated in the proposals for competition was not the best calculated for the erection of the monument. The site ultimately chosen was a side chapel at the west end of the Cathedral, which had hitherto

been used as a consistory court; and it had been willingly ceded by the Dean and Chapter for the purpose. One great advantage would be derived from this circumstance. His hon. Friend, Mr. Stirling, had pointed out most truly that in former times it was not thought sufficient in such a case as that under consideration to have recourse to sculpture, but the sister arts of painting and artichecture were called in aid. The site which had been selected would enable them to act on that principle in this instance. He proposed that the adaptation of the chapel and its architectural ornamentation should be confided to Mr. Penrose. He thought it advisable, acting again on the recommendation of the judges, to call in the assistance of some artist of eminence, and that those three gentlemen should form a committee to whom should be confided the execution of a monument worthy of the great Duke whom it was intended to commemorate, worthy of the pile in which it was to be placed, and worthy of the state of English art in the nineteenth century. With regard to the question put by the hon. Member for Guildford (Mr. R. Mangles), he was satisfied that he was quite right in the answer which he gave to a similar question the other day, which was, in effect, that so far as the draining of the metropolis was concerned, the First Commissioner of Works had no power beyond that of vetoing any scheme which might be submitted to him by the Metropolitan Board of Works. The hon. Member, however, after admitting that he had no power over the London drainage, had asked him whether he had done, or was prepared to do, anything for the preservation of the health of hon. Members while they were sitting in that House. He could only say, in answer to that question, that he had that day received from Mr. Gurney a report in which he stated what he proposed to do to carry out his (Lord J. Manners') wishes on the subject. Mr. Gurney said:—

"Sir,—I do not lose a moment in answering your letter received last evening, requesting me to report to the First Commissioner what is already being done to improve the condition of the river Thames, in the neighbourhood of the two Houses of Parliament, and also what, if anything, I propose to do in the matter within my jurisdiction. With regard to the river itself, there is nothing done, or can I do anything. Before the meeting of Parliament and during the recess the mud outside the terrace was removed; but during the sitting of the House, and while the river is in its present state, the accumulation cannot be moved. In answer to your latter question, I beg to say the means by which I propose to relieve the river (according to my report to the First Commissioner, printed by the order of the House, 12th December last, Sessional No. 21) is now under consideration of a Committee of the House of Commons. I think it right to state, for his Lordship's information, that the air entering directly the House of Peers and Commons through the proper ventilating channels is purified from the river effluvia by the spray jets. For the purification of the air coming in through the windows of the House of Lords and Commons, should either be opened, I have placed canvass moistened with a weak solution of chloride of zinc and lime. The same is being fixed at all the windows likely to be opened towards the river in the libraries and committee rooms."

Lord J. Manners

He might inform the House that, in accordance with the recommendation of the noble Lord the Member for Tiverton, which was concurred in by himself, Mr. Gurney had been engaged all that day in distributing throughout the Thames, in the vicinity of the Houses of Parliament, four or five boat-loads of lime, and in spreading lime over the mud banks. Such was the simple means adopted for the purpose of effecting the object mentioned by the hon. Gentleman, and at present he really did not know what more could be done. The question raised by his hon. Friend was a very large and serious one. He had no hesitation in saying that in his own opinion the provisions of the Metropolis Local Management Act in reference to the drainage of the metropolis, and the veto given to the First Commissioner of Works, were not satisfactory. The House had been engaged the whole of the Session in endeavouring to meet the evils that were supposed to flow from a double government and a divided responsibility; but under the provisions of that Act there were a double Government and a divided responsibility of a most hopeless and inconvenient character. They called together a body of gentlemen elected by the popular voice; they tied them down by stringent words in an Act of Parliament to do a certain thing in a certain way; and they declared that none of the plans which might be approved by that popularly-elected Board should be carried into effect until they had received the sanction of the First Commissioner of Works. But there was no provision requiring the First Commissioner of Works to inform himself upon the subject, and he might strictly perform every obligation that was thrown upon him by never leaving his room, and simply refusing his sanction to everything that was proposed. He would not enter into a discussion of that Act, however. The Metropolitan

Board had from time to time submitted such plans as they thought fit; but the right hon. Gentleman opposite (Sir B. Hall), in the exercise of his discretion, had rejected those plans. He understood that a new plan had recently been submitted to the Board, which had been prepared by able engineers, but it had not yet come under his cognizance, and he was unable, therefore, to express any opinion upon it. He thought that some change should be made in the relations between the Board of Works and the Government, and he should be very happy to confer with any one who could suggest any means by which a useful change might be effected. The difficulty was this:—if the Government took upon themselves the main drainage of the metropolis, at an enormous expense, they could not in justice call upon the metropolis to pay for that drainage; while, on the other hand, if the metropolis were called upon to do the work, it was but fair that it should do it in what manner it pleased. The responsibility and the burden must be imposed on the one party or the other.

MR. STUART WORTLEY said, that until the relations of the Metropolitan Board with the Government should be placed on a more satisfactory footing, and somebody be invested with more discretionary power and the means of carrying out such works as might be advisable, the question would remain in the same unsatisfactory state that it had been in for the last five years. With reference to the Wellington monument, it was not his intention to dogmatize upon the subject, but his belief was that the exhibition of designs was anything but creditable to the character of British art. If, therefore, the conclusion of the noble Lord in the choice of a design were not irreversible, he hoped that time would be allowed to elicit the artistic opinion of the country before it was finally resolved upon, in order that a monument might be erected worthy of the great man whose memory it was intended to commemorate, and of the magnificent temple in which it was to be placed.

SIR BENJAMIN HALL would briefly state to the House the exact course of events with respect to the main drainage scheme. In 1855 he introduced a Bill for the better local management of the Metropolis. And with the entire approval of the House it was provided in that Bill that, before any great works should be undertaken by the Metropolitan Board in reference to street improvements or to the main drainage, the plans should be laid before the First Commissioner for his approval, and the clause which defined the manner in which the main drainage should be carried out contained a provision to the effect that the drainage should not flow into the Thames at any spot in or near to the Metropolis. Soon after the Metropolitan Board of Works were called into existence they presented to him a plan which had its outfall within the Metropolitan area, and which, consequently, was contrary to the provisions of the statute. Of course it was his duty to reject that plan. Some months afterwards they presented another plan, which was also contrary to the statute, because the outfall was so near to the Metropolis that all the filth of the sewage would have flowed back into the metropolitan area. He therefore rejected that plan; and he thought that the fact of these two schemes being submitted to him showed the wisdom of the provision, which has been sanctioned by Parliament, that the drainage works should not be executed without the sanction of the First Commissioner, because, but for that, a plan would have undoubtedly been carried out which would have allowed all the sewage to flow back into the Metropolis. He then put himself into communication with the Metropolitan Board, having previously requested the then First Lord of the Admiralty to let him have the assistance of Captain Burstall, who was probably better acquainted with the Thames than almost any other person. Captain Burstall made a Report, pointing out where the outfall ought to be, and some time afterwards—in December, 1856—the Metropolitan Board submitted to him a plan, which had its outfall at the point defined by Captain Burstall. It would, he thought, have been presumptuous in him—an unprofessional person—to take upon himself to decide at once upon that plan, and he therefore took the precaution of submitting it to three eminent engineers. Those gentlemen reported on it, and at the same time they presented to him another plan. He gave no opinion upon it, but sent it at once to the Metropolitan Board, and said that he thought it might be worthy of their consideration as it was suggested by men of great eminence in their profession. They referred it to their own engineer, in conjunction with Mr. Hawkesley and Mr. Bidder, who submitted another plan to the Board of Works. Instead of communicating that plan to the noble Lord who had succeeded him in the office of First

Commissioner the Board passed a resolution that they would defer all consideration of it until the month of October next, leaving the whole summer to pass without any care for the state of the river or the condition of the inhabitants of the Metropolis. That was the exact course of events down to the present time. The question now was, not as to the past, but what should they do for the future. The noble Lord had stated very truly that if this work were to be undertaken by the Government the Metropolis could hardly be expected to pay for it; while, on the other hand, that if it were to be paid for out of the local rates it ought to be executed by the local authorities. He thought that the time had now come when the Government should consider whether it would not be better to take the whole of this great work into their own hands—whether they should not appoint some Commission of able and responsible persons, subject, of course, to the approval of the Treasury, and leave it to them to carry out both the main drainage of the Metropolis and the embankment of the Thames—works of such magnitude that it was impossible that they could be paid for wholly out of local rates.

LORD ELCHO said, he rose to express a hope that the decision of the noble Lord with respect to the Wellington monument was not final; the competition had failed, and all they had to consider was, what was due to the artists. The terms of the competition were so drawn up that it was possible for the Goverment to do what was fair to the artists, but it was questionable whether a desirable result would be obtained by the plan of the noble Lord; and he hoped he would reconsider his decision. The House was most anxious to do honour to the memory of the Duke of Wellington, as was shown by voting so large a sum of money for the purpose of erecting a monument for that purpose, but at the same time they were bound to see that that large sum of money was laid out in the most effective manner possible.

SIR JOHN SHELLEY said, he was not a member of the Metropolitan Board of Works, but he thought that his hon. Friend (Mr. Mangles) had been rather hard on that body. If he only knew the difficulties with which they had to contend as well as he knew Indian affairs he would not throw so much blame upon them. It was not so easy as his hon. Friend thought to decide how the Thames was to be purified. His hon. Friend said that the House of Commons made a mistake in putting the matter into the hands of a board elected by the metropolitan ratepayers, but he (Sir John Shelley) believed that the real mistake which the House made was that of rejecting the 141st clause of the Metropolitan Local Management Bill, which would have enabled the Treasury to advance money for the purification of the Thames, to be repaid by instalments with interest. The Metropolitan Board were now called upon to drain an area beyond their jurisdiction, but on the part of the ratepayers whom they represented they very properly refused to do so, unless they were supplied with the necessary funds. The state of the Thames was no doubt, infamous; but if the Government would furnish funds the Metropolitan Board of Works would purify the river. He protested against the whole expense of the work being thrown upon the present ratepayers. Like the cost of draining settled estates, the expense ought to be spread over a number of years. The sewerage of London was only one question with reference to the purification of the Thames, as he was convinced that the main cause of the nuisance from which they were suffering was the state of the banks of the Thames, and until those banks were improved by quay walls or some other means, it would always continue.

THE NAWAB OF SURAT'S DEBTS.
QUESTION.

MR. COLLIER said, he would beg to ask the President of the Board of Control whether it is the intention of Her Majesty's Government to refer the claims of Meer Taffier Ali Khan to the private property of the late Nawab of Surat to the Judicial Committee of the Privy Council. In explanation of his question he had to state that the East India Company having sequestered the property of the Nawab, had passed an Act legalizing that which they had done, and providing that there should be no appeal from the decision of their Commissioner, into whose hands the Nawab's affairs were put. On appeal being made to the Privy Council, that tribunal decided, on a somewhat technical ground, that they had no jurisdiction over the matter, as it had not been the subject of judicial decision. The President of the Council then gave the Nawab twelve months to endeavour to arrange his disputes, and as this arrangement had not

been come to, and the twelve months expired in August last, he had put his question to the noble Lord.

LORD STANLEY: I do not think the House is very much inclined to go into the affairs of the Nawab of Surat. At any rate I will only say now that as there is, as the hon. and learned Gentleman very well knows, a considerable legal difficulty in the way of adopting the course which he recommends the Government to take, it is my intention to consult the law advisers of the Crown, and until I have received their Report I cannot state what course we shall be prepared to take.

THE SLAVE TRADE—OUR RELATIONS WITH THE UNITED STATES.

QUESTION.

MR. BRIGHT said, he had given notice of his intention to put a question to the Under Secretary of State for Foreign Affairs on the subject of the proceedings of the English squadron engaged in the suppression of the Slave Trade, and with respect to our relations with the United States. He did not wish at all to enter into a discussion of the question alluded to, although it was a question which was just now exciting so much interest in the public mind, both on this and the other side of the Atlantic, as he understood that, before very long, an hon. Member who sat on that (the Opposition) side of the House, and who had for many years taken an interest in the slave-trade question, had determined to submit the whole question to the consideration of the House. He might, however, observe that his (Mr. Bright's) own opinions had always been very adverse to maintaining an armed squadron for the suppression of the slave trade. He wished to ask the hon. Gentleman whether the Government had received any information with regard to the unfortunate matters which have occurred in the Cuban waters—information which could be laid before the House, in order to place the public in full possession of all the circumstances of the case, and to allay the apprehension which existed in this country and perhaps also in America. What was said in that House passed over the world as soon as the post, and the present was precisely one of those occasions in which great frankness and openness on the part of the Government would prove most advantageous. There might be some persons in both countries who would not object to something like a quarrel, but he believed that the great bulk of the people, both in this country and in the United States, were disposed to take a rational and moral view of the question, and would sincerely regret anything which might promote discord between the two countries. Perhaps, also, the hon. Gentleman would have no objection to state the number of vessels sent out last year, and whether the officers upon that station had received any new instructions. He perceived that the Earl of Aberdeen had stated on the previous evening in his place in the other House, that, if the instructions of 1844 had been strictly acted on, it was impossible that transactions such as had been complained of could have taken place. Now, of course, he did not know whether any further instructions had been sent out, but he thought that it was highly improbable that British officers could have committed the acts alleged, unless they had received fresh instructions beyond those referred to by the Earl of Aberdeen. He asked the question that evening instead of postponing it until Monday, because the steamer left Liverpool on the following day, and, in his opinion, it was very desirable that anything which might be said should be said that night, in order that it might reach the United States as soon as possible, and he trusted that what might be said would tend to allay the alarm which existed both in that country and in this.

MR. SEYMOUR FITZGERALD: Sir, I concur with the hon. Member for Birmingham (Mr. Bright) in deprecating any extended discussion upon this subject, which is one of a very delicate nature, and which, if it has not produced alarm, has certainly occasioned much uneasiness and anxiety both in this country and in America. I shall then content myself with making as concise a statement as I can in reference to the question now before us. The hon. Gentleman first asked me whether we had received any more explicit information upon the occurrences that have recently taken place in the Cuban waters. On a former occasion I took the opportunity, while speaking on this question, of stating that the information which Her Majesty's Government had then received was not of an official character, and that we had not received such information in reference to those circumstances as would enable me to give a satisfactory answer to the inquiry put to me. But from the continuous statements made by several American journals, I think it is possible that the over zeal of

some of our officers may, in some few instances, have led them into acts somewhat beyond the instructions they have received. I can only say, if that be so, it is the most anxious wish of Her Majesty's Government to acknowledge the error, and to repair, as far as possible, any wrong which may have been committed by any of our officers—indeed, to meet that wrong with the most frank and candid acknowledgment. I hope, Sir, that the time is far distant when this country will be willing to give up any one of her rights to which she considers herself justly entitled; but I equally trust that that day is also far distant when, from any motives of mistaken pride or dignity, this country shall ever refuse to acknowledge she had committed a wrong, and to make a full reparation for any wrong which through her officers she may have committed. Now, in reference to the hon. Gentleman's questions; first, whether we have received any additional information upon those transactions? We have not received any further information on the matter, and I trust the statement I have just made will be considered so far satisfactory. But there is one point upon which I hope I may be permitted to make one or two observations, because I think the House will see that they justify the hope and confidence I entertain that upon a fuller explanation and consideration of the facts, both on this side of the Atlantic and in America, all those circumstances which have hitherto created feelings of an anxious and disagreeable character will be peacefully and satisfactorily arranged. The first point to which I desire to refer involves an act of simple justice to our officers abroad. As I have before stated, although there may have been a few instances in which over zeal may have led some of our officers to exceed that discretion which generally characterises their conduct, yet it is obvious, from all the circumstances that have come to our knowledge, that the statements which have been made in relation to what are termed British outrages have been most grossly exaggerated. I will not at this moment enter fully into the explanations contained in the papers which I hold in my hand; but in the last statement published in a New York paper, and carefully copied into every other journal in the country, it was alleged that there were thirty-two American vessels which were improperly detained and searched, and which proceedings are classed under the name of British outrages. Now I may be permitted to state what this affair really turned out to be. I take the case of the brig *Charles F. O'Brien*. According to the statement,—

"She was boarded on the 2nd of May, in the harbour of Sagua la Grande, by an armed boat from a British steamer. The boat pulled alongside without hailing, and boarded without asking permission to do so. The usual questions as to the name, ownership, and destination of the vessel were asked and answered, and the captain was requested to produce his papers. These, he informed the officers, were at the office of the American Consulate. He made no further search of the vessel, and having satisfied his curiosity, departed. His behaviour was civil, and no threat or intimidation was suggested.'

I will also read a concise statement which appeared in one of the American newspapers, and which, as it gives the name and residence of the party making it, I think may be considered important. In this appear the names of three vessels said to have been boarded by us:—

"Ship *Escort* was on her voyage from Havre to New Orleans; when off the south side of Cuba, the wind being quite light, a British steamer ranged alongside, and her commander said that he wished to communicate with the ship if her captain had no objection. Captain Bryant said he would be happy to receive any communications the steamer pleased to make. The ship was not requested to heave to, but the steamer ranged ahead of the ship and dropped a boat, which came alongside. An officer from her went on board, asked where the ship was from and bound, but made no request to see her papers. He stated that the steamer was from Port Royal, Jamaica, and was then under sealed orders, to be opened off Cape May. The officer asked if he could render the ship any service, and, being thanked, returned to his boat. Captain Bryant states that from first to last the conduct of the steamer, her officers, and men, was friendly. He states, moreover, that the ship's hold might have been filled with negroes for aught the officer seemed to care. His visit was not prying in any sense. Captain Bryant could not call to mind the name of the steamer without referring to the ship's log."

"The brig *Pulaski*, Captain Hawthorn, from Cienfuegos, arrived here last evening, and reports that on the 11th inst., in lat. 23 deg. 21 min., long. 83 deg. 34 min., she was hailed from a British war steamer, barque-rigged, and asked where she was from and bound, but was not requested to heave to, nor was she boarded, nor did the steamer fire at her. Captain Hawthorn says the commander of the steamer conducted himself just as any decent shipmaster would when speaking another vessel at sea.

"The brig *Eliza Merrithew*, Captain Gordon, from Sagua la Grande, arrived here yesterday afternoon. While at Sagua her captain says she was not troubled by the British, and he believes two-thirds of the stories in circulation about outrages, &c., are made out of whole cloth."

In America it is usual to say, in reference to a statement not quite correct, that the party making it was "spinning a yarn,"

but as regarded a statement which was wholly untrue, the Americans called it "whole cloth." Here is another statement of Captain Cline, who is the boarding officer of the Merchants' Exchange of Boston. This gentleman says :—

"Captain Cline, the boarding officer of the Merchants' Exchange News-rooms, says that he has conversed freely with the officers and crews of every vessel from Cuba which has arrived at this port, and he declares that not one of them considered himself damaged to the amount of one cent. Many of the stories about having been fired into need confirmation. In two cases where the captains report having been fired at, neither the crew nor the mates knew anything about it; and the nonsense about the overbearing conduct of the officers was too often invented. Frequently a man-of-war's boat has dropped alongside, and the officer, without leaving her, has asked questions and shoved off again. Those who wish to create a sensation, and see their name in print, make outrages of common courtesy. The British officers generally, the crews of our Cuba trade report, appear anxious to avoid giving offence."

Now, I do not wish by making those observations to throw any doubt upon the *bona fides* of the American Government or to deny that they thought that they had really good grounds for their representations. I only desire to place those facts before the public eye, first in justice to our own officers whose conduct has been called seriously into question, and also to explain to the House why I entertain the confidence that upon further inquiry into the circumstances of the case which first appeared so extraordinary it will be satisfactorily arranged. The other point to which I wish to refer strengthens me in the opinion that, from the documents even laid before the Congress by the American Government itself, the use or rather the abuse of the American flag to cover the slave trade has become prevalent. I do not say this in an offensive sense. What I mean to say is this, that the American flag was made use of by other ships than American—by ships which had no right whatever to the use of it, for the purpose of enabling them to carry on this abominable traffic—that that flag, instead of being the ensign of liberty and civilization on all occasions was frequently prostituted to the foulest purposes. I cannot, therefore help thinking, and with the greatest confidence, that when all these circumstances are brought to the notice of the American Government, when they find that this country is disposed to deal with them in the most frank and friendly spirit—that our relations upon the other side of the Atlantic will be inclined to meet us in a similar spirit, and that a satisfactory settlement of the whole matter will be the result. As we are all, like the hon. Member for Birmingham, most anxious to allay any uneasiness or irritation that may exist in the United States, I beg leave, in reply to another question of the hon. Gentleman, to make a brief statement as to the course Her Majesty's Government are prepared to take, and what are our views as to the right of search or visitation. The question, then, is this—whether we are prepared to abandon that principle as a right, and what course we mean to take under these circumstances? In reference to this right of visitation, it is no doubt a positive source of irritation between the two countries, and whatever may have been the practice of preceding Governments of this country, the right of boarding her vessels has never been admitted by America. Consequently it becomes our duty, in the face of circumstances so serious, to ascertain what our rights really are; whether we are prepared to stand by them, and if not, candidly to acknowledge our intention of giving them up. Her Majesty's Government have, therefore, taken the advice of the law officers of the Crown upon the whole question. It is their decided opinion that by the international law, in times of peace, we have no right of search or visitation whatever. And that being the case, we think we should be acting in a manner unworthy of the British Government if we delayed one minute communicating that information. But while we admit we have no right to visit American vessels peacefully pursuing their ordinary trade, it would be wrong of us, and unbecoming this great country, to say that we are willing at once to abandon that great policy which has so honourably distinguished her and cease our efforts to put down the slave trade. In reference to this point the position taken by the English Government is the same as that distinctly laid down in one of the best papers I have ever read on the subject. I allude to the document addressed by General Cass to Lord Napier, which, with the permission of the House, I will now read.

"A merchant vessel upon the high seas is protected by her national character. He who forcibly enters her does so upon his own responsibility. Undoubtedly, if a vessel assume a national character to which she is not entitled, and is sailing under false colours, she cannot be protected by this assumption of a nationality to which she has no claim. As the identity of a person must be determined by the officer bearing a process for his

arrest, and determined at the risk of such officer, so must the national identity of a vessel be determined at the like hazard to him, who, doubting the flag she displays, searches her to ascertain her true character. There, no doubt, may be circumstances which would go far to modify the complaints a nation would have a right to make for such a violation of its sovereignty. If the boarding officer had just grounds for suspicion, and deported himself with propriety in the performance of his task, doing no injury, and peaceably retiring when satisfied of his error, no nation would make such an act the subject of serious reclamation."

Now that, I believe, is strictly the position we are entitled to take by the authority of international law. The American Government have themselves acknowledged it on the face of General Cass's State paper to be such as no nation would make the subject of serious reclamation, and consequently that is the line of conduct which it will be the duty of Her Majesty's Government to instruct the officers commanding our cruisers to follow. In reference to one other point to which the hon. Member referred; the hon. Gentleman asked whether it was the intention of Her Majesty's Government to make any addition to the fleet which is stationed in the Cuban waters, and whether any addition had already been made to it. I beg to say, that during the time Her Majesty's Government have been in office, no increase whatever has been made to that fleet; and I may say further, that it will necessarily come under the consideration of the Government whether they will continue to maintain this squadron in the Cubau waters. Whether the squadron there is necessary to carry on the object we have in view—whether, in fact, objections of a more or less serious character are not applicable to the maintenance of our squadron in those waters. It is obvious that a squadron on the coast of Africa is altogether differently circumstanced from one maintained on the coast of Cuba. In the latter case the squadron is stationed upon the highway of American commerce, and each day they could scarcely fail to meet a number of American vessels peaceably engaged in trade. It is, therefore, obvious in carrying out those instructions which were necessarily given to our officers, that a considerable amount of discretion must be allowed, and that when there is much discretion given there must be a far greater risk of misunderstanding occurring, if not of actual collision. Whereas, on the coast of Africa, where the general commerce is more scattered, it is much easier to ascertain the character of suspicious vessels than amid a crowd of foreign ships. It is, therefore, under the consideration of Her Majesty's Government whether it would not be desirable to withdraw altogether our squadron from the Cuban waters. The original plan by which a species of blockade was instituted, was instituted on the suggestion of the American Government, though neither that Government nor ourselves seemed to see the serious objections to it that afterwards arose. The last question of the hon. Member for Birmingham was, whether any additional instructions had been sent out to our squadron. In reference to that question, I have to say that the instructions to which the hon. Member for Birmingham alluded, which were given by the Earl of Aberdeen at the time of the late Sir R. Peel's Government, applied to the position of our cruisers on the coast of Africa. My right hon. Friend at the head of the Board of Admiralty thought it necessary, since he came into office, to give more stringent instructions enjoining greater caution and discretion on the part of our cruisers on the coast of Cuba. Whether there were any other instructions given in the meantime giving rise to increased activity on the part of our cruisers there, I am not in a position to say. I can only assure the House that all our earliest efforts were directed to enjoining the greatest caution and prudence on the part of those who were engaged in our behalf on the coast of Cuba. Sir, I do not know any other information I can communicate to the hon. Gentleman. I can only say, expressing I believe not only the sentiments of every hon. Gentleman in this House, but also the sentiments and opinions of every man in this country, that a more fatal thing to the civilization and the happiness of either country could not occur than a misunderstanding between us and the United States. We shall meet the case in a frank and generous spirit, and fully confiding in the justice of the American Government, and in a reciprocity of feeling upon the part of the American people. I entertain, Sir, a firm hope and confidence that the questions at issue between us will, at an early date, end in an arrangement satisfactory for both nations.

MR. ROEBUCK: Sir, the position which I hold in this House, I think, makes it desirable that I should express very humbly the view which I entertain upon this question. I do not think the time of the night is any objection to my stating very shortly what I desire to say.

Sir, things have recently happened in America which, if properly understood by Americans, would lead them to a very different conclusion than that to which they have arrived. At the present time there are two peoples in the world at the head of civilization, and who are marching steadily onward in their course, as I believe, to the civilization of mankind. They are identical in language—they have the same institutions, and they have nearly the same form of Government. They are identical in race; they are derived from the same origin; they are, in fact, one nation. Now, these two nations are, I have said, at the head of civilization. They are going onward in that course; and, if in that course any obstruction unhappily interposes, surely it is the business of those who wish well to mankind to brush away that obstruction, and to make and keep those two nations friends. I think, Sir, the statement of the hon. Gentleman to-night is in accordance with these sentiments. The hon. Gentleman has, in a most satisfactory manner, stated the views of his Government upon this occasion. Not one word has escaped his lips derogatory to this country or insulting to America. He has shown throughout that he understands the delicate position in which he is; and he has shown that he knows full well the great —I may say the overwhelming—duty which is now imposed upon both nations. Sir, certain language has been employed by gentlemen on the other side of the water, and I am bound to take notice of these facts, because it is supposed that we shall notice them. I am quite prepared to admit the destinies of the great nation we have planted on the other side of the Atlantic. I believe that from their country, their position, their institutions, their character, which they have derived from us, they are destined to be the leaders of mankind. But, Sir, I am not one of those who wish to derogate from the dignity of England. Language has been used in the American Congress which is not worthy of gentlemen—which is more worthy of ancient *Pistol* or of *Bobadil* than of the representatives of a great people. It has been assumed that England desires to insult them. Let them take a lesson from what has been said to-night as signifying the disposition of the people of England—that we do not desire to do anything which will give offence to our brethren over the water—that we are desirous of maintaining good relations with them, that we are desirous of maintaining our institutions and dignity; but that we do not intend to wound or alarm them. I thought myself bound to say these few words, because it has been said we shut our ears to the statements made by leading men in America. Sir, things have been said there which cannot pass unnoticed. I have been insulted through my country by what has been said. People on the floor of the Congress—to use the language of America—have only been gratified to meet with an opportunity to insult England, and as an Englishman I am bound to answer that insult. I say that we, acting as a great people, have only the desire to put down a great blot upon humanity — I mean the slave trade. In order to do this, we have given certain instructions. Be it that in the heat of the moment, and in the desire to do their duty, your officers have been induced to go beyond the very letter of their instructions, would a great people, a friendly people, have made this an opportunity for indulging in abuse of this country, from whom they suppose those instructions emanated. I believe that reports have been exaggerated. I believe that our officers have merely done their duty, and I believe that people, pandering to bad appetites, had put into papers in America what is not true. A cant phrase has been used by the hon. Gentleman, to signify stories which are not true. I will use a shorter word, and I hope it will go across the water—I say that they have been telling "lies." I say that, pandering to bad passions, they have been telling lies. Sure am I, that the people of England wish to maintain kindly relations with the people of America. Sure I am, that the people of England wish to employ their great power—and we have a great power, though we don't wish to boast about it—I say we only wish to employ that power in the service of mankind. If we wish to put down the slave trade, it is merely for the good of mankind. We may have injudicious or generous officers, but I don't believe one-half or one-tenth of the stories talked about, and I won't believe that any Englishman has done anything which calls upon the Government he has served to believe that he has deviated from his duty. Sir, the people of England will maintain that great position which they have ever held; they will not be bullied out of their rights; they do

not wish to maintain a power which they ought not to have; they do not desire to do anything which shall excite hostility with America, which shall wound feelings or injure relations on the other side of the Atlantic, but they will take care of their own honour.

LORD JOHN RUSSELL: Sir, I wish to say that Her Majesty's Government may rest assured, if they conduct the affairs of the country in that temperate spirit in which the Under Secretary for Foreign Affairs has stated it to be their intention to conduct them, while at the same time they are determined to maintain our rights, this House will afford them its ready support. With regard to the facts of the case immediately under consideration, it appears to me that there is much remaining to be told. The instructions given by the Government of 1844 to our cruisers have never been altered since, except, as it appears by the statement of the hon. Under Secretary, by those additional instructions which were given by the right hon. Baronet at the head of the Admiralty, advising greater caution and prudence in the demeanour of our officers towards American ships. With regard to the original instructions, the order issued by the Earl of Aberdeen was framed after much consultation and advice of the most eminent authorities, and amongst others Dr. Lushington. The instructions were framed in the most temperate spirit, and previous to being issued they were communicated to the Government of the United States. During the fifteen years they have been in operation they have been acted upon without any interruption of the amicable relations which have existed between this country and the United States. The question is, whether the complaints which have recently arisen have arisen from the increased vigilance of our cruisers, or from the fact of our commanders overstepping their duty; or whether they arose from the unwillingness of America to submit to the carrying out of those instructions, although for a period of fifteen years she had recognized them. What is the duty of Her Majesty's Government under the circumstances? In the first place, it is their duty to restrain the overzeal of our commanders, and if it be found that they have exceeded their instructions, it then becomes us as a great nation to acknowledge that fact, and to repair any wrong that we may have committed. On the other hand, if the American Government are prepared to say that these instructions are objectionable to them, it is the duty, and at the same time true wisdom, on the part of Her Majesty's Government to advise with the Government of America as to the nature of the measures which ought to be adopted in order to effect the objects which both countries have in view. I will not venture to say what those measures ought to be. But it is quite clear, as admitted by General Cass himself, that this right of search is absolutely necessary for both countries, in order to protect the national interests of both on the high seas. The Americans are a maritime nation as well as ourselves, and it would never suit their commerce in the China seas, for instance, where piracy prevails, if after a pirate ship had taken and plundered an American vessel, and perhaps killed the crew, she had only to hoist the British ensign to protect herself from all examination on the part of American Commanders. They should have the right, as well as ourselves, of searching a suspicious vessel hoisting a flag to which it was not entitled. I think too much importance has been attached to the statement made even in the American Congress. It is obviously the interest of the two nations to remain united; and I am happy to hear from the Under Secretary of State that whatever may be the decision of Her Majesty's Government in relation to the squadron on the coast of Cuba, it is not their intention to deviate from that great line of policy which we have followed for so many years, and which has been justified by so many treaties into which we have entered with foreign Powers for the suppression of the slave trade. I now only wish to express the pleasure I have felt at the explanation given by the Under Secretary of State, which, while upholding the dignity of this country, has, at the same time, been characterized by much good temper and ability.

VISCOUNT PALMERSTON: Sir, as some questions have arisen with regard to the grounds upon which our cruisers have been sent to suppress the slave trade upon the coast of Cuba, I beg to remind the House that that arrangement was adopted in deference to the frequently expressed wishes of Parliament and of numerous deputations which waited upon the late Government, recommending the adoption of such a course. The Under Secretary of State has truly stated that the arrange-

ment had been acceded to by the American Government itself; therefore, there was nothing whatever about those proceedings which were not prompted by good and sufficient reasons. It is always, no doubt, to be expected that when an additional number of inspecting and preventing ships appear on a particular station, those with whose traffic they interfere should endeavour to raise a cry against it, and misrepresent the objects we have in view. I hope, Sir, it may turn out that the complaints we have recently heard so much about have originated in some such source. Of course, as the hon. Gentleman has stated, every reasonable and proper complaint will be attended to by Her Majesty's Government. It is but just to the American Government, however, to say that they have always not only expressed, but actually manifested, the same feeling which has actuated the people of England with regard to the suppression of that most abominable crime—the slave trade. The American Government actually made it a law that the slave trade was an offence liable to the heaviest punishment, and whenever the American cruisers have been stationed to operate with the British cruisers for the suppression of that trade, the American officers have done their duty, and co-operated in the most cordial manner possible with the officers of the British cruisers in every step thought necessary to be taken with that object in view. Those of them especially that were employed on the coast of Africa did their duty in the most prompt manner and with the best spirit. I think, therefore, Her Majesty's Government might urge upon the American Government to send cruisers to the coast of Cuba to prevent, by their own legitimate action, the abuse of her flag which is now practised by Spaniards, Portuguese, and bandits of all nations, whose conduct has, in fact, led to the present disputes. I concur with my noble Friend the Member for London, in thinking that it is impossible we can assent to the naked principle that the hoisting of the flag of a particular country is to be adopted as a conclusive proof that the vessel belongs to that country whose flag it hoists. It is well known that vessels are in the habit of carrying flags of different nations for the purpose of making signals; and if it came to be understood that the hoisting of the flags of England, or of France, or of the United States, or of the numerous States of South America, were to be a sufficient proof of the identification of a vessel, piracy of the most frightful description would be rampant over the seas, and every country possessed of a mercantile navy would soon feel the necessity of combining to put an end to the system. I do not understand that the hon. Gentleman said that Her Majesty's Government have admitted the principle to the extent I have mentioned. I may state that I was informed the other day, by my right hon. Friend the late First Lord of the Admiralty, that no instructions had been sent to our cruisers on the coast of Cuba different from those instructions which were issued by the Earl of Aberdeen. I believe, therefore, that our officers are still acting on the instructions issued with the consent of the Americans themselves; and I presume that if any fresh instructions are sent they will be communicated to Parliament, so that we may see the extent of the modifications.

THE CHANCELLOR OF THE EXCHEQUER said, he had listened with very great satisfaction to the observations of the noble Lord the Member for London, and he agreed with him that the best answer to the violent speeches that had been made in the American Senate would be the calm and dispassionate discussion that had taken place that evening. His hon. Friend the Under Secretary, in his very clear statement on the part of the Government, had not stated what he (the Chancellor of the Exchequer) might mention, that without conceding the point to which the noble Lord had just referred, and which they had not in any way conceded, Her Majesty's Government, after pointing out the terrible abuse of their flag under the present system, and that piracy of the most flagrant character might be committed, had invited the Government of the United States to favour them with their suggestions as to the mode by which such things might be prevented, and had offered to take those suggestions into consideration, and, if possible, to combine with that Government in any arrangement that might promise a satisfactory solution of the difficulties which both Governments at present experienced. They had not as yet received any answer to that proposition, but he was inclined to believe that it would be received by the Government of the United States in the same spirit as it had been offered. His hon. Friend had so fully entered into the question, as far as at present we were masters of the details, that it was not necessary, nor indeed would it be convenient for him (the Chancellor of the Exchequer) to go at any

length into the subject. He confessed he looked forward with great confidence that the existing misconceptions would soon disappear, and that their occurrence now would lead to an understanding upon this subject that would prevent a renewal of them hereafter. He was sure that both the American Government and the American people, when they had examined thoroughly this subject, and had paused and pondered over all that had occurred, would feel that it was for the advantage of both countries, and for the benefit of civilization, that there should be some clear understanding as to the united course which both Governments should take upon this matter. Far from being alarmed, he was not displeased to hear that American ships of war had been sent into the Cuban waters, because the crews of those vessels would themselves be witnesses of what was taking place there, and he did not doubt that they would act with the same promptness and fidelity they had shown on other occasions and to which the noble Lord the Member for Tiverton had borne witness. There was also another reason why he took no gloomy view of our relations with the United States, however threatening they might appear. It was because upon all the great principles of policy which influenced the system of the United States there was between the Government of that country and that of Her Majesty, generally speaking, a complete accordance. We witnessed with no jealousy the expansion of the United States; we did not find in the general course of their policy any of those causes which create distrust between States; and knowing that their was in general among the public men of America a sincere desire to cultivate friendly relations with the Government and people of this country, he could not allow an accidental ebullition to induce him to believe that a policy founded upon deep reflection and an intimate acquaintance with the mutual interests of the two countries could be terminated or disturbed by circumstances which could only be regarded as of a transient nature, but which, if neglected, might no doubt assume a far more serious character than their essential merits could justify.

MR. WARRE said, he thought it was not to be regretted that this discussion had taken place. There was one point to which he wished to advert. He thought he collected from the Under Secretary of State that our Cuban squadron would shortly be withdrawn. [MR. S. FITZGERALD: *The Chancellor of the Exchequer* I said it was under consideration.] He thought he was justified in assuming the probability of its withdrawal. If, however, we withdrew our squadron, and the United States did not substitute one of their own, then slavers under any flag, once escaping from the coast of Africa, had nothing to fear, and could not be prevented from landing their cargoes on the island of Cuba. The noble Lord the Member for Tiverton had thrown out a hope that the American Government would themselves undertake to maintain a squadron off the coast of Cuba. How far her Majesty's Government in their negotiations upon this delicate subject might be disposed to suggest such a course he could not tell, but he was strongly impressed with the belief that if there were no squadron in those waters, impunity, if not encouragement, would be given to the slave trade.

IRISH ASSISTANT BARRISTERS.

QUESTION.

MR. BUTT said, he wished to ask the Attorney General for Ireland whether it is the intention of the Irish Government to bring in any Bill to make better provision for the retirement of Assistant Barristers, and whether any such measure has been prepared either by the present or late Advisers of the Irish Government?

LORD NAAS said, this was a question of great importance, for the administration of justice had suffered in Ireland in consequence of persons retaining their seats as Assistant Barristers when they were too old to perform their duties. The question had been under the consideration of the late Government, and they had a measure in contemplation to put an end to this unseemly state of things. The question was also under consideration of the present Government, and late as the Session was they hoped to be able to pass a measure on this subject before its close.

NETLEY HOSPITAL.

QUESTION.

MR. TITE said, he would beg to ask the Secretary for War when the Reports of the Commissioners on the Hospital at Netley will be laid on the Table of the House, and whether any steps have been taken to suspend the works or any part thereof? A Commission, of which the right hon. Gentleman the Member for Wiltshire (Mr. S. Herbert) was at the head, reported against the site of this hospital, but the gallant Officer opposite refused to act

upon it till he had made further inquiries. He wished to know when the result of those inquiries would be laid before the House. For his own part, he was well acquainted with the neighbourhood of the hospital, and he believed the site was unobjectionable; but he believed the construction of the building was faulty, and he would urge upon the right hon. and gallant Member not to spend more money on the buildings till those faults were removed; and further, he would advise him to trust no more to Commissions or Committees, but to take the advice of a competent architect on the subject.

SIR F. SMITH said, he had known the site of Netley Hospital for many years, and he was convinced that it was most salubrious. He also thought that with regard to the construction of the hospital, it contained no faults which might not be easily repaired. There were two systems on which hospitals were constructed—one was the block system, which was advocated by the French, the other was the continuous system which was in use among ourselves. As the block system was adopted at Aldershot they would have an opportunity of testing the merits of both; his own experience led him to prefer the continuous building system as best, both for the medical officers and the men.

GENERAL PEEL said, he had repeatedly urged the presentation of the Reports referred to, and he hoped that in ten days or a fortnight he should be able to lay them upon the table of the House. He believed that the scientific and medicial men who were sent down to Netley had reported in favour of the site. As, however, alterations might be proposed in the construction, directions had been given to the officers in charge of the works to arrange with the contractors not to proceed with those portions which might hereafter require alteration, but at the same time to do nothing which would vitiate the contract.

Motion *agreed to.*

House at rising to adjourn till *Monday* next.

SALE AND TRANSFER OF LAND (IRELAND) BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

Clause 3.

MR. WHITESIDE said, he proposed to amend this clause by inserting the word "three" instead of "two," the intention being to retain the services of Mr. Hargreave as one of the Judges of the Court.

MR. MALINS said, when the matter was under discussion on Tuesday last there was a strong opinion in favour of two Judges, and he did not understand why the right hon. and learned Gentleman had since changed his mind in favour of three.

COLONEL FRENCH said, there was a very good reason in its being the unanimous wish of the Irish landed proprietors. It was hard the hon. Member for Wallingford would not let Irishmen manage their own affairs. They knew what they wanted, and they were determined to have it in spite of all the professional Members of the House.

MR. MALINS said, he thought the gallant Officer was going too far. He had still heard no reason, and he was not to be detered from expressing his opinion by such language as that adopted by the gallant Member for Roscommon.

MR. WHITESIDE said, that he had received representations from a number of gentlemen informing him that a greater quantity of landed property would be likely to pass through this Court than he had anticipated; and also a recommendation from the Society of Solicitors that the services of Mr. Hargreave should not be dispensed with. On these grounds he had porposed to alter the number of Judges from two to three.

MR. DOBBS said, he for one thought two Judges were enough, and he thought it very extraordinary when everywhere else there was a disposition to reduce the number of Judges, that they should be anxious to multiply them in Ireland.

MR. MALINS said, that although he did not wish to oppose the decision of the Government, he entertained a very decided opinion that there was no prospect of more than two Judges being required to transact the business of this Court. He did not think that the landed gentry of Ireland were the best judges of how many Judges ought to be appointed.

MR. S. B. MILLER thanked the Attorney General for Ireland for the concession he had made in retaining Mr. Hargreave—a concession which he thought was wise and judicious.

MR. ADAMS said, he could agree in the doctrine of the hon. and gallant Mem for Roscommon (Colonel French) that none but Irish Members ought to interfere on Irish subjects. He was in favour for uniting Irishmen, Englishmen, and Scotchmen as

much as possible. With regard to the question before them, he considered that two Judges would be ample for the amount of business. He had heard nothing to induce him to suppose that three Judges would be required.

MR. P. O'BRIEN congratulated the right hon. Gentleman (Mr. Whiteside) on having made a concession to the wishes of the suitors and others in retaining the services of Mr. Hargreave.

THE SOLICITOR GENERAL said, he agreed that it was desirable to have English Members taking part in this discussion, and all the rather that it was possible a similar measure would ere long be applied to England. With respect to the question before the Committee, he would, for himself, prefer two Judges, but the whole question was an experiment. Whether they began with two Judges and afterwards increased them to three, or whether they began with three Judges and afterwards reduced them to two, was more a dispute about words than anything else.

Clause as amended *agreed to.*

Clause 4, (regulating the appointment of future Judges.)

MR. MALINS said, the clause, as it stood, would exclude any English barrister from the appointment, and among them, therefore, Mr. Hargreave, to whom everybody seemed to say the success of this experiment was mainly owing. It would also exclude chamber counsel and conveyancers, who could not be said to have practised in "the superior courts." Now, there were in Lincoln's Inn eminent practitioners who had hardly ever in their lives addressed a Judge on the bench, and it would be very unwise to prevent such gentlemen from being appointed. He should therefore move the omission of the words requiring each Judge to be "a practising barrister of at least fifteen years' standing, who shall have actually practised fifteen years' in Her Majesty's superior Courts in Dublin."

MR. BUTT said, that he should support the proposal of the hon. and learned Member for Wallingford (Mr. Malins) if pressed to a division.

THE SOLICITOR GENERAL said, he must oppose the Amendment. He conceived that a practising barrister was not a person who had a particular number of briefs, but who, if a brief were offered him, was prepared to take it.

MR. COGAN supported the Amendment. He thought any barrister should be eligible under the Bill, although he was not a practising barrister.

MR. P. O'BRIEN suggested, that the words should be "fifteen years called to the Irish bar."

MR. MALINS said, that if the clause were passed as it stood men who had practised at chambers for many years, and had attained great eminence there, but who had only been a few years at the bar, would be ineligible for the appointments.

MR. WHITESIDE said, that the clause was advisedly framed. In Dublin there were some conveyancers who were among the most ignorant men on the face of the earth. Moreover, the law of Ireland was still, in some respects, peculiar; and for such an appointment as that in question an Irish barrister would be better qualified than an English barrister.

SIR ERSKINE PERRY said, he would support the proposal of the hon. and learned Member for Wallingford. Under an impartial Act the position of the Irish and English barristers ought to be the same.

MR. MALINS said, he would propose to withdraw his original suggestion, and to move the omission of the words, "in Her Majesty's superior courts in Dublin."

SIR DENHAM NORREYS objected to the withdrawal of the original Amendment.

Amendment by leave *withdrawn.*

SIR DENHAM NORREYS said, that, although the hon. and learned Gentleman had withdrawn the Amendment he had proposed, he thought the clause should be put into such a form as would enable the Government to obtain the best lawyers, whether English or Irish, who could be appointed to these judgeships. Mr. Hargreave had been selected for his position, because he was a man fully acquainted with a particular branch of the law. He (Sir D. Norreys) believed there were no men more eloquent than Irish barristers, but it was requisite that gentlemen who were appointed to the important position of Judges under this Bill should possess a thoroughly practical knowledge of their profession. He believed that his countrymen engaged in the legal profession were as eloquent as any men could be, but he doubted whether they were such deep lawyers as the members of the English bar, because in Ireland barristers pursued all the branches of their profession, while in this country there was a division of labour. He objected to the Bill in its present form on the ground that it might preclude them from obtaining for the Landed Estates

Court in Ireland Judges who possessed the highest legal acquirements, and he would move that after the words requiring that the Judges of that court should have "actually practised fifteen years in Her Majesty's superior Courts in Dublin," the words "or at Westminster" be inserted.

Amendment proposed, in page 4, line 12, after "Dublin," to insert the words "or at Westminster."

Question put, "That those words be there inserted."

The Committee *divided:* — Ayes 27; Noes 114: Majority 87.

Clause *agreed to*, as were also Clauses up to Clause 11.

Clause 12 (Appointment of Officers).

MR. G. A. HAMILTON said, that the House had for many years granted large sums of money to sustain the Incumbered Estates Court in Ireland so long as it was of a temporary character; but the object of the present Bill being to establish permanently in its stead a most important court, which would not fail to be attended with great advantages to suitors, his right hon. and learned Friend had judged—and judged rightly—that under those circumstances the court should be self-supporting, and the manner in which he proposed to do this, was by imposing a tax on the land which was sold and transferred through the instrumentality of the new court. But in order to rigidly maintain the principle which it was his (Mr. Hamilton's) duty as representative of the Treasury to look after, it was necessary, in consequence of the change made in the number of Judges, to make an alteration in this clause with regard to the salaries of those Judges. Mr. Henry Martley, one of the present Judges, was in the receipt of £3,000 a year; and of course it would be unfair to make any diminution in that. The other two Judges possessed a salary of £2,000 a year each. His right hon. and learned Friend contemplated when it was intended to have but two Judges that the scale of remuneration should be higher; but inasmuch as they were now to be three Judges, he proposed that Mr. Martley should receive, so long as he continued to hold the office, the salary he received at present; that each of the other Judges should receive £2,500 a year; and that when a vacancy occurred in the office held by Mr. Martley, the uniform salary of all the Judges should be £2,500 a year each. In conclusion he would move to amend the clause accordingly.

SIR ERSKINE PERRY approved of the Amendment as indicating the exercise of a wise discretion on the part of the Government.

MR. SERJEANT DEASY remarked, that the arrangement was calculated to lower the position of the other Judges in relation to that occupied by Mr. Martley.

MR. G. A. HAMILTON said, he should be sorry if it were supposed that, in fixing a smaller salary for the other two Judges than for Mr. Martley, any disrespect was meant towards those gentlemen. The larger amount proposed to be granted to Mr. Martley was in consideration of the fact that he was in the enjoyment of that salary at the present moment.

MR. W. WILLIAMS asked, if the officers of the Incumbered Estates Court would be employed in the new court?

MR. WHITESIDE replied, that they would, every one of them, and they were all perfectly competent.

Amendment *agreed to*, and the clause was ordered to stand part of the Bill.

Clause 19 (Retiring Allowances to Judges).

MR. WILSON asked, if the Judges would be entitled to the allowance after a certain number of years' service?

MR. WHITESIDE said, he could inform the hon. Gentleman that, whatever might be the case in England, it was not the practice for Irish Judges to retire.

Clause *agreed to.*

Clause 20 *struck out.*

Clause 21.

MR. MOFFATT said, he wished to draw the attention of the Committee to the inadequacy of the provision made for Mr. Locke, one of the most efficient officers of the court, and a gentleman to whose ability in the discharge of his duties every one who had had any business to transact in the Incumbered Estates Court could testify. He trusted that his case would receive the attention it deserved at the hands of the Attorney General for Ireland.

MR. GROGAN said, he concurred in the hon. Member's remarks, as he could bear testimony to the value of Mr. Locke's services.

MR. WHITESIDE said, that he would feel great pleasure in attending to the suggestion he had just heard; he was aware that Mr. Locke had discharged his duties in a most efficient manner.

MR. SERJEANT DEASY said, he wished to advocate the claims of all the officers of the Incumbered Estates Court, and trusted

they would also be taken into consideration.

Clause *agreed to*, as were also Clauses 22, 23, 24, and 25, the three last with verbal Amendments.

Clause 33,

MR. DOBBS said, he wished to move the substitution of the words "seventy-two" for the word "ninety." The object of that Amendment was to enable the law stationers to make their charges for seventy-two words in each folio.

Amendment proposed, in page 12, line 12, to leave out "ninety," and insert "seventy-two."

Question put, "That 'ninety' stand part of the Clause."

The Committee *divided*:—Ayes 35; Noes 140: Majority 105.

Clause *agreed to*, as were also Clauses 31, 32, and 33.

Clause 34,

SIR ERSKINE PERRY moved, as an Amendment, to insert in page 14, line 33, the words "and generally, the examination as to all disputed facts shall be according to the rules of common law."

MR. WHITESIDE objected to the restriction which these words would impose.

THE SOLICITOR GENERAL said, he also should resist the proposal, on the ground that in many cases the mode of proceeding by affidavits was preferable; but power was given to employ *viva voce* examinations whenever it was thought proper.

Amendment *negatived*. Clause *agreed to*; as were also Clauses 35, 36, and 37.

Clause 38,

MR. BUTT said, he should move, as an Amendment, the omission of the clause, The effect of the clause as it stood would be to send to the Judges of this Court questions which ought not to come before Judges who had not had experience at *nisi prius*. Two of the existing Judges of the Incumbered Estates Court had not had that experience. To give gentlemen so situated the jurisdiction which this clause would confer was the more objectionable, inasmuch as under the present Bill the Judges were to sit separately, and the appeal was to themselves.

MR. WHITESIDE said, he could not see any objection to giving the Judges of the new Court authority, if they should think fit to exercise it, to empannel a jury and try questions of fact. The Judge of the Probate Court had that power at present. The clause was only permissive.

MR. S. B. MILLER said, that the person, of all others, who could form the best judgment, and would be the most competent to try a question of lease would be the Judge who presided in the Court which tried the question of title.

MR. SERJEANT DEASY said, that the Clause was merely a permissive one, and could be retained without disadvantage.

SIR ERSKINE PERRY hoped that the Amendment would be withdrawn.

MR. BUTT said, he would not withdraw the Amendment, but he did not wish to press it to a division.

MR. VANCE inquired what would be done in the case of applications for new trials; would the Judge who tried the case decide the question, or would the Judges sit *in banco* upon it?

MR. WHITESIDE said, that in the Court of Equity the Lord Chancellor decided whether a new hearing should take place, and therefore there would be no inconsistency in the Judge who tried the case in this instance granting a new trial; but by a subsequent clause the Judge could call in the asisstance of another if necessary.

MR. MALINS said, that if this were a compulsory clause, he should certainly vote against it.

Clause *agreed to*, as was Clause 39.

Clause 40 (granting of New Trials).

MR. BUTT moved an Amendment, to the effect that the appeal should be to the full Court, consisting of any two of the Judges or the three Judges sitting together for the purpose of such appeal, and, if not so appealed from, every order of such Judge should be deemed and taken to be, and shall be called, the order of the Court. Such an appeal would be especially necessary on new trial motions.

MR. WHITESIDE said, he should oppose the Amendment. He had followed the analogy of the Court of Bankruptcy in the clause, and he might observe that the Commissioners of the Incumbered Estates Court considered it as so much lost time to be called on to sit certain days in the week to review the decisions given by them singly.

SIR ERSKINE PERRY thought that one appeal was quite sufficient, and he suggested whether it would not be better to give a direct appeal to the House of Lords at once.

MR. SERJEANT DEASY said, he thought

that the course proposed by the Attorney General for Ireland was the best, and such was the universal opinion of the profession. The appeal now would be direct to the regularly constituted court of appeal—namely, the Court of Chancery.

Amendment *negatived.*

Clause *agreed to.*

Clause 41 (Proceedings in Appeals).

MR. MALINS said, he thought the time, thirty days, allowed for appealing was too short. He should move to extend the period to three months.

MR. SERJEANT DEASY supported the proposal of his hon. and learned Friend.

THE SOLICITOR GENERAL remarked, that at all events a period of sixty days was desirable.

MR. B. OSBORNE said, that this clause applied to the case of parties coming to the Court for a title, and therefore a period of at least three months was essential.

MR. BUTT also supported the Amendment.

MR. WHITESIDE said, he would consent to the insertion of three months instead of thirty days.

Clause, as amended, *agreed to;* as were also Clauses 42 to 46 inclusive.

Clause 47 (Vendor or Vendee may apply for investigation of title).

MR. SERJEANT DEASY said, he must object to this clause, as giving to the Judges of this Court power, in contentious cases of disputed claims on the part of contracts, and of disputes with regard to sales. This would be to make the Court a new Court of Chancery; the Judge in the Court would have his time withdrawn from the proper business of his office; and when he had decided it, the case would be certain to be carried by appeal to the Court of Chancery. Why not let it go there at first? He moved that the clause be omitted.

MR. WHITESIDE said, the clause was divisible into two parts. One was where both parties, vendor and vendee, agreed to present a petition to the Court about which there could be no dispute. The other part was where the contract upon the face of it declared that it should be carried out by the instrumentality of the Court. There could be no good reason why parties should not be allowed to make a bargain of that nature. The case had been put of the contract having been obtained by fraud, but in such a case there was not a word in the clause to prevent the Court of Chancery from setting aside the contract.

SIR DENHAM NORREYS feared lest the interests of other parties than those entering into the contract would be affected by the title to be given by the Court.

MR. BUTT thought that the words of the clause as they at present stood would go much further than the right hon. Gentleman represented.

MR. COX suggested, that in accordance with a salutary suggestion of the right hon. Gentleman the Chancellor of the Exchequer, no discussion should take place after twelve o'clock at night, and this was more particularly desirable as there were not fewer than nineteen other orders of the day to be disposed of. He would, therefore, move that the Chairman report progress.

THE CHANCELLOR OF THE EXCHEQUER explained that this was not exactly his suggestion. What he proposed was, that they should not go into fresh debateable matter, but he had no idea of stopping discussion in the middle of a clause.

Mr. COX having withdrawn his Motion,

Clause *agreed to;* as were also Clauses 48 and 49.

House resumed. Committee report progress; to sit again on *Monday* next.

House adjourned at a Quarter before One o'clock till Monday next.

HOUSE OF LORDS,

Monday, June 21, 1858.

MINUTES.] PUBLIC BILLS.—2ª Hainault Forest (Allotment of Commons); Prisoners' Removal.

GOVERNMENT OF INDIA.

THE EARL OF MALMESBURY: Seeing the noble Marquess (the Marquess of Lansdowne) in his place, who put to me a question on Friday night with respect to the presentation to this House of the Resolutions which the House of Commons have agreed to with respect to the East India Government Bill, I have to say to the noble Marquess that it is not the intention of Her Majesty's Government to lay those Resolutions upon your Lordships' table. Her Majesty's Government think that if at the time when these Resolutions were proposed to the House of Commons—Resolutions which did not proceed, as your Lordships know well, from the Government alone, but which emanated from two or three different quarters—if these Resolutions had been laid upon your Lordships' table at the same time that they were laid before the other House, there might then have been no inconvenience

in their proceeding *pari passu* through both Houses, and to found the Bill thereon. But in the present state of the case these Resolutions having been come to by the House of Commons for their own convenience, and as a preliminary step towards the introduction of a Bill which the House of Commons thought could be more conveniently considered when founded on these Resolutions, and made to embrace, as it were, the opinions of different parties, under these circumstances, we think it would be very inconvenient if we were now to lay the Resolutions on your Lordships' table, and have debates going on in this House upon the Resolutions while similar debates were going on in the House of Commons upon the Bill which is founded on those Resolutions. I am not aware that there is any precedent for such a course; but if there were, I think it would be an extremely inconvenient one to follow at the present time, especially if it were done with the view of giving your Lordships an opportunity of debating them. Those Resolutions, no doubt, appear on the Votes of the House of Commons, and they are, therefore, within the reach of your Lordships' House, if you choose; but Her Majesty's Government refrain, for the reasons, I express, from seeking to obtain those Resolutions and to lay them upon your Lordships' table, as that course, we think, would only involve the House in greater difficulty. We have a confident hope that the Bill now in the House of Commons will be in your Lordships' House by the second week of July, and we trust, therefore, that your Lordships will wait till that important measure is before you, and that it will then engage your deliberate and most dispassionate consideration.

THE MARQUESS OF LANSDOWNE:—When I put the question the other night, asking what was the course intended to be taken by Her Majesty's Government, neither then nor on this night did I press to have those Resolutions communicated to us on the score of precedent, because, though I certainly think that there have been cases very similar to the present, where the Resolutions of the Commons were communicated to us for our consideration—though not, perhaps, Resolutions which had been agreed to by the other House, and then made the groundwork of a Bill—yet I felt that Her Majesty's Government was at perfect liberty to take that course which appeared to them to be best. I only thought that as these Resolutions are said to have answered their purpose—I am sure I do not know what that purpose was—they might perhaps equally answer that purpose by their discussion on the part of your Lordships. But as Her Majesty's Government do not come into that view I am quite ready to let the matter rest.

EARL GRANVILLE: I do not intend to oppose the course which the Government propose to take; but I venture to say that your Lordships have been put in a false position by the course which has been adopted in reference to this Indian legislation. If my memory does not fail me, when we learned that Her Majesty's Government intended to proceed by way of Resolution, after two Bills had been introduced, one by the late and one by the present Government, the question was put by a noble Baron behind me (Lord Monteagle) whether these Resolutions would be communicated to this House; and we were told that as soon as they had been disposed of in the other House they would be communicated to us. No doubt it was in the power of the Government to proceed either by Bill at once or by Resolutions on which to found a Bill. Her Majesty's late Government, after a good deal of deliberation, determined to introduce a Bill at once. But certainly the method of proceeding by Bill has one great advantage, that it enables both Houses of Parliament to consider with more deliberation a great and important question of this kind; and as it is, the discussion on the Resolutions in both Houses would greatly facilitate the subsequent progress of the Bill. The noble Earl now says that this Bill will come up early in the next month. But notwithstanding the expression of that hope, I am afraid that this most important Bill will not arrive in your Lordships' House in time for us to give it that attention and consideration which so many of your Lordships, being well informed on this subject, are qualified to give, and that we shall find it impossible to discuss it at any great length. I must, therefore, say that I think this House has not been quite well treated by the course which has been taken by Her Majesty's Government.

EARL GREY: I not only concur in the remarks which my noble Friend has made on this matter, but I must go further, and state that I understood the noble Earl who was lately at the head of the Board of Control to state that as soon as those Resolutions passed the House of Commons they would be communicated to us. I

shall not, however, offer any objection to the course which has now been taken, though I must say I think it is extremely inconvenient. But what I wish to say at the present moment is this, that if unfortunately the hopes of the noble Earl should be disappointed, if the Bill shall not have arrived in your Lordships' House by the time he expects, I trust this House will not be asked in favour of an important Bill of this kind to waive the Resolution which, with the assent of Her Majesty's Government, was made early in the Session by the noble Lord (Lord Redesdale) opposite, not to entertain Bills of an important character after a certain date; and that after many noble Lords have left London, an attempt will not be made, in spite of that Resolution, to drive an important measure of this kind through its several stages. That would virtually be to deprive this House of an opportunity of expressing its deliberate opinion upon one of the most important questions it was ever called on to discuss.

THE MARQUESS OF CLANRICARDE: I regret that I cannot concur with my noble Friend who has just spoken. I ask you to consider what will be the state of this question if you agree to separate without deciding what shall be the future government of India. Recollect all that has happened. By two Governments, by one House of Parliament, and on more than one occasion by this House, the East India Company and the existing Home Government of India have been condemned, and I think it would be a great misfortune if this Session of Parliament were to close without settling what the future Government of India is to be. It has become a matter of necessity that there should be some form of Government settled to which the servants of the Crown in India, and the people in this country and the people in India, may look as the Government of that country. I say nothing as to the merits of the Government Bill, but this great change has been accomplished without dispute, that the government of India by the Crown has been declared; and I for one think that Parliament ought not to separate till a Bill embodying that principle is passed into a law.

PEERAGES IN ABEYANCE.

STANDING ORDER.

LORD REDESDALE *moved*, after Standing Order No. LXXXVI. (formerly 126), to add the following Standing Order:—

"When any such Claim shall relate to a Peerage in abeyance, all the Expenses attending the taking and printing the Evidence shall be borne by the Claimant, and shall be paid by him from Time to Time whenever the Clerk of the Parliaments shall deliver to him, or to his Agent, an account of such Charges or of any portion of the same."

After a few observations from Lord CAMPBELL, Lord CRANWORTH, and Lord BROUGHAM,

Motion *agreed to*: and Ordered to be added to the Roll of Standing Orders.

EXPORTATION OF COOLIES FROM HONG KONG.

CORRESPONDENCE MOVED FOR.

THE BISHOP OF OXFORD, in moving an Address for Copies of Extracts of Correspondence between the Colonial Department and the Governor of Hong Kong, and between the Colonial Department and the Foreign Office, on the subject of Emigration from Hong Kong and from the Chinese Empire to the British West Indies and to Foreign Countries and their Possessions, since the 1st of January, 1856, said, it seemed to him that, after the manner in which we had stood forth before the world as the abolishers of slavery and the slave trade, no guilt could be greater than that which we should incur if, through any carelessness or cupidity, we suffered our people to be again drawn into that accursed traffic or to encourage that abominable institution. The circumstances of some of the dependencies of the British Crown did, however, to a certain degree necessarily expose our nation to the temptation of becoming involved in this odious traffic. He was afraid that that was the case in many parts of the world. He was afraid that at this moment, in the neighbourhood of Natal, we were in danger of being involved in this guilt. He was afraid that the Boers in the territory which we had abandoned to them were, mainly through our regulations, establishing among themselves the institution of slavery. He was afraid that, in this respect, we were guilty to a great degree, because we had refused to allow the African tribes whom the Boers had spoiled and enslaved to be supplied with gunpowder or the means of defending themselves, whilst we supplied it to the Boers for means of aggression, and thereby, in point of fact, handed over these tribes helpless into their hands. He believed, too, that there was great danger of this spreading from the Boers to our own neighbouring province of Natal; and that at this very moment,

under pretence of taking the children of Africans and bringing them up, a new slave trade was growing up among some of the border settlements of the colony of Natal, which it well became the British Government carefully to look into, in order that the moral feeling of the Home Government might correct the natural deficiencies of the local Governments in that distant land. It was because he felt this to be a great duty that he had ventured on a former night to press upon their Lordships the necessity of enforcing our treaties with Spain. He had been misunderstood on that occasion to have recommended that we should go to war with Spain, with the view of enforcing the obligations of our treaties with that country for the suppression of the slave trade; but their Lordships would bear him out in saying that he had said nothing of the sort. What he said was, that all fit and proper methods should be taken to induce the Spanish Government to fulfil its treaties, and he did not say that he recommended we should go to war, because he did not believe, among other reasons, that it would be in the least necessary that we should go to war; but that the proper use of the power of this country would be by little and little to enforce upon that country the fulfilment of its obligations. Besides this peculiar form of danger there was another which beset us, from the fact of our possessing large territories for the cultivation of sugar where the labour of slaves, or something very nearly approaching the form of slavery, was supposed to be the most convenient machinery. At the time when we abolished slavery, it was felt to be necessary by those who contemplated the wants of the colonies in which slavery had before that existed, that provision should be made for allowing the introduction to those countries of free labourers; in the first place, from the East Indies to the Mauritius, and afterwards to our West India settlements. But then he would have their Lordships remember the exceeding care with which the Government at home allowed the introduction of those free labourers, and the many, the repeated attempts which were made here, by interposing checks, a system of vigilant watchfulness, and the like, to prevent the trade growing up into a slave trade, under the pretence of being the introduction of free labour into those colonies. He need hardly remind their Lordships of the heavy volumes of returns which now loaded their shelves, showing how ordinance after ordinance, and Order in Council after Order in Council had sought to provide for this, and strongly marking the exceeding danger, unless the greatest vigilance were used, of the lawful exportation of free emigrants being converted into the unlawful exportation of slaves under the name of emigrants. With all the caution, however, that had been exercised, and all the safeguards that had been adopted, those who had watched the question most attentively had, from time to time, entertained misgivings with regard to the application of the system. So far as the British Colonies were concerned—certainly as far as the Mauritius was concerned—he believed that the experiment had been eminently successful, and that, under the provisions which had been adopted, there had grown up in those Colonies a set of labourers who were really and *bonâ fide* free, and were at the same time paying well those who employed them by their honest and contented labour. But whilst he rejoiced in those results, the point he wished to urge upon their Lordships and the Government was this, that, when this system was applied to any new part of the world, the utmost vigilance was needed in preventing the traffic from lapsing—as it would most easily lapse—into the accursed slave trade. The possession of the colony of Hong Kong particularly exposed us to the danger that Chinese might be exported thence in ignorance of where they were going, of the labour to which they were to be subjected, and the little probability of their return, and of their suffering in that dependency a new form of slave trade to arise. And this was not an hypothetical danger. Not longer ago than the month of September, 1854, an ordinance was issued in that colony, which stated that the evil had already arisen, and that one case had been detected; and that it had come to the knowledge of the local Government that the transport of Chinese coolies to the Chincha Islands had resulted in the most aggravated form of slavery. And very lately reports had reached this country, from quarters which were well entitled to carry weight with their representations, which led to the conclusion that the evil was breaking out again, and that those who represented the British Government at Hong Kong had not acted with sufficient deference in this matter to the feeling of the people of England. Now, their Lordships had only recently heard in that House an eloquent, heart-stirring condemnation of the rise of a similar traffic, under the

flag of a neighbouring Christian nation; and he appealed to them whether we ought not to be doubly careful that by no possible conjuncture of circumstances so great a sin as this should be brought upon ourselves and to our own doors, and that we should not be rendered unable to argue with France as to the evils of its present measures, by France being able to turn round upon us and say, "What have you been doing yourselves in your dependency of Hong Kong?" We ought to be in this matter above suspicion; we ought to be in the position to show the world that what we taught others we were practising ourselves, and that no gain, no advantage, no colonial convenience, no fear of shocking the prejudices of those who were settled in our distant Colonies should ever prevent us from laying down in a plain, clear, unmistakable voice, our determined resolution that neither directly nor indirectly should the grievous crime of kidnapping and making slaves be again entailed upon the British nation. At present he brought no definite accusation against any individual. He merely said that rumours had reached him from quarters which he should be wrong to discredit with reference to this subject, and all he asked of Her Majesty's Government now was, that they would consent to produce the papers, for which he begged to move, in as complete a form as possible, and with all the information they possessed upon the subject up to the present time, so that their Lordships might see where there might be any lurking tendency to encourage this trade, and, where it was necessary, to throw the Imperial protection over the agents of the British Government who had been standing up for truth and right, if there were any danger of truth or right being overthrown. He knew that the present Governor of Hong Kong had been supposed by many, and he hoped truly, to be alive beyond almost all other men to the danger, and determined to prevent it; and he trusted that the papers for which he now moved would show that Sir John Bowring continued in the same virtuous course, and had not in any way been induced to turn aside from it. The right rev. Prelate concluded by moving an Address for the correspondence.

THE EARL OF CARNARVON said, that his right rev. Friend had travelled in the course of his observations over a very considerable space. Commencing with reference to a trade which he said had begun to show itself upon the borders of the colony of Natal, he proceeded thence to the Mauritius and the West India islands, doing justice on his way to the system which was pursued there; and subsequently arrived at the colony of Hong Kong. Now, so far as the papers for which his right rev. Friend wished were concerned, he (the Earl of Carnarvon) had no objection whatever to their production, though he owned he was not prepared, from the wording of the Motion, to say anything with regard to the colony of Natal. As to the papers which related to Hong Kong, he was bound to say, and he should be acting most disingenuously by their Lordships if he did not say that those papers would open up in many respects a very painful story, which, however, Her Majesty's Government had no desire or wish to withhold. He was glad that his right rev. Friend had moved for papers from the 1st of January, 1856, as the starting point, because that was the date at which the operation of the Chinese Passenger Act commenced. That Act was passed in the Session of 1855; and when his right rev. Friend alluded to the ordinance of 1854, which stated the existence of great abuses at that period, he must bear in mind that the Act was not then passed. It had been attempted to include this subject in the General Passenger Act of 1854; but it was found that the matter was one of too great importance to be dealt with in that manner, and consequently a special enactment—the Chinese Passenger Act—was passed in the following year. The object of that Act was to appoint an emigration agent at the port of Hong Kong, whose duty it would be to inspect every passenger ship which cleared out thence, in order to ascertain that she was properly fitted out for the accommodation of the number of passengers she was to carry, and, above all, that the passengers themselves had embarked with a full knowledge of the nature of the service upon which they were to enter. In accordance with that Act an officer was appointed at Hong Kong, and subsequently, in consequence of the amount of business which had to be transacted, and the frequent evasions of the law which were practised, it was found expedient to appoint one at each of the five ports open to European commerce in China. Now, with regard to the effects of this measure, he very much feared that in its operation it had proved far less satisfactory, upon the whole, than was to be desired; for he regretted to

state that in one branch of the trade the law had been constantly and systematically evaded. The right rev. Prelate seemed, in the course of his remarks, to deal with the traffic to which he called their Lordships' attention as one whole and general trade; whereas it included two distinct branches—that which embraced the conveyance of Chinese passengers to English Colonies, and that which involved their transmission to foreign possessions. In the trade with the English Colonies the papers would show that the Act had worked satisfactorily, and that the trade was in a thoroughly wholesome and healthy state; whilst, on the other hand, those papers would also show that the other branch of the trade, that with foreign colonies, contained, in spite of every effort made to subdue them, very serious, very grievous, very crying abuses. The causes which had led to those very different results were, no doubt, to be found in the fact, that in the case of emigrants to the English Colonies every security which Government could provide for the proper treatment of the passengers was afforded. The vessels in which they were conveyed were subjected to the supervision of an emigration agent, whose duty it was to see that all the necessary preparations were made for the safety and comfort of those who were placed on board, to furnish returns in connection with the subject, and to take care that contracts were duly entered into, by means of which a certain rate of wages was secured to those emigrants upon their landing in the colony for which they happened to be destined. Upon their arrival there it became the duty of a Government officer, appointed for the purpose, to inquire into the history of the voyage, and, if the slightest cause for complaint or suspicion were found to exist, closely and rigidly to analyse it; while the emigrants themselves were provided with various employments, in as short a time as possible, and might be said to enjoy all those privileges which free labourers were entitled to, in disposing of their services in open market. Such was a correct statement of the case so far as the emigrants to English Colonies were concerned, and he believed no one who read the returns upon the subject could fail to perceive that everything had been done to promote the happiness and well-being of that class of passengers. He held in his hand a return with regard to the material advantages enjoyed by coolies in the British Colonies, the reading of which could not leave a doubt as to the general well-being of that class of people in those Colonies. His right rev. Friend had spoke of the Mauritius, and he did no more than justice in saying that the system had been very successful there. Now, by the return alluded to he found that in the Mauritius, from 1834 to 1856, more than 170,000 coolie emigrants were imported from China, of whom 134,271 were remaining resident in the colony in 1856, a fact which, in his opinion clearly proved that they were satisfied with the position in which they were placed; that their wages were from 13*s.* to, on one occasion, 17*s.* a month; and that he had reason to believe that a coolie could save from 200 to 250 rupees in five years. In the case of British Guiana the number imported was 23,000, and their wages were a dollar for ten hours' work. In 1856 the coolies held 40,000 dollars in the British Guiana Savings Bank; and on the last return passage coolies paid to the authorities for transmission no less a sum than £6,033. In Trinidad the number of coolies imported was 11,000, their wages being 2*s.* a day, besides house, garden, and medicine. The coolie now got £2 or £3 on yearly indenture as bonus. On the last return passage 343 coolies deposited £5,389 with the authorities, and took on their persons £900, making together the sum of £6,289. From the same reports he also found that the Chinese were considered the best class of emigrants for the due performance of that kind of labour for which men were required in the Colonies; that during 1857 only one-sixth per cent. of the Chinese emigrants died; that seventeen had been baptized, five had married creoles, and three were about to marry. Having described what was the condition of the coolies in the English Colonies, he would now ask their Lordships to consider what was their condition when transported to other than English Colonies. In the first place, the ships sailed from some of the northern ports of China in order to evade our regulations; or if they sailed from Hong Kong, and all those regulations were strictly complied with up to that point, upon their arrival at Cuba or other foreign country they were at once beyond our jurisdiction, and it was no longer in our power to enforce the law or exact the guarantee for the coolies' treatment. With regard to the mortality amongst the Chinese emigrants, the re-

turns were less complete than was to be desired, and no very strong argument could be drawn from comparing the mortality on board the ships which conveyed them to English colonies and those which conveyed them to foreign possessions. At the same time it was worth while to give the House some idea of the average mortality as far as it could be ascertained in these two cases. The mortality amongst Chinese conveyed in British ships into the British West Indies was as follows :—

Colony.	Ship.	Date of Departure.	No. Embkd.	Deaths.
		1852.		
B.Guiana	*Glentanner*	Sept. 1	305	43
	Lord Elgin	July 23	154	69
	S. Boddington...	Nov.23	352	52
Trinidad	*Australia*	Dec. 15	445	13
	Clarendon	Dec. 29	254	3
	Lady F. Hastings	—	314	9
		1854.		
Jamaica	*Epsom*	April 1	311	43
	Total		2340	232 = 10 per cent.

On the other hand, the deaths amongst the Chinese imported into Cuba in 1847 to 1857, were—

	No. of Ships.	Tonnage.	Chinese Embkd.	Deaths.	Per-ct.
British ...	26	18,549	9,606	1,391	14½
American .	9	7,832	3,910	372	9¾
Dutch	8	5,003	2,773	310	11¼
French ...	6	4,453	2,825	347	12¼
Spanish ...	5	2,038	1,779	290	11¾
Portuguese	3	1,246	1,049	28	2⅔
Peruvian ..	3	2,484	1,314	502	38¼
Bremen ...	1	560	249	13	5⅕
Norwegian	1	470	221	42	19
Chilian ...	1	250	202	47	23½
Total ...	63	42,930	23,928	3,$_{3}$42 = 14 per cent.	

He was not disposed, however, to lay any great stress upon the latter return, though undoubtedly the mortality was very large, because he must say that the evidence as to the causes of this mortality was much less clearly brought out than he could desire ; but in some cases it did no doubt result from non-compliance with the regulations of the Emigration Act ; in other cases from want of ventilation, from bad water, and such causes ; but more often from the class of men from whom the selection of emigrants was made being men who had passed the middle age, whose constitutions had broken down, and to whom a change of climate or of diet would most likely prove fatal. He scarcely knew whether he was right in going further into this matter ; yet he presumed it would be satisfactory to their Lordships if he briefly touched upon two or three cases which had attracted his attention, and the particulars of which would be found in the papers for which his right rev. Friend had moved. The first of these cases, which had created some little sensation, was that of the ship *John Calvin*. Her passage was 185 days from Hong Kong to Havannah, on the 12th March, 1856, with 297 Chinese on board ; she lost during the voyage and in quarantine 122, and eleven died in hospital after landing. The next case was that of the *Duke of Portland*, from Hong Kong to Havannah, 1st April, 1856; she carried 332 emigrants, and her passage was 150 days ; 128 died on the passage. The Chinese mutinied before the vessel sailed, on the ground that they had not received certain stipulated payments. Attempts were made during the voyage to seize the ship. The Chinese were brought from Macao. and the captain believed one-third were kidnapped between Hong Kong and the Straits of Sunda ; the suicides numbered three daily. In the case of the *Edwin Fox* and the *Admiral*, British ships to the Havannah — the *Fox* embarked 309, of whom forty died ; and the *Admiral* embarked 373, of whom ninety died. Again, the *Gulnare* sailed from Swatow to Havannah on the 11th of March, 1857, with 432 Chinese on board ; arrived at Hong Kong on 13th of March. On the following day an attempt was made to seize the vessel, which was put down by the determination of the officers ; nine of the Chinese were killed, many wounded, and three jumped overboard to escape capture. Twenty were landed for trial, one of whom was executed, and the rest transported for life. She sailed from Hong Kong on the 1st of April. The voyage lasted twenty weeks; and there were fifty-eight deaths, being at the rate of 17·79 per cent. Sir John Bowring (in a despatch to Lord Clarendon, dated August 8th, 1856) related the case of a Dutch vessel in which the emigrants, being insubordinate, were fired upon with grape shot ; when they set fire to the vessel, and great numbers, including, it is said, the captain, were burned or drowned. So much as to the state of things on the voyage. He believed that his right rev. Friend was quite correct in saying that the coolies were kidnapped. They were

in some instances seduced, in others kidnapped, and in others taken by force. Sir John Bowring (in a despatch to Lord Clarendon, March 12, 1858), enclosed statements by Captain Boney, of the barque *New Margaret*, who stated that there were at the time of his visit six ships loading coolies, at Swatow, namely:—two American, one Spanish, one Danish, one Norwegian, and one Chilian, that the Chinese are brought down from the villages under false pretences; that if they fall sick on board the ships they are landed on the beach to die and rot there; that in Double Island he found many coolies so landed; that he counted on the beach sixteen dead bodies and saw several who were dying from hunger. Some of these were said to have been landed from an American vessel. Captain Boney was credibly informed that there was on board a Danish ship a party of thirty coolies, who had been engaged to cure fish in one of the neighbouring islands, when they suddenly found themselves placed on board that vessel, leaving their wives and families in ignorance of their fate. Lord Elgin, in a Report dated Amoy, 6th March, said, in allusion to this case at Swatow:—

"The Rev. Mr. Burns, the missionary, stated that he visited a shed on Double Island, where he found seven Chinese discharged from some vessel—six of them corpses in a state of decomposition, one still surviving."

Some of the corpses had been devoured by dogs and other animals on the island. There was no guarantee for the good treatment of the coolies after they were landed at Cuba. There was evidence to show that the servitude to which they were there subjected was, under the name of free-emigration labour, nothing but practical slavery. In fact, no matter what might be the contract which was entered into with the coolies on the Chinese coast, their future position in Cuba would be one of unmitigated slavery. He could assure their Lordships that his right hon. Friend the Secretary for the Colonies had given much consideration to this subject. He (the Earl of Carnarvon) was not in a position at that moment to promise a remedy; but he was of opinion that a broad distinction ought to be carefully preserved between those ships that conveyed coolies to Cuba and those which conveyed emigrants to English colonies. In English colonies the condition of those emigrants had in many cases very much improved, while in Cuba the contrary was the fact. He again assured their Lordships that the question should continue to receive the earnest attention of Her Majesty's Government.

LORD BROUGHAM said, that if half the horrors which his noble Friend (the Earl of Carnarvon) had narrated existed, there was but one course for the Government to take—absolutely and instantly to prohibit this traffic to foreign colonies or other possessions of foreign Powers. To talk of the trade being regularly conducted—to talk of the evils being mitigated, was from the nature of the case quite unsatisfactory. We might certainly exercise some check and control over the traffic between Hong Kong and our own settlements. But what security had we at Cuba? If we took all possible care to prevent these people from being kidnapped, what possible chance was there of protecting the emigrants after arrival there? In that island we could not see that the bargain was duly executed; that their treatment was satisfactory; that their return was provided for; and their expenses back to their own country defrayed. There was, therefore, he repeated, nothing but absolute prohibition of the traffic; the enormity of which had, he believed, been under rather than overstated. It had been represented that his right rev. Friend (the Bishop of Oxford) had shown himself the advocate of universal war, in order to put down the slave trade. That was not so. His right rev. Friend was a man whose sympathies were not confined to the uncivilized—his philanthropy extended to all mankind, and he would be the last man to counsel or encourage unnecessary war, knowing that it was the greatest calamity by which mankind could be afflicted. What his right rev. Friend said was, that we must exert our influence, which with Spain must be powerful, in concert with our French allies; and referring to the treaties of 1835 and 1837, we were certain to prevail on Spain, if we well and rightly used our means of influencing her, to put down this infamous traffic. With regard to the slave trade in Cuba, there was one point of considerable importance which deserved attention. If this trade were put an end to, then all the labourers imported into the island since 1835 were illegally carried into slavery, and had a right to their release. Now, from calculations which had been made, it appeared that of the 800,000 or 900,000 slaves in Cuba, one-half had been themselves, or were the chil-

dren of persons thus illegally imported contrary to treaty, and contrary to the Spanish law by which the slave trade had been abolished. As these, then, had a right to their liberty, their obtaining it would virtually amount to almost a general emancipation; for, if one-half of the slave population were set free, it would be utterly impossible for the Cuban or Spanish Government to continue the rest in slavery. This was an important question with reference to the United States. The great object of the United States was to obtain possession of Cuba, and those persons in the States who were interested in slave speculations flattered themselves that if they could get possession of Cuba with its existing institution of slavery, three or four slave States might be created in Cuba, and that the balance of opinion among the United States, which was now a majority of one State only in favour of slavery, would be changed into a majority of four. On the other hand, if a general emancipation took place in Cuba, and the United States got the island afterwards, the majority of one in favour of slavery would be converted into a majority in favour of freedom. The result of such a state of things as that might be the universal abolition of slavery. He thought, however, that the traffic in coolies now permitted in English vessels to foreign settlements ought to be prohibited, for if we made any representation to France or America on the subject of the slave trade, their answer would naturally be, "You have no right to complain of our obtaining slaves from the western coast of Africa, when you are carrying on a similar trade in Chinese coolies."

THE EARL OF CLARENDON trusted that his noble Friend the Secretary of State for Foreign Affairs would direct a search to be made for such papers as bore on the subject, for he thought there were some not included in the Motion of the right rev. Prelate, which would throw much additional light on the subject and would show what the Government had done previous to the year 1856. The papers were no doubt very voluminous, and all of them might not be necessary, but certainly there were papers, dated from the year 1853, which would be extremely interesting to the country, and he would be extremely glad if they were brought forward. They would show what was the state of things which existed before, what were the evils to be remedied, and the way in which the remedy had been applied. It should be borne in mind that it was only in the ports where we had commercial dealings that our action could be applied for the purpose of thwarting tricks and schemes for obtaining emigrants by unlawful means. This emigration generally took place in ports with which we had no commercial intercourse, and it was, therefore, extremely difficult for us to exercise any control over the vessels engaged in the trade. He was glad to advert to a report which had reached his right rev. Friend of there being some change either in the feeling or conduct of Sir John Bowring, the Governor of Hong Kong, or other persons in authority there. Some persons seem to believe that Sir John Bowring thought that too much deference was paid in this matter to the opinion of people in England. If that was the present opinion of Sir John Bowring, he (the Earl of Clarendon) could only say that it had very much changed within the last four months when he had ceased to be in office; for Sir John Bowring had very strongly denounced all attempts to revive what he considered the slave trade, and he was the first person who called the attention of the Government to the practices carried on for obtaining Chinese females. He said no Chinese women would leave the country, and that those who left were taken away as slaves. The Government, therefore, put a stop to these practices, although great pressure was put upon them by the British Colonies, which were desirous of obtaining Chinese labour, but objected to the emigration of men unless they were accompanied by a certain proportion of women. The great abuses which had been practised on an Island belonging to Peru having become known to the late Government, they not only desired that notice should be given to the Peruvian authorities that these practices could not be prolonged, but they gave instructions to the Admiral on the station to visit the islands and ascertain whether they were continued, and to say that Her Majesty's Government would not tolerate such a state of things any longer, and to warn the Peruvian Government against allowing them to be practised. At this time, particularly, it behoved this country to show that her hands were perfectly clean in respect of the subject of slavery, and, therefore, he could not express how much he rejoiced that his right rev. Friend had brought this matter before

their Lordships; for a portion of the American press had attempted to show that England was herself carrying on a slave trade infinitely worse than any which existed in the United States. A sufficient answer to that allegation was contained in a despatch which had been sent from this country to the American Government; but it was well to prove in every manner we could that we had no sympathy with proceedings which would even in the most remote degree have the effect of encouraging slavery. He thought that the papers asked for by his right rev. Friend, and the additional documents to which he (the Earl of Clarendon had referred, would, if produced, afford additional testimony of the feeling of the people of England in this respect, and he was therefore glad that there was no objection to the Motion before their Lordships.

THE EARL OF MALMESBURY said, that there was no objection to include in the papers to be produced those alluded to by his noble Friend who had just sat down.

Motion *agreed to.*

House adjourned at a quarter past Seven o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, June 21, 1858.

MINUTES.] PUBLIC BILLS.—1° Chief Justice of Bombay.

2° Copyright of Designs; Stipendiary Magistrates, &c.; Portendic and Albreda Convention; Art Unions Act Amendment.

3° Durham County Palatine Jurisdiction; Joint Stock Companies Acts Amendment; Public Grounds and Playgrounds.

THE "CANDACE."—QUESTION.

MR. G. CLIVE said, he would beg to ask whether it is the intention of the Board of Trade to institute any inquiry as to the cause of the loss of the *Candace* African steamer?

MR. HENLEY said, it was true this unfortunate vessel was run down by a Dutch vessel bound for Batavia, and several lives were lost. The Board of Trade, under the circumstances, had not thought it necessary to institute legal proceedings, as it was the intention of the survivors to do so, and that he had no doubt would be of a very searching description.

The Earl of Clarendon

BELFAST CORPORATION.—QUESTION.

MR. MACARTNEY said, he wished to ask the Chief Secretary for Ireland whether the attention of Her Majesty's Government has been called to the state of the Municipal affairs of the Borough of Belfast; and if it is the intention to take any steps in relation thereto.

LORD NAAS said, that the attention of the Government had been called to the subject, and that they proposed as soon as possible to inquire into the municipal affairs of Belfast, both as regarded the money borrowed as well as expended under the supposed powers of the corporation, and also as to the present state of taxation in the borough.

PROMOTIONS IN THE ARMY. QUESTION.

COLONEL NORTH said, he would beg to ask the Secretary of State for War,—Whether, in compliance with the intimations made by him to the House on the 18th March last, it is the intention of the Royal Commission appointed to consider the Warrant of October, 1854, relative to Promotions in the Army, to afford an opportunity to every class of officers who thought themselves aggrieved of being fully heard before it?

GENERAL WYNDHAM said, he would also beg to ask the Secretary of State for War when the Report of the Royal Commission on the Warrant of October, 1856, may be expected to be laid on the table; and, in the event of there being any delay, whether he will consider the propriety of suspending the operation of that Warrant until the Report is made?

GENERAL PEEL replied, that the cases of every class of officers who complained would be considered by the Commission. He understood from the Commissioners that there was an immense heap of documentary evidence. The Commissioners had examined some of each class of officers which thought it had a grievance to complain of, but they did not think it needful to examine all who might offer themselves. The Commission, as would be seen from its constitution, was fully conversant with the whole subject, and they would make a Report as soon as possible. In answer to the question of the hon. and gallant Member for West Cumberland (General Wydham), he had only to reply that at present he did not think it would be necessary to suspend the operation of

the Warrant in question, nor until the Commissioners made their Report.

COMMISSIONERS FOR EXHIBITION 1851 BILL.—COMMITTEE.

Order for Committee read.

MR. SLANEY said, he did not rise to oppose the House going into Committee, but to express a hope that a provision would be introduced for the reservation of an open space in the vicinity of the Kensington Museum.

House in Committee.

Clause 1 (Lands purchased by Commissioners for the Exhibition of 1851 to be released on repayment of Parliamentary grants and moiety of rents).

SIR HENRY WILLOUGHBY said, he had no doubt that the agreement between the Commissioners and the Government which this Bill proposed to terminate was a very unwise one, and that the sooner it was put an end to and the money paid into the Exchequer the better. In order to prevent any delay in the matter, he would suggest that a specific day for the payment should be named in the Bill, and that 4 per cent interest should be charged from the passing of the Bill till the payment of the money.

THE CHANCELLOR OF THE EXCHEQUER said, that the same reasons which had operated against the payment of interest during the last five years would apply to the interval between the passing of the Bill and the payment of the money. It would be almost impossible to specify an exact date for the payment, because the arrangements under which the Commissioners could raise the money depended upon the passing of the Bill. The best guarantee that the affair would be brought to a conclusion as speedily as possible was to be found in the fact that it was as much for the interest of the Commissioners as of the Government that it should be concluded.

MR. ALCOCK said, he could not but express his dissatisfaction at the different mode in which the Government proposed to treat two very similar and excellent schemes — Battersea Park and Chelsea Bridge on the one hand, and the measure contemplated by this Bill on the other. The Government had lent the sum of £280,000 for carrying out Chelsea Bridge and Battersea Park, and the Commissioners were informed that they must not only repay the capital sum, but 4 per cent interest thereon, which amounted to no less than £70,000, making a total of £350,000. He was ready to show that the whole of that sum could be repaid by a sale of the surplus land, and, he contended, if that could be proved, that the Government were bound to throw open the bridge free to the public. On the other hand, the Exhibition Commissioners had £200,000 lent to them, and when there was to be an end of the arrangement between them and the Government, not a word was said about the payment of interest, or the improved value of the land. As he understood the Bill, from the £180,000 that the Commissioners were ready to pay to the Government, £60,000 was to be deducted in respect of twelve acres of land, which the Government might hereafter require for the purposes of art and science. He objected to that arrangement; £60,000 was too much for twelve acres; moreover, he did not think it was desirable to reserve any power as to the taking of land from the Commissioners, and hoped that the partnership with them would now terminate once and for ever. He thought that the Commissioners ought to undertake the care of Mr. Sheepshanks' Collection.

SIR HENRY WILLOUGHBY moved the insertion of the words "in one year or sooner" after the word "payment."

Question proposed, "That those words be there inserted."

MR. WILSON said, he thought those words were unnecessary, inasmuch as the Act would not take effect until the money was paid.

MR. GLADSTONE said, that the remark of the hon. Gentleman was quite true, but he still thought the Amendment worthy consideration. An interval of a year was a liberal period to give the Commissioners to complete the arrangements for the refunding of the money which they had borrowed.

THE CHANCELLOR OF THE EXCHEQUER said, the proposal of the hon. Baronet was an unusual one, and might be inconvenient. The Act could not come into play till the money was paid. The Commissioners were much more interested in terminating the partnership than the Government. They could not carry their arrangements into effect, in consequence of their connection with the Government.

MR. BLACKBURN said, he should support the Amendment, as he thought it most desirable that some time should be

their Lordships; for a portion of the American press had attempted to show that England was herself carrying on a slave trade infinitely worse than any which existed in the United States. A sufficient answer to that allegation was contained in a despatch which had been sent from this country to the American Government; but it was well to prove in every manner we could that we had no sympathy with proceedings which would even in the most remote degree have the effect of encouraging slavery. He thought that the papers asked for by his right rev. Friend, and the additional documents to which he (the Earl of Clarendon had referred, would, if produced, afford additional testimony of the feeling of the people of England in this respect, and he was therefore glad that there was no objection to the Motion before their Lordships.

THE EARL OF MALMESBURY said, that there was no objection to include in the papers to be produced those alluded to by his noble Friend who had just sat down.

Motion *agreed to.*

House adjourned at a quarter past Seven o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, June 21, 1858.

MINUTES.] PUBLIC BILLS.—1° Chief Justice of Bombay.

2° Copyright of Designs; Stipendiary Magistrates, &c.; Portendic and Albreda Convention; Art Unions Act Amendment.

3° Durham County Palatine Jurisdiction; Joint Stock Companies Acts Amendment; Public Grounds and Playgrounds.

THE "CANDACE."—QUESTION.

MR. G. CLIVE said, he would beg to ask whether it is the intention of the Board of Trade to institute any inquiry as to the cause of the loss of the *Candace* African steamer?

MR. HENLEY said, it was true this unfortunate vessel was run down by a Dutch vessel bound for Batavia, and several lives were lost. The Board of Trade, under the circumstances, had not thought it necessary to institute legal proceedings, as it was the intention of the survivors to do so, and that he had no doubt would be of a very searching description.

The Earl of Clarendon

BELFAST CORPORATION.—QUESTION.

MR. MACARTNEY said, he wished to ask the Chief Secretary for Ireland whether the attention of Her Majesty's Government has been called to the state of the Municipal affairs of the Borough of Belfast; and if it is the intention to take any steps in relation thereto.

LORD NAAS said, that the attention of the Government had been called to the subject, and that they proposed as soon as possible to inquire into the municipal affairs of Belfast, both as regarded the money borrowed as well as expended under the supposed powers of the corporation, and also as to the present state of taxation in the borough.

PROMOTIONS IN THE ARMY. QUESTION.

COLONEL NORTH said, he would beg to ask the Secretary of State for War,—Whether, in compliance with the intimations made by him to the House on the 18th March last, it is the intention of the Royal Commission appointed to consider the Warrant of October, 1854, relative to Promotions in the Army, to afford an opportunity to every class of officers who thought themselves aggrieved of being fully heard before it?

GENERAL WYNDHAM said, he would also beg to ask the Secretary of State for War when the Report of the Royal Commission on the Warrant of October, 1856, may be expected to be laid on the table; and, in the event of there being any delay, whether he will consider the propriety of suspending the operation of that Warrant until the Report is made?

GENERAL PEEL replied, that the cases of every class of officers who complained would be considered by the Commission. He understood from the Commissioners that there was an immense heap of documentary evidence. The Commissioners had examined some of each class of officers which thought it had a grievance to complain of, but they did not think it needful to examine all who might offer themselves. The Commission, as would be seen from its constitution, was fully conversant with the whole subject, and they would make a Report as soon as possible. In answer to the question of the hon. and gallant Member for West Cumberland (General Wydham), he had only to reply that at present he did not think it would be necessary to suspend the operation of

the Warrant in question, nor until the Commissioners made their Report.

COMMISSIONERS FOR EXHIBITION 1851 BILL.—COMMITTEE.

Order for Committee read.

MR. SLANEY said, he did not rise to oppose the House going into Committee, but to express a hope that a provision would be introduced for the reservation of an open space in the vicinity of the Kensington Museum.

House in Committee.

Clause 1 (Lands purchased by Commissioners for the Exhibition of 1851 to be released on repayment of Parliamentary grants and moiety of rents).

SIR HENRY WILLOUGHBY said, he had no doubt that the agreement between the Commissioners and the Government which this Bill proposed to terminate was a very unwise one, and that the sooner it was put an end to and the money paid into the Exchequer the better. In order to prevent any delay in the matter, he would suggest that a specific day for the payment should be named in the Bill, and that 4 per cent interest should be charged from the passing of the Bill till the payment of the money.

THE CHANCELLOR OF THE EXCHEQUER said, that the same reasons which had operated against the payment of interest during the last five years would apply to the interval between the passing of the Bill and the payment of the money. It would be almost impossible to specify an exact date for the payment, because the arrangements under which the Commissioners could raise the money depended upon the passing of the Bill. The best guarantee that the affair would be brought to a conclusion as speedily as possible was to be found in the fact that it was as much for the interest of the Commissioners as of the Government that it should be concluded.

MR. ALCOCK said, he could not but express his dissatisfaction at the different mode in which the Government proposed to treat two very similar and excellent schemes — Battersea Park and Chelsea Bridge on the one hand, and the measure contemplated by this Bill on the other. The Government had lent the sum of £280,000 for carrying out Chelsea Bridge and Battersea Park, and the Commissioners were informed that they must not only repay the capital sum, but 4 per cent interest thereon, which amounted to no less than £70,000, making a total of £350,000. He was ready to show that the whole of that sum could be repaid by a sale of the surplus land, and, he contended, if that could be proved, that the Government were bound to throw open the bridge free to the public. On the other hand, the Exhibition Commissioners had £200,000 lent to them, and when there was to be an end of the arrangement between them and the Government, not a word was said about the payment of interest, or the improved value of the land. As he understood the Bill, from the £180,000 that the Commissioners were ready to pay to the Government, £60,000 was to be deducted in respect of twelve acres of land, which the Government might hereafter require for the purposes of art and science. He objected to that arrangement; £60,000 was too much for twelve acres; moreover, he did not think it was desirable to reserve any power as to the taking of land from the Commissioners, and hoped that the partnership with them would now terminate once and for ever. He thought that the Commissioners ought to undertake the care of Mr. Sheepshanks' Collection.

SIR HENRY WILLOUGHBY moved the insertion of the words "in one year or sooner" after the word "payment."

Question proposed, "That those words be there inserted."

MR. WILSON said, he thought those words were unnecessary, inasmuch as the Act would not take effect until the money was paid.

MR. GLADSTONE said, that the remark of the hon. Gentleman was quite true, but he still thought the Amendment worthy consideration. An interval of a year was a liberal period to give the Commissioners to complete the arrangements for the refunding of the money which they had borrowed.

THE CHANCELLOR OF THE EXCHEQUER said, the proposal of the hon. Baronet was an unusual one, and might be inconvenient. The Act could not come into play till the money was paid. The Commissioners were much more interested in terminating the partnership than the Government. They could not carry their arrangements into effect, in consequence of their connection with the Government.

MR. BLACKBURN said, he should support the Amendment, as he thought it most desirable that some time should be

fixed within which the Commissioners should repay the money to Government.

Mr. SPOONER said, he had at all times opposed the partnership between the Government and the Commissioners, and he thought that if a time were not fixed, the repayment would be delayed for years to come.

Mr. EGERTON said, he was in favour of the dissolution of the partnership between the Government and the Commissioners, but he thought that if a time were fixed for paying the money, intending purchasers of plots for building purposes would take an unfair advantage of the Commissioners.

The CHANCELLOR of the EXCHEQUER said, the persons most interested in the termination of the arrangement were the Commissioners. The longer the money remained unpaid the greater interest would have to be paid to the Government. The Commissioners, as soon as the Bill passed, would make arrangements for payment of the money, and reasonable time ought to be given to them for completing those arrangements.

Mr. SPOONER: Then there could be no harm in inserting the Amendment.

Mr. CONINGHAM said, that so far as he understood the Bill, the Commissioners were the only persons who were to be benefited by the increase in the value of the land, but with what advantage to the nation he was yet to learn. The present arrangement appeared to him of a confused character; the Sheepshanks and the Fine Arts Collections must be placed somewhere, and, he presumed, when the £60,000 was paid over it would become necessary to look for another site. He should look for some explanation upon these points when Clause 2 came under the notice of the Committee.

Mr. BLACKBURN said, he wished to know what would be considered a "reasonable" time within which the Royal Commissioners would have to repay the money, and he should contend that some definite period for such repayments ought to be specified in the clause.

Mr. WILSON remarked, that if any limit of time was inserted, the result would be, that if the money was not paid within the time, this Bill would be nullified and the old arrangement revived.

Question put, and *negatived.*

Mr. ALCOCK moved the insertion after the words "twopence," of the words—"all sums of money which have been paid by the Treasury on account of the Kensington Gore estate, or any disbursement connected therewith, together with a moiety of the rents received by the said Commissioners." It appeared to him that the Commissioners were fairly liable to all the changes included in that Amendment.

Question proposed, "That those words be there inserted."

The CHANCELLOR of the EXCHEQUER said, he thought all that the Government had a right to expect was the capital sum they had advanced, and a moiety of the rents which had been actually received.

Question put, and *negatived.*

Mr. BLACKBURN said, he rose to move the insertion of the following words—"With interest at the rate of 5 per cent calculated from the passing of this Act." His object was to ensure to the Government a fair rate of interest upon the sum in question from the time of the passing of the Act until that sum should be repaid by the Commissioners.

Amendment proposed, in page 2, line 3, after the word "twopence," to insert the words "with interest at the rate of 5 per cent calculated from the passing of this Act."

The CHANCELLOR of the EXCHEQUER said, he could not adopt the Amendment. The partnership would not be put an end to until the money was repaid by the Commissioners, and in the meantime they ought not to be liable to the payment of interest.

Mr. WILSON thought it would not be fair to ask for interest while there was no beneficial occupation.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 99; Noes 208: Majority 109.

Mr. SIDNEY HERBERT said, he wished to ask the Government whether they had considered the advantage that would be derived to the public service if they were to take power to receive a portion of this payment in land in lieu of money; because there was a very heavy expenditure which it would be necessary to incur very shortly for barracks. He could not see in what part of the neighbourhood of London land could be so cheaply and so well acquired as in this locality. The Portman Barracks were about to be given up; the lease had expired; they were now held only from year to year; and the state in which they stood was lately proved to be

positively dangerous to the inmates. It was also proposed, for the purpose of extending the National Gallery, to take the site which was now occupied by St. George's Barracks, Trafalgar Square. Barrack room would, therefore, be wanted for at least a battalion, or a battalion and a half; and if, as had been recommended, the men were not to be packed so closely together as they now were, provision would be required for two battalions. The site at Kensington no longer to be occupied by buildings for the accommodation of the different learned societies might perfectly well be made available for this great public purpose; and it was quite certain that the longer they delayed the purchase of land for the barracks which must be erected, the more they would have to pay, because the more day by day every plot of ground was being covered with valuable buildings. He did not intend now to make any proposition on this subject, but he thought it would be well if the Government would take the subject into consideration, as an arrangement might be made by which a large sum would be saved to the public.

THE CHANCELLOR OF THE EXCHEQUER said, no doubt the suggestion of the right hon. Gentleman related to a subject of great gravity; but it had not escaped the attention of the Government. The right hon. Gentleman appeared to misunderstand the nature of the arrangement which this Bill was proposed to sanction. At present it was not for them to consider whether or not it would be expedient for the country to have a plot of ground in this particular quarter, or whether they might avail themselves of their position in relation to this property, in order to secure it. The position in which they were placed was this. The Royal Commissioners not only desired, but were prepared to carry out the original plan of 1852, which would require, generally speaking, the whole of the purchase, and their proposition to the Government was this:—"Either join us in carrying into effect this plan, as you promised to do in 1852, or release us from the trammels of our connection with you, and allow us to carry it into effect from our own resources." This offer had been made in a fair spirit, and the Government did not think it would have been becoming in them to make a third proposition. They could not have said to the Commissioners, "Well, let us dissolve our connection, and we shall allow you to carry out your plans, but only in part, because we are desirous, or are under the necessity, of appropriating to the public use a portion of this land." The land had been originally obtained for a public purpose under the belief that the Government would co-operate in the object of the Commission; and the Government having been unable to fulfil its part of the engagement, the Commissioners now offered to allow it to draw out its capital, in order that they might themselves accomplish their original purpose.

MR. SIDNEY HERBERT said, that as he understood it was not possible for the Commissioners to accomplish their original purpose, because the public had decided against the removal of the National Gallery which was part of the original plan; and, moreover, the learned Societies, though they had been offered sites on this land, would not go there. Therefore the greater portion of the scheme of 1852 fell to the ground, and could not be fulfilled with or without the assistance of the Government. Under these circumstances he thought it would be wise for the Government to secure a part of this land at a fair price, relieving the Commissioners from a corresponding payment into the Exchequer.

THE CHANCELLOR OF THE EXCHEQUER said, that the original purpose was, not to have the National Gallery or the learned Societies there, but that there should be the means of giving a complete industrial education to the artisans of this country, and that the improvement of our manufactures should be sought through the medium of a scientific and artistic training for the operatives of England. It was the belief of the Royal Commission that they could so far accomplish their original design that, though they might not have the National Gallery or all the learned bodies in this locality, they would yet have the means of contributing towards the desired result, by securing the presence of many of the societies devoted to learning and science.

MR. KINNAIRD observed, that he had, on the second reading of the Bill, understood the Chancellor of the Exchequer to say that, in order to repay this large sum of money to the nation, the Commissioners would have to sell a portion of their estate. Why, then, should we not take land instead of money?

THE CHANCELLOR OF THE EXCHEQUER said, that it was not the intention of the Commissioners to sell any of the land. Some small outlying portions would

be let on building leases, as was originally contemplated in the scheme of 1852.

MR. BERESFORD HOPE said, the answer of the right hon. Gentleman opened a wide question, and he would beg leave to ask, what would be the use of the Department of Science and Art, if, as stated by the right hon. Gentleman the Chancellor of the Exchequer, these Royal Commissioners were to carry out the complete artistic and industrial education of our artisans? Was it intended that the professors of the two bodies should give antagonistic lectures on the same branches of art at two different industrial colleges at Brompton, whither the people would not go to be instructed?

MR. WILSON said, he believed that some security ought to be taken against an indefinite extension of the time at which the money would be repaid by the Commissioners; and with that conviction he should move the addition of the following words at the end of the clause:—

"Provided always, that if such payment be not made within six months from the passing of this Act, there shall be added a sum equal to one-half of the net rental, which shall accrue from the time when such payment shall be made."

Question put, "That those words be there added."

MR. BLACKBURN said, that if they looked at this matter in the light of a building speculation, the hon. Member for Devonport (Mr. Wilson) had put the compensation to the public a great deal too low. He believed that it was the intention of some hon. Member, on the Report, to propose the addition to the Bill of a clause giving interest at a somewhat lower rate than he had himself proposed.

MR. LABOUCHERE said, he begged to remind the Committee that this was not a building speculation, and it could not possibly, under the charter of the Commissioners, bear such a character. The object of the Commissioners was to apply the land to the promotion of art and science; and the Bill was introduced for the purpose of relieving them from an unfortunate partnership which prevented them from carrying that object into effect. But at the same time he felt it his duty to support the Amendment of his hon. Friend the Member for Devonport (Mr. Wilson), as he believed the Government would be fairly entitled to a moiety of the rents that might be received from the property in case any considerable delay should take place in the repayment of the £180,000.

MR. SPOONER said, that as the provision for the dissolution of partnership would not come into operation until this money was paid, the country would up to that time be entitled as a partner to one-half the rents, and therefore the proviso of the hon. Member for Devonport was unnecessary.

MR. W. WILLIAMS said, it seemed to him that before the Bill passed the Commissioners ought to be prepared to state when they would repay the money; and in order to afford time for obtaining information upon that point, he would suggest that the further consideration of the Bill should be postponed for a month.

MR. AYRTON said, he understood that, instead of being applied to the purposes of art, the land was already being let on building leases. If the value of the estate had so greatly increased, as was stated, it was hardly fair that the country, which had found the greater portion of the purchase-money, should lose all advantage from that increase of value, and should at the same time have to wait for the repayment of its money.

THE CHANCELLOR OF THE EXCHEQUER said, that the estate consisted principally of one large plot of land, containing more than eighty acres, which was originally and still intended to be the chief scene of the operations of the Commissioners, but they had been obliged to purchase several small pieces of land which were connected with that plot. The Exhibition Commissioners were permitted by their charter to let out these detached blocks, which had no value to them in effecting their own objects, on building leases; but the rents of these buildings must be applied to the same purpose as the estate generally—namely, the encouragement of science and art. That was the original plan contemplated in 1852. It was contemplated, of course, at the present moment; it had been carried partially into effect, and it was the only means by which the Commissioners could enable themselves to repay the proportion of the capital which the Treasury advanced to them.

Question put and *agreed to.*

Clause, as amended, *agreed to.*

Clause 2.

MR. ALCOCK said, he moved the omission of the clause altogether. It was not a very reasonable thing that in dissolving a partnership the division should be so unequal as to give to the Commissioners all the value of the land, between £5,000 and £6,000. The clause would enable the

Government to retain in their hands twel acres of land covered with buildings, which it seemed to him would defeat the main object of the Bill.

Motion made, and question proposed, "That Clause 2 be omitted."

Mr. SLANEY said, he should oppose the Amendment, because he thought it necessary that the ground in question should be retained for any future public service.

MR. GLADSTONE said, he would rather have wished to see the clause modified than rejected altogether, because he thought that the terms under which alone the clause would permit the Government to retain possession of this valuable piece of land were too stringently defined. The Government was not permitted to retain the land for public uses on its own responsibility, or for the encouragement of science, art, and education largely defined, but it was allowed to retain it only for purposes connected with the Department of Science and Art, and that limitation was to be imposed by an Act of the Legislature. It appeared to him that the Committee ought to enlarge the discretion of the Government with respect to the application of the land. The effect of omitting the clause altogether would be to put the Exhibition Commissioners in possession of the whole estate at Kensington Gore, with all the buildings upon it, full as they were of valuable public property. Some of those contents had been purchased by the nation, and some, like the Sheepshanks' Gallery, presented in such a manner that they could not be handed over to any Commissioners. He thought the price fixed was perfectly equitable. The land was about twelve and a half acres, which cost £4,000 per acre, or £50,000 altogether. A small piece of land was purchased for £2,000 to improve the approach, and £2,000 more was expended in laying out the road, and £4,000 per acre was paid for two acres, which formed the site of the road. These sums made together £62,000, and therefore £60,000 was a very fair price for the public to pay. He hoped that so far from leaving out the clause, the Committee would rather enlarge the discretionary power of the Government in dealing with this land.

MR. SPOONER said, the right hon. Gentleman had spoken as if the Commissioners were not trustees for the public. In point of fact they were so, and therefore there was no reason why the Sheepshanks' Collection should not be placed in their hands. The object of those who wished to have the clause omitted was that the Government should have no more to do with the Department of Science and Art; and if this second clause were given up, and the twelve acres handed over to the Commissioners, these gentlemen would afterwards act in the matter as trustees for the public. It was bad in principle that money proceeding from the general taxation of the country should be spent for a matter in which the whole country was not concerned. He might be told that the whole country benefited by the arts and sciences, but he maintained that there must be a great number of persons who would never be benefited by the institutions in question. If the persons interested in arts and sciences were told that they must in future rely on their own resources, they would be stimulated thereby to act more for themselves, and the arts and sciences would derive advantage from that circumstance. He should vote for the omission of the second clause.

MR. COWPER said, that if the hon. Gentleman, who appeared to think that the Sheepshanks' Collection could be handed over to the Commissioners, would read the blue book he would see that Mr. Sheepshanks objected to his collection being handed over to any board or set of Commissioners, but wished it to be placed under the control of those responsible Ministers of the Crown who had the supervision of the Educational Department. He believed that very few people in this country shared the views of the hon. Member who had just spoken with regard to art and science. Such views were more suited to the times of the Goths and Vandals than to the present enlightened days.

MR. SPOONER said, notwithstanding the allusion made to the Goths and Vandals he should not abdicate the function of protecting the tax-payers of this country. He maintained that Mr. Sheepshanks' wish with regard to his Collection would be carried out by the responsible Minister of the Crown arranging that a Royal Commission should take charge of it.

THE CHANCELLOR OF THE EXCHEQUER said, that the objection of his hon. Friend the Member for Warwickshire (Mr. Spooner) might be a very valid one as against the Department of Science and Art, but it had no connection with the

matter now under discussion. As he himself was responsible for the insertion of this clause in the Bill, he could state that it had been inserted for the protection of the public interest. When the Government and the Royal Commissioners agreed to dissolve the partnership which existed, the latter paying to the Government £182,000, it was natural enough for them to say, "If we pay you this money you must put us in possession of the property we have purchased." That appeared to be only fair; but at the same time it happened part of that property was covered with buildings occupied by collections having reference to science and art, and, indeed, it formed what might be termed the Home Department for the Administration of Science and Art. Inasmuch as the Commissioners had purchased the land, it was quite open for them to tell Government that they must remove that department. It was, therefore, necessary to make some arrangement; they had no other site to which they could remove the department, but were nevertheless bound by the conditions of Mr. Sheepshanks' will. The question, therefore, was, whether they should pay a rent for the use of the present site. That rent would have been very heavy, as it naturally would have been calculated upon the original cost of the buildings and ground. It was suggested, therefore, that instead of paying a rent, the establishment should remain until ulterior arrangements were made, an amount of purchase money being retained equal to the price given by the Royal Commissioners, making no allowance for the increased value of the land and the improvements of the neighbourhood. It appeared to him that that was one of the most moderate arrangements which could have been entered into. That was the only issue raised by the clause, and all that his hon. Friend the Member for Warwickshire said about the inexpediency of Government interference with science and art, had no more to do with this matter than it had to do with Kensington Gore. As to the Commissioners taking charge of Mr. Sheepshanks' Collection, that was simply impossible. They had no more right to take charge of Mr. Sheepshanks' Gallery, or of the Department of Science and Art, than any Member of that House. They could not do it under their present powers, and the hon. Gentleman might just as well propose that they should administer the Home Department. It was a public department; and if it was established solely on the land which belonged to the Royal Commissioners, the Government was there virtually as a tenant.

MR. JOSEPH LOCKE said, he did not quite understand the right hon. Gentleman. Were the Government prepared to carry out the Department of Science and Art, or not? On his part he had never dissociated the Department of Science and Art from the Royal Commissioners. This was the first time an attempt had been made to separate them. He thought that as they had decided that the National Gallery was not to be removed, they ought not to allow the Department of Science and Art to go where they did not admit the National Gallery to be carried. He must, therefore, if necessary, vote against the clause, though he should be very sorry to give up the present establisment as it was.

SIR HENRY WILLOUGHBY said, he thought that the exact sum which the Government was going to give ought to be stated in the clause.

MR. DRUMMOND said, it was plain that this matter did not go on all fours—that there was some secret or other behind. At one time it was said that the Commissioners had nothing to do with the Department of Science and Art, at another that they were going to set up schools at Kensington. But what could they teach there? Some hon. Gentlemen had been very severe on the hon. Member for North Warwickshire (Mr. Spooner) for advancing notions which they said were worthy only of the Goths and Vandals; but those much abused nations when they wanted to teach anybody anything generally went the very shortest way to work about it. If they wanted to teach a boy shoemaking they apprenticed him to a shoemaker, and he learnt the art by actually putting it into practice. In the same way a boy was taught to be a builder by being engaged in building houses, a carpenter by being put to carpenter's work, and so on. But this kind of teaching could certainly not be carried on at Kensington.

MR. CONINGHAM said, if the right hon. Gentleman the Chancellor of the Exchequer wished to advance science and art he could not do better than assent to the Motion of the right hon. Gentleman the Member for Ashton (Mr. M. Gibson) for the repeal of the paper duty.

SIR GEORGE LEWIS said, that if there was anything mysterious or secret

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about the clause it arose from the misunderstanding under which some hon. Members laboured as to its meaning. He was responsible for the arrangements proposed regarding Kensington Gore, and he was now prepared to answer any questions and give any explanations on the subject which might be put to him. The arrangements were perfectly *bonâ fide*. There seemed to be some false impression that the clause about to be inserted was in the interest of the Commissioners, but in point of fact its tendency would be quite the other way. The Government had put up certain buildings at Kensington Gore for the temporary use of the Science and Art Department; those buildings were only of a temporary nature, but the materials were of intrinsic value, and might be removed when the temporary object had been attained. The Science and Art Department, for which those buildings were erected, was a department of the Government, and they had no connection with the Commissioners except as a matter of negotiation. When the Commissioners came to enter into occupation, a question would arise as to what was to be done with the buildings, and if some measures of precaution were not taken the Commissioners might sell those buildings. He hoped the Committee would agree to the clause before them.

MR. WILSON suggested, that it would meet the difficulty if the clause was amended so as to provide that the land in question should be retained for the use of the public instead of the Department of Science and Art.

THE CHANCELLOR OF THE EXCHEQUER said, passing by the objection that the word "public" was not such as was generally used in an Act of Parliament, he thought that would be putting too great a restriction on the Commissioners, because the Government might not only keep the land longer than the duration of the Department itself, but might apply it to another purpose.

MR. WILSON did not consider that that would be any great disadvantage.

Question put and *negatived*.

Clause *agreed to*, as was also Clause 3.

House *resumed*.

Bill *reported*; as amended, to be considered *To-morrow*.

THE PAPER DUTY.—RESOLUTION.

Order for Committee (Supply) read.

Motion made, and Question proposed,

"That Mr. Speaker do now leave the Chair."

MR. MILNER GIBSON said, he rose to move an Amendment:—

"That this House is of opinion that the maintenance of the excise on paper, as a permanent source of revenue, would be impolitic, and that such financial arrangements ought to be made as will enable Parliament to dispense with that tax."

He thought it might be right for him to say, in order to avoid being misunderstood, that in proposing the Resolution which he had placed upon the paper, it was not his intention to oppose the House going into Committee of Supply. It was immaterial whether his Resolution were carried or negatived, so far as regarded the subsequent going into Committee of Supply, as, he believed, that should it be the pleasure of the House to adopt the Resolution, a Motion could be made immediately afterwards to go into Supply. He was aware, that there was some difficulty with respect to a proposition of this kind, for he knew that many experienced Members entertained an objection to unofficial persons presuming to propose, in the form of a Motion, fiscal changes or remissions of taxation, and thought that such propositions should be left exclusively to financial Ministers. When that objection was urged upon the House on a former occasion he remembered that the present Chancellor of the Exchequer laid down this doctrine—that to hold that unofficial Members were to be precluded from making propositions of this kind was to maintain a very dangerous principle, which the House ought not to sanction. Recollecting well, therefore, that the right hon. Gentleman objected altogether to that feeling being entertained against unofficial Members, he approached this question under the present Administration with more than usual confidence. He might be asked why he had not brought forward this proposition as a substantive Motion, instead of connecting it with a Vote in Supply. His reason was that he thought the subject to which his Motion related was intimately connected with the Resolution which was about to be moved in Committee of Supply, which was to the effect that a sum of money should be voted for the purpose of promoting education in England and Wales; for he believed that the repeal of a duty which stood in the way of the diffusion of knowledge was also a proposition for promoting education throughout the country. If he were to

say that he had high authorities—many of them Members of that House—in favour of such a Motion as he was about to submit, every one must acknowledge the truth of his statement. In fact, if he were to mention the various distinguished persons who had voted for such a proposition he should trespass too long upon the time of the House. He was overwhelmed, as it were, with authorities in favour of his Motion. But the difficulty which he had always experienced was that, although all expressed themselves in favour of the Motion, he had never been able to induce them to agree to place their opinions in the form of a minute upon the Journals, and thus to take the first step towards carrying their views into practical legislation. The right hon. Gentleman the Chancellor of the Exchequer, he knew, from previous votes and public statements, to be in favour of the Motion. The right hon. Gentleman the Member for the University of Oxford had on many occasions in public also expressed himself in favour of such a proposition. In fact, he really had not found any enemy openly avow himself to be such, except the right hon. Gentleman the late Chancellor of the Exchequer (and perhaps the phrase was too strong to apply even to him), who had gone the length of saying that he considered the paper duty to be a good tax in itself, thereby implying that it ought to be continued as a permanent branch of our ordinary revenue, and that financial arrangements ought not to be made to enable Parliament to dispense with it. The House must observe, however, that he was not asking them to vote any repeal of taxation at this moment, and he did not wish them to disturb the financial arrangements of the present year; he only asked them to contradict by a vote the assertion that the paper duty was in itself a good source of taxation, and that its maintenance was consistent with the public welfare. He felt, if such a principle were laid down, that when the proper occasion arrived the Minister of the day—whoever he might be—would deem it to be his duty on general considerations of public policy to make a proposition to Parliament for the repeal of this tax. If he were to bring forward this Motion simply as a financial proposition for relieving the community of a certain amount of a mischievous kind of taxation, he should have a very good case to rest upon, putting aside altogether those important educational views which were connected with the subject. He believed that he could prove by past experience that taxation was one thing and revenue another, and that it was possible to repeal taxes, if it were done judiciously, without permanently injuring the public revenue. No one had more lucidly explained that doctrine to the House than the right hon. Member for the University of Oxford. He remembered the right hon. Gentleman telling the House that the late Sir R. Peel, during a period of eleven years, had repealed many taxes and imposed others, and that, although the balance of the remission of taxes amounted to £7,000,000 per annum, yet that at the end of the eleven years, instead of there being a loss to the public revenue, there had been an absolute gain of £5,000,000 per annum, showing that by a judicious selection of the taxes which were repealed he had relieved the industry of the country from oppressive burdens without injuring the permanent revenue of the State. In the particular matter of Excise, that eminent Statesman repealed in that period upwards of £1,000,000 of duties, and yet at the end of that time the revenue derived from the Excise was £1,500,000 larger than it had been before, proving incontestably that taxes starved one another, as it were; and, although they might be told that old Arthur Young was in favour of a multiplicity of taxes, experience proved that more money might be obtained with less pressure upon industry, and less injury to trade, commerce, and manufactures, by the levying of a few principal duties only. The paper duty was a most pernicious tax in every point of view in which it could be considered. From the return for which he moved a short time ago, as to the number of paper mills in England, it appeared that during the last twenty years the paper mills in England had diminished from 525 to 393. He had the honour of accompanying a deputation to the Earl of Derby, and when that fact was mentioned to the noble Earl, he said that it was owing to the effects of an advanced civilization, which caused trades and manufactures to be carried on by large capitalists. He spoke also of congestion from advanced civilization, but with all respect to the noble Earl, he (Mr. M. Gibson) thought he was mistaken, because if he were right we ought to see the same effects on the other branches of industry. We did not find that the number of cotton mills, of silk mills, and of other mills carrying on

the various branches of manufacture were diminished. On the contrary, those mills were gradually increasing, while the paper manufacture was falling more and more into a few hands. The small paper mills spread over the rural districts were all being ruined, and the whole supply of paper in the United Kingdom must, if this obnoxious Excise system were continued, fall into the hands of a few large capitalists. That was one of the most striking effects of the Excise system, for it undoubtedly did require more capital to carry on the paper manufacture under that system than if it were free. The paper manufacture was gradually producing that congestion of capital which produced the alarming results set forth in the return which he had moved for. Hon. Gentlemen should recollect that the paper manufacture was a rural manufacture. It was a manufacture that sprung up by the side of pure streams in agricultural districts, that was capable of employing the agricultural population, of diminising poor-rates, and spreading happiness and contentment among the peasantry. But if the paper duty were maintained all these small rural paper mills would be destroyed, the whole of the paper manufacture of the kingdom would be inevitably driven into the manufacturing districts, and placed in the hands of persons who used steam and other power instead of the water power that existed in the rural districts. The immediate object of proposing this Motion was to show to the House the great inconsistency they were guilty of in asking Parliament continually to increase the votes for education, while they maintained a tax which he could prove stood in the way more than anything that could be conceived of the diffusion of knowledge among the great masses of the people. For how did the paper duty press? It did not press upon the large book. It was not to be viewed as something of inappreciable value that might be deducted from the price of some three volume novel. The amount of the paper duty was large just in proportion as the publication to which it was applied was cheap and extensively circulated. Cheap and extensively circulated publications were the very publications that ought to exist if they wished to spread knowledge among the great masses of the community. The paper duty affected precisely those cheap and extensively circulated publications which it should be the object of the Government, that professed to support education, to encourage. The paper duty arose in the time of Anne, just after newspapers began to be party organs, to reflect upon the Ministers of that time, and to defend the party leaders who were then occupying the attention of the country. Mr. Hallam said, that the vivacity of the press attracted the attention of the Ministers of that day. A message was brought down, which was now upon the Journals of the House, informing the House that the press was too free, that it reflected with two much freedom upon the Ministers of the day and upon the institutions of the country, and calling upon the House to take some steps to put down that great evil. The House in reply to the message, said that they would endeavour to find out a remedy adequate to the mischief. And what was the remedy? Why, in a Committee of Ways and Means it was for the first time suggested that heavy taxation upon the press might have all the effect which a censorship or actual licensing of the press had in other countries, and for the first time taxes on knowledge were invented in a Committee of Ways and Means for the express and avowed purpose of restraining cheap periodicals in this country. The newspaper stamp was one tax and the advertisement duty another. These had been already repealed. The paper duty was the third tax which now remained to be repealed. The position of the House was now reversed; they now professed to be the advocates of education and knowledge, and they ought, if they were consistent, to repeal that third tax, which impeded the diffusion of cheap knowledge throughout the land. When these taxes were imposed there was an opposition, on principle, to the diffusion of knowledge; and therefore, if the Parliament of Anne was consistent in imposing them, the Parliament of Queen Victoria, which professed to advocate a contrary principle, was bound, in consistency, to repeal the whole of them. The right hon. Baronet the Secretary for the Colonies, in an able and interesting speech delivered by him on the occasion of his recent election for Hertfordshire, made use of the following words:—

"In my early youth there were two political measures to which I was most warmly attached. One of them was the emancipation of the newspaper press, as the great agent of political knowledge, from all taxes and fiscal imposts. The other was the question of Parliamentary Reform. When the newspaper stamp repeal was proposed I supported it, and said I had such a strong confidence

in the good sense and good feeling of the masses of the people of this country that I was persuaded that the change would tend, not to create, but rather to put down and extinguish licentious and revolutionary periodicals. I said that it would prove a great boon to the Conservatives, because then we could have a cheap newspaper which would defend our opinions among the masses. Well, both these predictions have been verified. We have a penny press, on the whole conducted with singular propriety and talent, and the *Standard* newspaper, which advocates Conservative opinions, has an enormous circulation, and now penetrates large masses of the population which were never approached by a Conservative organ under the old system."

Now, this *Standard* newspaper—which he did not doubt had as large a circulation as was represented—must pay an enormous amount of tax. He believed that if that paper had anything like the circulation that was represented—namely, 50,000 a day—it must pay £50 a day. And if its circulation were only 25,000 a day it must pay £25 a day. Well, what sort of a deduction was that to make from the returns of this cheap Conservative newspaper? Why, it was quite impossible that this or any other cheap paper could live if so large a deduction were to be made from the funds that were to carry it on. For, let them recollect that this cheap Conservative paper could not be sold for a penny and some small fraction of a penny that should reimburse its proprietors the paper duty. The paper must be sold at its round penny, and this deduction must be made from the funds required to conduct the paper. And what was the effect? Why that deduction rendered necessary the printing of the paper on an inferior material. It rendered the conductors unable to employ the best literary talent, and in all respects it prevented their making the paper as good as it otherwise would be. If this paper duty were repealed the £25 or £50 a day would not go into the pockets of the conductors, because there were other penny papers—the *Telegraph* and the *Star*—and competition would compel them to apply that remission of the paper duty to the improvement of the periodical, and thus the readers would be benefited. The same argument applied to all cheap periodical literature. The paper duty was a fund withdrawn from those who conducted a paper, and could not be replaced by any additional charge to the consumer. It therefore made cheap literature bad literature. It prevented people from employing on cheap periodicals the most respected and ablest writers in the country. Was it a judicious policy to allow the people to have a cheap press, but at the same time to take care that that press should not be as good as it might be but for the interference of the Excise? Should any paltry consideration of revenue—for a large portion of the revenue was not now in question—stand for a moment in the way of the moral improvement and advancement of the great body of the population of this country? Mr. Charles Knight in a sentence disposed of the question of cheap literature. Mr. Knight said:—

"The problem especially necessary to solve upon the principle that 'the bent of civilization is to make good things cheap' cannot be solved in England under the paper duty. All literature is tending to cheapness; taxed literature, to be cheap, must lose some portion of excellence, or involve a loss. A revolution has been effected in which sound literature might have higher encouragement in the many than in the few, if the Government did not stand in the way."

That placed in very forcible and clear language the pernicious effect of the paper duty upon the cheap literature of the day. The statesmen of Queen Anne's time had some qualms of conscience even in proposing that tax, for they enacted it with certain exemptions. The Holy Scriptures, Psalm Books, the Scotch Confession of Faith, books printed in the Latin, Greek, or in any of the Northern languages, or in the Oriental languages at the Universities of Oxford, Cambridge, and Dublin, with the consent of the authorities of those Universities, were exempted from the tax. They thought, perhaps, that the obscurity of a learned language, and the caution of the heads of houses, might justify them in exempting such publications from the tax. Nor could anything be more monstrous than that when the House was voting sums of money for educational purposes, it should at the same time consent to tax a little school book 30 per cent more than those books which, addressed to the richer classes, came within the exemptions. What wasa Northern language? Was not English, or at all events Scotch, a northern language, and if so books in the English language, according even to the Act of Parliament which imposed it, were exempted from the tax. The Report of the Society, to which he belonged, for the Repeal of the Taxes on Knowledge placed the question in a very true and terse way. It set forward that there was no reason why the history of the Calmucks in the Russian language should be entitled to an exemption from a tax to

which was subjected the primer of the artisan's child. For his own part, he hoped that if this obnoxious tax were not repealed, the Government would have the decency to apply it fairly to all classes of the community. He remembered the present Secretary for the Treasury endeavouring to obtain a further exemption by asking that school and college books published by the University of Dublin should be exempt from the tax. That application was without success, but he did not wonder at its being made. Now constant applications for exemption from a tax and constant yielding to those applications was, he thought, an augury that the tax was drawing to a close. Now, he objected to all exemptions, for if a tax could not be applied equally to all portions of the community, it ought to be repealed, and some other source of revenue relied upon for the deficiency. He dared say that it had passed through some hon. Gentlemen's minds that before proposing the abolition of a tax he ought to provide a substitute. Now, he begged most respectfully to decline making any suggestion as to a substitute. It was not his duty, and it would be irregular for him to find new taxes, and in point of fact, he believed that no substitute would be required. The tax upon paper produced but 1-64th of the whole revenue of the country, and could any one pretend to say that the country was reduced to such straits that it could not afford to abandon a tax which, while it produced only 1-64th of the revenue of the country operated most mischievously upon industry, trade, and the diffusion of knowledge? No one could maintain a position so indefensible. We were capable of dealing with our financial system, and still maintaining the revenue and credit of the country. He was as ready as any one to admit the extreme caution with which they ought to deal with the public revenue, but they ought not to be afraid to condemn this tax because they might suppose that it was not possible to say what substitute could be found. He believed that the other sixty-three parts of the public revenue would swell out so that they would be very shortly equal to what the whole now was. He believed it might be shown in figures that in the very first year there was an almost certain chance of a very large portion of this duty being replaced. But there were economists in that House, and he was sure that they would not see any difficulty in dealing with so small a revenue. He did not think the right hon. Member for the University of Oxford, and those who thought with him, would find any difficulty, agreeing as they did with Sir R. Peel, and the policy which he carried out with such success. Nor did he think that any difficulties would be thrown in the way by those who preferred direct to indirect taxation. Before he closed this portion of his subject, he wished to refer to one or two other newspapers, in order to show the effects of the tax upon their welfare. He might take the case of *The Times*. He had no doubt that journal felt the paper duty a very great burden. He recollected having seen in a number of that paper a statement to the effect that they paid some £16,000 or £17,000 a year to the revenue in the shape of paper duty. He believed that at present they paid much more. There was also a paper called the *Manchester Examiner and Times*. He had a letter from the editor of that journal, who said that during the last year he had paid to the State a revenue of £5,000 in the shape of paper duty for the privilege of giving his cheap newspaper to the public, and that if that £5,000 were not taken from him, he should still sell his paper at a penny, and apply the money now paid for the tax on improvements. The editor of another paper told him that he paid £3,500 a year, and certainly these were very large sums to be deducted from the profits of the proprietary of a small newspaper. In point of fact the cheap press could not flourish and be good and successful unless it were relieved from that most mischievous burden. A correspondence had recently taken place between a gentleman engaged extensively in the manufacture of paper and the Board of Inland Revenue. This gentleman was very anxious to promote education in his immediate neighbourhood. A voluntary subscription had been raised for a school, and he made the following application to the Board of Inland Revenue:—The letter was dated in June, 1858, and was from Mr. Rawlings, of Wrexham Mills, and it said that being about to open a day school in connection with their mills, they had to ask whether they might be permitted to use the cuttings of their paper free of duty for stationary purposes exclusively for the use of the schools; or, if that were not allowed, whether they might receive a drawback on paper rendered unfit for sale by use in the school? And what was the answer?

"The Commissioners have had before them your application, and I am directed to state that you cannot be allowed to use the cuttings of your paper

free of duty, nor to receive a drawback on paper rendered unfit for sale by use in your school."

The small boon, it did appear to him, might have been granted without any loss to the revenue, but it was the unfortunate system of Excise regulations that anything new was sure to be rejected. They were guided by old regulations, and every new proposal seemed to them to contain something in disguise dangerous to the revenue. The Chancellor of the Exchequer had told them that they were going to vote a million, in Committee of Supply, for schools and instruction for the labouring classes. The right hon. Gentleman had also told them that the educational vote was gradually developing itself, and in a very short time would become three or four millions a year. If, then, they had all this growing expenditure in the distance, surely they ought to consider whether they would not remove the obstacles which stood in the way of the diffusion of knowledge, and prevented the people from educating themselves. The repeal of the paper duty, which now yielded little more than a million annually, would do more good to the general interests of the community than the addition of another million to the educational votes. Another branch of this subject was the bearing of the excise system on this important manufacture. What could be more monstrous in a country where so large a mass of the population lived by manufacturing industry than that the manufacture of an article like paper should have to be carried on under an Act of Parliament originally passed in the reign of Queen Anne, and which now remained very much what it was then. The Act consisted of no fewer than sixty-nine clauses, every one of which was open to more than one interpretation ; and, though it contained a series of pains and penalties against a particular manufacture, strange to say it did not in any one of its numerous provisions give a difinition of what paper was. At this moment a law-suit with the Government was pending in order to determine what the thing really was to which the tax applied, because a new article, made from new materials, had been discovered, which the manufacturers contendered was not paper within the meaning of the statute. Every petty regulation which might seem nothing in the opinion of the Board of Excise was a very great hindrance to the improvement in manufacture of paper. Mr. Rawlins, the manufacturer to whom he had already referred, asked the Board of Inland Revenue the other day to permit him to use for weighing paper a new machine of great accuracy by which three-fourths of the time now occupied in weighing paper for the duty would be saved, and which was now adopted all over the country. The Board, of course, refused his application, and told him that he must stick to his old beam and scales. This was a sample of the vexatious restrictions of our excise system and their injurious operation. They stood very much in the way of the cheapening of production ; and in times when a very trifling impediment turned a foreign trade against us it was of vital importance that our manufacture should be free and unfettered. Freedom, like necessity, was the mother of invention as well as of economical production ; and without freedom it was impossible for our paper manufacturers to compete with their rivals in other countries who enjoyed that boon. Mr. Rawlins, to whom he had before alluded, had made a tour some time ago in the United States, in order that he might see with his own eyes how the paper manufacture of America was carried on and compare it with our own. And what was his testimony ? [The right hon. Gentleman then read a passage from a letter addressed to him by Mr. Rawlins, in which the writer drew a strong contrast between the position the paper manufacturer in Canada and the United States and that of the British producer, maintaining that owing to their freedom from fiscal restrictions the manufacturers in America were a generation in advance of their English brethren in all the mechanical arrangements of their business.] The result was, that we, who might be supplying the markets of our own Colonies, of India, and of other countries with the product of British industry, were actually, by this stupid system of Excise regulations, throwing this valuable trade which might employ our agricultural peasantry, into the hands of foreigners, and at the same time increasing ignorance, pauperism, and crime at home ; and this for the sake of a pitiful amount of revenue, which might easily be raised in a much less pernicious manner. He had been told by an eminent manufacturer, who furnished *The Times* with a large portion of its paper, that at one period we supplied Monte Video, Buenos Ayres, and other parts of South America with paper; but that now this trade had gone away from us, that the French, Belgian, and German producers had superseded us, and that he was afraid the im-

provements made in the manufacture by their foreign rivals, together with the backwardness of our own system, would for many years to come preclude our manufacturers, even if they had the advantages of freedom, from entering into successful competition with those paper-producing countries. The Board of Inland Revenue would, no doubt, say that all this was very true, but they must have all this surveillance for the protection of the public revenue; and that arguments such as he was urging struck at the entire Excise system. He denied, however, that these restrictions prevented or could prevent frauds. In their last report, now on the table of the House, that Board stated, as a proof of the efficiency of their system, that nothing but bribery could beat it. Could anything be more monstrous than to allege, as an argument in favour of excise regulations, that a little bribery on the part of the manufacture towards the exciseman would break up the whole system? An efficient system was a system of checks and counter checks, which set bribery at defiance. And if they admitted that large quantities of paper which had not paid duty might, by the aid of a little bribery, be thrown in the market to compete with paper that had paid duty, that was tantamount to acknowledging the system to be one which ought not to be continued, and one which was conducive neither to the good morals of our public officers nor to the interests of the community. The gross return yielded by this duty last year was about £1,200,000. This year it was less by a considerable amount. No doubt the revenue had very much increasd since the paper duty had been reduced by one-half. But the gross quantity of paper assessed did not give quite a correct account of the actual amount of revenue obtained. Why, the State paid the tax upon all the paper it used. A single parliamentary return, printed the other day, consumed no less than thirty four tons of paper, the duty paid upon which by that House was £500. To put down this item and many others like it, first as an addition to their expenditure and next as an addition to their revenue, did not look like the perfection of human wisdom. When, therefore, the amount which the State paid on the paper it consumed, together with the various drawbacks to which he had referred, was deducted from the total sum derived from this tax, the net produce would not be found much to exceed £1,000,000 sterling. It might be an evil to have to support a large expenditure, but it was a worse evil, and one against which he must protest, to have the revenue from which they defrayed that expenditure raised in a mischievous manner. He held, that after it had been laid down by a late Minister of the Crown that the paper duty was good in itself as a branch of our permanent and ordinary revenue, the time had come for that House to take the subject into its serious consideration. And though it might be true, as a general principle, that it was not right to condemn a tax which they were not prepared instantly to repeal, yet involving as it did a question of sound fiscal policy, and the advancement of the people in knowledge and morality, the case was one which ought to be made an exception to the rule.

Amendment proposed,—

To leave out from the word "That" to the end of the Question, in order to add the words "this House is of opinion that the maintenance of the Excise on paper, as a permanent source of Revenue, would be impolitic, and that such financial arrangements ought to be made as will enable Parliament to dispense with that Tax." instead thereof,—

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. INGRAM: Sir, I shall, with permission of the House, make a few observations on the Resolution proposed for adoption by the right hon. the Member for Ashton. I consider the country is greatly indebted to him for persevering in bringing to the notice of the House the injurious effect of the paper duty to our manufactures, and in its operation as a tax upon knowledge and education. The paper duty is a tax levied of $1\frac{1}{2}d.$ per lb., with an additional 5 per cent on all paper manufactured in the empire. There is a Custom House duty of $3d.$ per lb. on all paper imported into the United Kingdom, which may be said to be protective duty, and this fact, we suppose, may account for the circumstance that so few manufacturers of paper join in the agitation for its repeal. I believe, however, that those gentlemen are somewhat short-sighted in their views, but after all they have only followed the example set years ago by all the manufacturers of silk and printed cotton goods, who considered Custom House duties as protecting their trade, and therefore of advantage to them. It may be remarked that manufacturers were protectionists long

before the agriculturists; and we have now a rag of protection left with the paper manufacturers under which they imagine they find security. Printing paper only pays 1½*d.* per lb., which cannot be considered as any protection to the printer. As I stand in the double position of manufacturer of paper as well as a consumer, I think I shall be able to show the injurious effects of the paper duty on the public generally, and that the only possible defence for its continuance is the revenue derived therefrom. But, in my opinion, the net revenue is so small as to make it wholly unimportant to the Exchequer when weighed with the many evils that the impost necessarily entails upon society. On this point it is, in my opinion, the duty of the Chancellor of the Exchequer to find a better tax as a substitute, if a substitute be necessary; and, if called upon, I think I could propose a much better tax. In the condemnation of this tax we are supported by the opinions expressed by the present Chancellor of the Exchequer, the noble Lord the President of the Board of Control, the right hon. Baronet the head of the Colonies, the right hon. the Member for the University of Oxford, the noble Lord the Member for London, and by many other distinguished statesmen and sound political economists. This objectionable tax, therefore, cannot long continue; it has no defenders of its principle, and is inevitably doomed. When this tax was first proposed it was considered to be a war tax; but it has, nevertheless, continued in existence for a century and a half. At first the mere rumour of such a tax being in contemplation caused great agitation in the country, and the House of Commons passed the following Resolution in the Stuart Parliament:—

"Aspersions had been cast by malignant persons on the House of Commons that they intended to introduce excises—the House for its vindication therein doth declare that these rumours are false and scandalous, and that the authors should be apprehended and brought to condign punishment."

The British Parliament, however, soon afterwards passed Excise laws, and the paper Excise among the rest. It has varied in amount per lb. since it was first proposed, and up to 1832 was 3*d.* per lb. on printed paper. Immediately on the reduction from 3*d.* to 1½*d.* the lb. the consumption of the article doubled, and the price of it was considerably reduced. Paper with a duty of 3*d.* per lb. was charged 1*s.* to the public; the same quality with a duty of 1½*d.*, may now be bought for 8*d.* per lb. This decrease of duty has had a marvellous effect on the publications issued from the press, and has been the means of diffusing considerable information to the people. We may, therefore, fairly conclude that the entire abolition of the duty would produce proportionally beneficial results. I have here, Sir, a publication circulated among the working people amounting to nearly half a million per week, paying a duty of 30 per cent on its cost of production. If this publication paid no duty it would be considerably improved in its character of usefulness, and produce greatly increased benefit to the population. [An Hon. MEMBER: What is it?] *The London Journal.* The duty paid on a three-volume novel is not 1 per cent. It will thus be seen how unjustly this law acts on all cheap publications and periodicals. Lord Stanley, while addressing his constituents at King's Lynn, on Wednesday, May 14th, 1856, referred to this subject in the following language:—

"The paper duty was vexatious in collection, checked improvement in manufacture, tended to raise the price of an article of which the demand already exceeded the supply, and hindered the diffusion of cheap literature and news."

I will now read also a communication from a gentleman who has recently effected an extraordinary change in the newspaper world:—

"*Standard* Office, 129, Fleet Street, June 19, 1858.

"Sir,—Seeing that it is intended to bring forward the question of the paper duty on Monday next, and as you are likely to take part in the discussion, I beg leave to send you a few facts which I think will go far to convince the House of the necessity of repealing that duty.

"In the first place, the tax acts most injuriously on the progress of education. Taking the duty itself, and the obstructions occasioned by the impost, it may be reasonably calculated that paper from the time it leaves the mill to its being circulated amongst the people is increased 50 per cent on its original cost.

"In our case the duty paid by the *Standard*, we being consumers of upwards of two tons daily, amounts to no less a sum than £29 per day. Now, if that duty were repealed, we could not only print upon better paper, but we should be enabled to expend at least £20 a day of the duty saved in additional literary talent. We should be at the same time not only reaping a benefit ourselves of nearly £10, but we should be also effecting a saving of at least £10 more in being relieved from the necessity of wetting the paper ourselves, an operation that requires the employment of a considerable number of hands. The large quantity of paper that is constantly spoiled by this practice would be likewise a great addition to our profits, because, if the duty were abolished, we could have our paper conveyed direct from the mill in its

normal state, that is, sufficiently damp for printing. We cannot enjoy that advantage at present, inasmuch as the weight of the paper must be taken before it leaves the mill, and the amount of water with which it must be saturated before it is fit for printing on would weigh as much as the article itself in its original state, and therefore the duty would be considerably increased if taken after the paper had passed through this process.

"In order further to show the enormity of this tax, I may mention, that since I reduced the price of the *Standard* to 1*d.*, on the 4th of February last, we have been paying at the rate of £10,000 a year duty!

"If the paper duty were repealed, I feel confident that the already enormous circulation of the *Standard* would be at least doubled, and the profits arising therefrom would enable us to give employment to a considerable number of extra hands in the various departments of the establishment, thereby creating more labour for the unemployed. Those results would, of necessity, lead to the greatly-increased consumption of exciseable articles, and thus, in a great measure, the deficit caused by the abrogation of this duty would be very soon made up.

"In addition to the *Standard*, the office I have the management of issues two other daily papers, and two weekly papers, all of them having a very large circulation.

"I remain, Sir, your obedient servant,

"F. T. FOWLER, Manager of the *Standard*.

"Herbert Ingram, Esq., M.P.," &c.

Such are the evil effects of the paper duty on cheap publications. I trust I may be pardoned if I say a word about its effects on a publication higher in price and extensively calculated—a publication with engravings—the *Illustrated London News*:—

"Loudwater Mills, near Rickmansworth,
"Herts, April 28, 1856.

"Dear Sir,—I enclose a statement of cost of finishing paper as at present incurred through Excise regulations, also cost of same if it had not to go through exciseman's hands.

"There is no doubt that the paper would arrive in town in much better condition, and with less loss from damage, if it were put in boxes, than by the present mode.

"There are many circumstances attending excise rules which are troublesome and inconvenient; for instance, the paper must be in reams of a certain number of sheets, or parcels of not less than a certain weight, nor more than a certain number of sheets less than a ream. We cannot pack two reams together, nor be above or below the estimated weight, under risk of forfeiture. We cannot send the paper from the mill for more than fifty hours after it is made, however urgently it may be required; thus we must give forty-eight hours' notice of the intention to charge, and keep it at least two hours after charging, besides the time actually occupied in charging, to give the supervisor an opportunity to reweigh, the trader finding the men for such reweigh. The supervisor also is to test the weights used on the premises, the trader again finding men for that purpose; and, as we have about eighty half-hundred weights in use, it is a very great loss of time.

"The paper in stock also must be so stacked that the officer or supervisor can see every ream and label, causing a great loss of room, a fact of great importance in a finishing room. These and other minor matters taken separately may appear trifling, but collectively are a source of great loss of time, extra labour, and harshly carried out by the officers, as they may be, very great annoyance.

"Paper mills should certainly have as little impediment in their working as possible, for they make a great difference to the poor. The expenditure by the relieving officer of this parish was, for the two years while the mills were still, £1,400 per annum; it is now only £650 per annum.

"The rates paid by ratepayers of this parish are just the same as when the mills were still; but that is because it is in the Watford union, consisting of, I believe, five parishes. I enclose declaration of the churchwarden and relieving officer as to the benefit of paper mills.

"With respect to envelopes, I have not yet succeeded in gaining any authentic details, the business being carried on with great secrecy. I think, however, in a day or two I shall have information that may be relied on.

"There is one class of tradesmen who, though not often considered, are great sufferers by the excise duties on paper; I mean the makers of boxes, and cartons for drapers, fan manufacturers, &c. I believe the trade, though now very extensive, to be very much cramped, from the obnoxious duties. There are already some thousands of women and boys engaged in the trade, and were the excise duty repealed, I have no doubt that it would be so extended as to employ six or eight times the number, a great consideration, when we reflect on the multitude of females who are obliged to work so many hours together for just keeping soul and body together. In that trade the plainer the article the greater is the demand, and the more oppressive and crushing is the effect of the duty. It is also very unequal in its pressure, for while the more expensive and highly decorated articles, such as boxes to contain handkerchiefs, fruit, &c., do not pay a duty of more than 5 per cent, from the small quantity of material, in comparison with labour, the cheaper and more extensively used sorts, to contain gloves, ribbons, nets, &c., actually pay a duty of 30 per cent from the very reverse of the causes quoted above. These are facts which I can prove. There are also the bookbinders who are affected similarly as the boxmakers, though not to the same extent, the highly embossed and tooled Church Service and Bible not being taxed in anything like the same proportion as the plain homely copy used by the workman and cottager.

"Stiff cardboard or paper is also, as you are doubtless aware, used very extensively by the lacemakers of Nottingham, the duty on the cards used by them amounting to 25 per cent. Again, with button-makers, Birmingham houses, who use plain card or paper, the duty will amount to 25 to 35 per cent. There are many other trades which will occur to you as being extensive consumers of low-class papers, the rule being that the lower the paper the higher is the per centage of duty.

"Trusting I have complied with your wishes in the foregoing remarks,

"I remain, dear Sir, yours respectfully,

"H. Ingram, Esq. "W. D. STANSELL."

The regulations of the Excise involve an

extra expense of at least £2,000 per annum, besides decreasing the quality of the publication. I now come to a higher authority—the Commissioners of the Excise—respecting the paper duty. Here is a blue-book lately placed in the hands of all the Members of this House, in which the Commissioners state the increase of trade caused by their new regulations respecting drawbacks on pieces of waste paper cut from envelopes. Here, no doubt, was a great increase of trade created by the means alluded to, but they must recollect that it was only after considerable agitation and speeches from myself and others, that they consented to take such a step.

"In the United States of America there are 750 paper mills, worked by 2000 steam-engines, producing 270,000,000 lb. In England only 166,000,000 lb. were made, and only 155,000,000 lb. for home consumption, only about one-half the product of the United States. England only has 400 mills, and many disappear every year."

If the Commissioners think they give such facilities to get the drawback, and do so much to increase the trade, let us hear what the trade say upon the question generally. The following letter is from Messrs. Ward and Lock:—

"Sir,—Some time since I took the liberty of writing you a letter upon the subject of drawbacks upon books, paper, &c. At the risk of being intrusive, I repeat something of what I previously said, and you will clearly see that in many instances the pretended boon of a drawback absolutely comes to nothing, as the process is far too troublesome for the small advantage received.

"Find ship to port. Write to officer, and beg him as a favour to attend, say at ten o'clock in the morning; but in consequence, perhaps, of half a dozen other appointments, he cannot attend until, say, twelve o'clock. All this time packers, carpenter, and solderer have been waiting, and consequently the fore part of their day is wasted. The officer attends, and at length you consider all is arranged, and the packing goes on; but before it is finished he most likely has to go elsewhere to witness the completion of some other shipment; thus another serious delay is occasioned. And here let me mark the consequences of this apparently slight delay. Very likely the merchant loses his ship; and all the trouble which he has to incur by attendance, &c., at the office in Tower Hill, has to be gone over a second time.

"A shipper must attend personally, perhaps at great inconvenience, to sign a bond, which must be attested by a householder, and also make a declaration that the books about to be shipped have not been before sold to any person exercising the trade or profession of a bookseller. The shipper must now attend the Custom House to find when the ship is entered outwards, and get the shipping bill signed by the clerk. You have now to proceed to the docks and enter on a ticket-paper the case or cases of books, and give in your shipping bills to the searcher of Customs, and wait perhaps for some time until all is ascertained to be right. But the trouble does not end here; and you must wait six weeks before you can obtain the drawback, and even this must be applied for and received by the shipper, as he is not allowed to send his clerk for it, as there is another debenture to sign.

"Each shipment, however small, requires a separate stamp, varying in amount and price according to the amount of drawback claimed. As the whole of this procedure in the shipment of books entails so much trouble, whether it is large or small, it must be obvious that a large amount of paper in the form of books never recovers the drawback, because the merchant cannot attend personally to watch such small matters.

"I am a shipper of books, and speak of my own personal trouble and annoyance, but it is well known that many stationers in England refuse colonial orders for paper because the time and trouble of shipping for drawback small parcels is not worth their while. Under these circumstances many orders for paper, stationary, &c., find their way to the Continent instead of coming to Great Britain, as the English merchant is obliged to add on to his wholesale prices the 1½*d.* per lb., rather than waste his time in obtaining drawback. This sum, small as it may appear, is quite sufficient in this sharp age of competition to divert the orders which otherwise he would be glad to execute."

I will now trouble the House with a letter from Messrs. Chambers, who have done so much to give instruction to the people:—

"Edinburgh, May 15, 1856.

"Dear Sir,—Along with this we hand you a short statement respecting the pressure of the paper duties on our publications. You will observe that during 1855 we used 378,350 lbs. of paper, costing £11,780 11*s.* 3*d.*, and that in this price was included an excise duty of £2,482 18*s.*, such duty being about a fifth of the actual cost of the paper. Nearly all our publications are of a cheap class, designed for popular instruction and improvement; and the price of paper is by far the haviest item in producing works of this kind. Although the duty is 1½*d.* per lb. weight, with 5 per cent. additional, it is our belief that practically the price of paper is enhanced fully 2*d.* per pound weight, by reason of the duty and attendant excise regulations. This is upwards of a fifth in the price of most printing papers.

"So heavy an increase on the price of paper acts discouragingly on all our operations. We are constantly prevented from entering upon schemes for issuing cheap publications of an improving tendency, from no other cause than the pressure of the paper duties. Some years ago we issued a series of instructive and entertaining tracts at a penny and a halfpenny each. The sale was enormous, and we should hope some good was done. After issuing as many as twenty volumes of these tracts, we found that the State had received £5,000 of paper duty, while our profits were nothing, and we accordingly were compelled to drop the work, although the sales at the time were 80,000 weekly.

"It is chiefly from such facts that an adequate idea can be obtained of the damage done to literature through the pressure of the excise duty on paper. Of the injury done to trade enerally by

this tax on production it is not necessary for us to say anything.

"We are, Sir, your obedient servants,
"W. and R. CHAMBERS.

"Herbert Ingram, Esq., M.P."

I will here remark that the quantity of paper distributed by these gentlemen and by the proprietors of the *London Journal* is considerably greater than all the Bibles and Prayer Books distributed by the clergy and the Bible and other religious societies put together, and, be it observed, the amount of the latter publications is decreasing. Nearly six parts out of seven of all paper made is printed paper, and the paper used for Bibles and Prayers is not more than $1\frac{1}{2}$ per cent. of the printed paper used—showing, I think, a great remissness somewhere in the Church. No drawback is allowed on the A B C book for the poor child, or the spelling-book; without the duty, those books would be decreased in price one half. I state my full conviction that you would do more good for the education of the people by a repeal of the paper duty than by granting the large amount placed on the Estimates, which will no doubt be voted this evening. Let us look at the question as a manufacturing question only. In doing this, let us take a glance at other branches of industry formerly subjected to excise duties. We will take, for instance, the printed calico duty, repealed thirty years ago. At that time it was objected the tax was so small that a printed gown was scarcely affected in its price by the extra duty for printing. Now, what is the result? Why, that a printed gown sells for considerably less money than the duty formerly paid. The manufacturers and the printers at the time defended the duty; what has been the effect on our commerce in this repeal of the excise? Why, our trade has increased by millions, and we have so improved in our manufactures that we beat the whole world in our printed goods. The last manufacture freed from excise duty was the duty on glass. Now, the repeal of this duty has exhibited in a marvellous way the advantage of freeing our manufactures from the depressing influence of the exciseman. The quantity manufactured increases enormously every year, and our export trade increases in proportion. Without the repeal of this duty we should not have seen the Crystal Palace of 1851, and the great trade now done in this country in every description of glass manufacture, and the employment of many thousands extra of the population. If this House should agree to a repeal of the paper duty, I have no doubt many more manufactories will spring up; and it is peculiarly an employment suited for the rural districts. I also think that vegetable fibre produced from the land will be extensively used in the manufacture of paper. Lately a mill for the manufacture of paper from twitch was established in the county of Lincoln. I will take the liberty of reading a letter from the manager on the subject:—

"We have now collected about 1,200 tons of twitch, and our doing so has tended to promote the interests both of landowners and landholders:

"1. By stimulating the farmer to clean his land, and as far as possible to eradicate from it a weed of most extraordinary rapidity of growth, and which, while it exhausts the land in a corresponding degree, often chokes and kills the young corn plant.

"2. By enabling the farmer, with the money paid him for his twitch, to buy a really serviceable manure, as a substitute for the small and oftentimes very questionable amount of benefit derived from the ashes of burnt twitch—abundance of ashes (when required for turnip sowing, &c.) being producible from the burning of other weeds, sedge, parings, and rubbish.

"By these two operations (thus stimulated) of cleaning and manuring, the land will be gradually and greatly improved, at small (if any) cost to the farmer, at the same time that the value of his crops will increase.

"My time being very fully occupied, I have very hastily and imperfectly replied to your queries; but I hope what I have written is sufficient to answer the purpose you had in view when you wrote.

"I am, Sir, yours obediently,
"SAMUEL SHARP.

"H. Ingram, Esq., M.P."

Paper is an article used in almost all other manufactures; in wrapping up articles, and in boxes, it forms a serious amount in the expense to which trade generally is subject. Many of our goods can scarcely compete with French manufactures on account of the freedom from paper duty in France. This grievance is complained of in all our manufacturing towns. Now, let us consider the paper duty as a source of revenue:—

Amount of Excise duties in the three first years of the century, the three last years of the old duties, the three first years of the new duties, and the three last years of which we have any account.

AMOUNT OF GROSS DUTY.—OLD DUTIES.	
1803 . . .	£394,572
1804 . . .	359,278
1805 . . .	452,926
	3)1,206,776
Average . .	402,258

1834 . . .	£833,822
1835 . . .	868,437
1836 . . .	790,775
	3)2,493,034
Average . .	831,011

New Duties.

1837 . . .	£555,042
1838 . . .	584,162
1839 . . .	610,289
	3)1,750,393
Average . .	583,464

Three Last Years.

1855 . . .	£1,145,572
1856 . . .	1,123,561
1857 . . .	1,244,142
	3)3,513,275
Average. .	£1,171,091

"From this it appears that under the old duties the revenue from paper was a little more than doubled between 1804 and 1835, or in thirty-one years, while under the new duties the revenue doubled in eighteen years, or from 1838 to 1856. So much more advantageous are low than high duties, and so much more rapidly would the consumption of paper increase were there no duties at all."

In conclusion I would observe, that as the question of revenue is really the only thing under consideration, and as we have no advocates for the paper duty except on these grounds, I do say, with the greatest conviction of the truth, that the increased trade, the increased employment, the increased consumption of taxable articles which would necessarily follow from an abrogation of this duty, would compensate for the amount levied by the Excise on paper. I do hope, therefore, that the House will have the courage and the justice at once to pronounce its opinion that this tax is doomed, and that we shall not stand in the world as the exception in levying taxes on the intelligence, the literature, and the industry of the nation.

Mr. SALISBURY said, he was prepared to corroborate the statements of his hon. Friend the Member for Boston. He had been connected some years ago with the *Art Journal*, a publication which he believed had done more than any other to educate the people in a knowledge of art. The proprietors of that journal had paid £1,200 a year for eight years in paper duty alone, during which time they had derived no profit whatever from the publication. Personally, therefore, he felt a strong desire to see the duty abolished. He had, however, other reasons for the support of the Motion, for he had ascertained during his canvass for a seat in that House that the working classes felt a deep interest in the subject. The working men of Chester had in fact made him give a pledge that he would vote for the abolition of the duty, and he gave it cheerfully, because he felt that it evidenced a desire on the part of the working man to leave the public house in favour of more elevated pursuits. He hoped, therefore, the right hon. Gentleman the Chancellor of the Exchequer would assure the House that in the course of next year he would make arrangements to get rid of the duty altogether.

Mr. AYRTON observed, that the paper duty was a tax which all parties appeared to agree in condemning; and, that in advocating its abolition it was extremely desirable to anticipate the financial arrangements of the coming year, for if they waited until the Chancellor of the Exchequer brought forward his Budget, they would then be told that they were too late, that all the financial arrangements had been made, and that it was impossible that they should be disturbed. He was also of opinion that the subject was one which might be fairly discussed in connection with education, because education was not to be confined to the efforts made in normal schools, or to the subsidising of establishments in which the elements of education might be picked up. This tax, then, pressed heavily upon the means of education, not only as regarded the instruction given in normal and ordinary schools—in some of which, owing to the great cost of copy-books, children were only taught to write upon slates—but also as concerned that after instruction which was needed even by men who had gone through a University training, and was still more required by those humbler classes who left school merely with a knowledge of reading, writing, and the rudiments of arithmetic. The cheap publications which were daily issued were the real means by which the education of the people was advanced, and it was upon these that the paper duty most heavily pressed. He confessed that in former times he was one of those who thought the repeal of the paper duty a question rather of dilitante legislation, but, on the repeal of the stamp duty, his attention was first called to the importance of the subject in consequence of his desiring, with some other gentlemen,

to establich a penny newspaper. He then made the discovery that the whole question of whether it would be profitable or not turned upon the very question they were discussing—the paper duty—and that unless the circulation was enormously large, or the paper was conducted under the most favourable circumstances, it would be impossible to carry it on without loss. This fact applied to all the cheap publications, for it was found practically that the profit derivable from them was dependent in a large degree on the price of the paper as enhanced by the duty itself; and if the duty were removed, the difference would be so great as to enable the proprietor of a publication to employ a degree of talent he could not otherwise command, and to carry on his enterprise to an extent which it was now utterly impossible for him to achieve. A remarkable proof of the oppressive character of the duty appeared in the Report of the Commissioners of Excise; which stated, that so much did the trade in paper depend on the price, that when the price of raw material rose from 15*s.* in 1852 to 19*s.* in 1854, the production of paper remained stationary, and that in 1855 it actually diminished. It was at the following rate—154,000,000 lb. in 1852, when the price of the raw material was 15*s.*; 177,000,000 lb. when it was 16*s.*, and rising from 16*s.* to 19*s.*; but 166,000,000 lb. only in 1855, when it was 19*s.* But, when the price of the raw material fell to 14*s.* the production of paper increased to 187,000,000 lb., and in 1857 to 191,000,000 lb. It was, therefore, found that the increase of 5*s.* in the price of the raw material actually resulted in a diminution of production. The amount of the duty was 14*s.*, and from that single fact they could estimate what must be its depressing effect and oppressive character; for if an increase of 5*s.* in the price of the raw material produced such results, what must be the effect of an impost of 14*s.*, and what the benefit produced by its total extinction? What would be the effect of taking off this duty? In America the consumption of paper was triple that of this country, and there could be no doubt that this difference was solely caused by the amount of the duty. If that duty were remitted it was obvious that the manufacture and consumption of paper in this country would quite equal what was experienced in America. Surely that was a consideration which ought to have great weight with the Chancellor of the Exchequer in any future financial arrangement that he might be called on to make. He would not go into detail on the inconveniences that were experienced under the present system of excise, but he might observe that if there were no excise regulations it would be possible to print on paper as it came from the mill, without allowing it to dry and then submitting it again to the process of wetting, by which a considerable saving both of time and expense would be effected. There was no commodity that entered more largely into the general purposes connected with trade than paper. In the statute to which his right hon. Friend had referred there was but one exception allowed to the payment of duty, and that was on paper used for pressing woollen cloth. Now, it was difficult to see on what principle an exception was allowed in the case of paper used for pressing woollen cloth, and not in others. Last Session he moved for a return of the applications made to the Commissioners for a remission of the paper duty, with the names which accompanied those applications, and he must say that the return was a very extraordinary one both as regarded the applications made on the one hand and the concessions of the Commissioners on the other. A remission was made in favour of millboards and *papier maché*, because, as was stated, "the existing regulations proved injurious to trade." A manufacturer asked for a remission of the duty on paper used in making buttons, and the Commissioners declared that the duty ought to be remitted; another sought for it on paper used in making patterns for jacquard looms; and so with regard to other articles of manufacture—as, for example, the cuttings of paper envelopes, to which reference had already been made. It seemed, indeed, that whenever a person was sufficiently persevering he succeeded in obtaining from the Treasury a remission of duty on the paper which he used as a manufacturer. But what good reason could be given for such practical anomalies? Why should the duty be remitted in the case of *papier machié*, or on the paper used in pressing cloth, and not on the paper employed in other kinds of manufacture? If equal justice was done, every manufacturer in Manchester was entitled to have the duty taken off all the paper he made use of for packing goods. And he would particularly ask, if the claim for exemption was admitted for commercial and manufacturing reasons, on what ground could

they consistently insist upon the duty being levied upon paper which was used in the highest, the best, and the most righteous employment to which it could be devoted —the education of the people? Again, why should prayer-books printed in one form be exempt from the paper duty, while prayer-books printed in another form were charged? The exemption in favour of Bibles and prayer-books no doubt was originally made because at that time they were the principal means of education; and now, when the means of education were so largely extended, why should not the exemption be extended in the same proportion? Why should not every man be allowed to have his form of prayer free of this tax, and why should not all religious professions be put on the same level? Then, if they got quit of the tax, as far as education and manufactures were concerned, what remained of it? There seemed to him to be nothing left but waste paper, and surely the Chancellor of the Exchequer would not keep up an Excise for that? They had no alternative, therefore, but to repeal the entire duty. But there remained the question, how were they to find the Ways and Means to carry on the Government of the country. His answer to that was, reduce the expenditure of the country within reasonable limits. There were a great many causes that led to the late change of Government, some severely felt and some only expressed; and if there was one cause felt that more than any other led to the change, it it was the growing extravagant expenditure of the country. He could not, however, imagine that that expenditure would continue year after year to offer an obstacle to the removal of this and other pernicious taxes. Why, for example, should they not return to the average expenditure for the Army and Navy that existed between 1843 and 1853, when the Russian war was commenced? All his right hon. Friend asked was, that when they could reduce taxation the first tax taken off should be this inconvenient and oppressive paper duty. He hoped the subject would receive the serious attention of the Chancellor of the Exchequer. He knew this tax to be one of the most vexatious, burthensome, and unjust, that pressed upon the community, and he hoped he would arrive at the conclusion that it was one which, before all others, should be made the subject of remission.

MR. COWAN said, that from long experience as a paper manufacturer, he could confirm the statement of his right hon. Friend as to the injurious effects of the present duty. Many years ago he had exported paper to Monte Video, and hoped soon again to have that large market opened to him, but had been obliged to discontinue doing so by reason of the operation of the excise duty. He was glad to say that the Excise no longer interfered with the manufacture of paper, properly so called; but there was still a most cruel detention caused by the system of labelling. So great had been the recent changes in papermaking, that it would soon be absolutely necessary to introduce a new law or to repeal the duty altogether. Indeed it was difficult now to say what was paper. Three or four years ago a gentleman took out a patent for an improved parchment, but the Excise interfered, and insisted that the manufacture was paper and liable to the duty. The question came on for trial in the Court of Exchequer; but, after a long investigation, it was impossible to say whether the article was paper or not; and a verdict having passed for the Crown, a new trial was granted on account of the doubt in which the matter was involved. The question, however, was still unsettled. In the first trial the counsel for the defendant produced in court a number of untaxed articles used as paper, and amongst others a spelling-book, the material being cloth so closely woven that few persons were able to detect whether it was the produce of the loom or the paper mill. Was it not, too, an anomaly that cotton waste, which was formerly carted away as refuse, now that it was employed in the making of paper, should be subject to a duty six times the amount of that which was charged upon the cotton as it came originally from America? He would not advocate any measure that should endanger the public credit, but he could not forget that, if they were under an engagement to the public creditor, they were also under a long standing engagement to the paper manufacturers and the public in reference to this tax, which ought to be discharged. The paper tax and the soap tax were imposed together, as war taxes, in the time of Queen Anne. A few years ago the soap duty was remitted, and he hoped the Chancellor of the Exchequer would be prepared to carry out the remainder of the pledge of the Government of Queen Anne by abolishing the paper duty also.

THE CHANCELLOR OF THE EXCHEQUER: Sir, while I by no means overlook

or underrate the importance of the proposition contained in the Resolution proposed by the hon. Gentleman the Member for Ashton, I would remind the House that I have had an opportunity of expressing my opinion on this tax to the House before, and I have even given a vote in indication of it. I again take this opportunity of stating that I look upon the tax upon paper as one of those particular taxes which, when a favourable opportunity arises, I shall be very glad to see remitted and erased from our fiscal system. As well in a commercial as in a moral, literary, and educational point of view, I should be very glad if I felt it was consistent with my duty at this juncture to propose a remission of that tax. These are the opinions that I have always expressed upon that tax, as on all others of course, with due deference to my position as a Minister responsible for the state of the finances of the country and the condition of the public credit. I cannot, however, give my assent to the Resolution proposed by the right hon. Member for Ashton. There is a portion of it to which I would willingly find no objection, although I do not see the use of pressing such a declaration upon the House. I agree with the right hon. Gentleman "that the maintenance of the excise on paper as a permanent source of revenue would be impolitic;" but I cannot agree with him "that such financial arrangements ought to be made as will enable Parliament to dispense with that tax." I think that if a Resolution such as that contained in the latter portion of the Motion is carried, you will only cripple and hamper the Government, and I do not think it is fair to hamper the Government with any such declaratory Resolution on this particular tax, as we entertain very little difference of opinion on the topic with the right hon. Gentleman who proposes this Resolution. The paper tax alone, however, is not the only tax forming one of the great sources of revenue derived from indirect taxation that requires our consideration. Whether we look at the revenue derived from our Customs, or at the various branches of our inland revenue, there is no doubt that, notwithstanding the great changes and the great improvements which have occurred with respect to the mode of raising the revenue in these two particular departments during the last ten years, or, I might say, generally speaking, during the last twenty-five years, still there is a great deal that deserves our consideration, and still there is great room for improvement in both these branches. Now, there are many duties in our Customs that really do not pay the cost of collecting and receiving them. That is a state of affairs which, in my opinion, it is not at all desirable should be maintained. When the cost of collection is not really paid by the duties that are levied, then I think it is quite clear that such an item should disappear from the schedule of taxation. Then there are a great many regulations in our Customs with reference to bonding, which require consideration and revision; and no doubt, in connection with the sister branch of revenue—namely, that derived from inland revenue — there are many subjects a consideration of which is very much required. The whole question of drawbacks and of credits is one which really ought not to be overlooked, and I admit that the regulations with regard to the production of paper are open to very serious objections, and that they ought to be considered. I am not prepared to say that the tax upon paper itself is not one which requires, if not immediate, yet early consideration; but the subjects are so numerous, both in the Customs and in the Excise, that I think it is the duty of the Government to submit both these branches of the revenue to an early and severe revision. It will be the duty of the Government, during the recess, to take all these subjects and heads of inquiry into consideration; and I trust that when the House meets again I shall be able to offer some suggestions worthy of its acceptance, and which may very considerably affect the state of the Treasury; but I hope that the House will not, by passing the Resolution proposed, hamper the course proposed to be taken by the Government, or cripple those efforts they desire to make in the way of improving that portion of the revenue which is derived from indirect taxation. Although an hon. Member who has spoken on this subject could not maintain that the present state of the Exchequer was one that would justify a proposition of this kind, he has yet indicated means by which further resources might be placed at our disposal in the reduction of our expenditure and public establishments. I would urge on the House, as I have formerly done, when they consider such subjects as the present, the importance of remembering that a reduction of the public establishments is not a thing that can be accom-

plished in a moment. A proposition for the reduction of our public establishments, and especially of our naval and military establishments, requires long preparation—a preparation arising from circumstances that are not mere circumstances of routine. Public expenditure, as I have frequently felt it to be my duty to impress on the consideration of this House—public expenditure depends on public policy; and it is only by a change in that policy that you can ultimately and considerably affect the expenditure either way. Now, I hope that the policy pursued by Her Majesty's Government with respect to their foreign arrangements and relations has not been of a character that would give the House any reason to believe that we are anxious to encourage a wasteful expenditure in our military or naval establishments, or that, on the other hand, we are not open to the great advantage that would accrue to the country—taking a more selfish and contracted view of the question—from a reasonable and economical administration of financial affairs, and a fair and well-considered reduction of public expenditure. In this way we should have more means at our command for a reduction of taxation, and when, in due course, we can effect a reduction of expenditure no one will be more glad to hail such a state of affairs than myself, and no one will be more happy to propose a reduction in expenditure or a remission in taxation, which will be the natural consequence of such a state of affairs. But I must repeat, I hope the House will not hamper the Government by passing Resolutions respecting taxes on which the House cannot act. It is quite impossible at the present moment that you can take off the paper duty, and why should you bind any Government to remit that particular tax, when you are aware at this moment of the various considerations, and seeing that the question of additional taxation must come on in the course of a year hence, that must act on the Government before they can come to a decision on this question. I say, therefore, that under the circumstances it appears to me to be highly impolitic and inexpedient to pass any Resolution on the subject, and that it would be particularly unfair to a Government which, on the subject of this particular tax, does not wish to conceal its general opinion that it is a tax that ought not to form a permanent source of revenue. I trust, therefore, the right hon. Gentleman will be satisfied with having brought forward this important question before the House and the country, and that he will not press to a division the Resolution he has proposed.

The Chancellor of the Exchequer

Mr. BRIGHT said, the speech which they had just heard was much the sort of one which they might have expected any Chancellor of the Exchequer to make on such a subject; but his right hon. Friend (Mr. M. Gibson) might feel satisfied that his case was so good that no Member of that House had attempted to make any reply to it, and the friends out of doors by whom he was supported might take courage when they knew that the paper tax was so bad that no one in that assembly was prepared to make the smallest defence of it. He thought the Chancellor of the Exchequer took too serious a view of what he called the danger of hampering a Government. If the right hon. Gentleman would look back only a few years to the questions connected with this question, which had been already satisfactorily settled, he would remember that his (Mr. Bright's) right hon. Friend induced him (the Chancellor of the Exchequer) on one occasion to vote in favour of a Resolution which had reference to the newspaper stamp; and he believed the effect of passing that Resolution was very much to bring about the abolition of that stamp. He believed the object of his right hon. Friend in bringing forward this Resolution was merely to put on the records of the House the opinions of hon. Members on both sides, so that whenever the condition of the Treasury should be such as to permit the Chancellor of the Exchequer to consent to the abolition of this tax, the right hon. Gentleman would select it as the very first for remission, and so get rid of it. The right hon. Gentleman had referred to certain other taxes, particularly the Customs duties; but he would undertake to say that the right hon. Gentleman was not more anxious than he (Mr. Bright) or his right hon. Friend (Mr. M. Gibson) was to get rid of the obnoxious and unproductive Customs duties to which he had referred. He thought, however, it would be very easy to show that the abolition of a Customs duty of an equal amount in money would not afford anything like the relief to the public which would result from the abolition of this particular Excise upon paper. It was

first of all a tax which operated as a code of pains and penalties upon a considerable number of persons engaged in this country in carrying on a useful and meritorious occupation, and upon different important branches of industry. He did not believe it was possible for any person not engaged in a trade which was brought under the cognizance of the Excise to form any fair idea of the intolerable nuisances which arose from having an exciseman about one's premises. We lived in a free country—at least we boastingly told people so abroad—and we had a certain amount of freedom, but we had not the freedom to manufacture paper. Every exciseman was necessarily a spy. He might dress very well, and be very civil; but he had an awkward habit of coming in and out of people's premises at times when they did not want him. He trusted nothing to people's word, he examined everything they did, and insisted that they should give a particular statement about everything they did or contemplated doing in regard to their trade. Now, inhabitants of a free country ought not to be subjected to this sort of inquisition, and on that ground alone persons engaged in that trade had a right to ask for relief. Another important point was, that the duty was a tax upon the raw material of another important manufacture — of books and newspapers. He, as a cotton manufacturer, had been relieved from a small tax which was felt to be injurious, but those who were engaged in the manufacture of books were exposed to a tax of a most onerous character, the grievance of which none but those engaged in that manufacture could rightly comprehend. An eminent publisher had stated that in twenty years he had paid £80,000 to writers and authors, and in the same period had paid £50,000 to Government for paper duty. Other facts of a similar character had been narrated to the House that evening. Those were circumstances which pressed upon a trade more than could be measured by the mere amount of money levied upon it, and £1,000,000 of taxation remitted upon tea or sugar would not afford one-fourth the relief which the remission of the £1,000,000 paper duty would afford. One respectable paper manufacturer in the neighbourhood of Birmingham had told him that he paid £120 a year in wages to men whose sole occupation it was to attend upon the exciseman upon his premises. With regard to school books, the right hon. Member for the University of Dublin (Mr. G. Hamilton) would tell the House that of every 1,000 books published by that University—and some of the best school books were published there—not less than 250 were seized by the exciseman for the Excise duty upon paper. There was one other fact he wished to mention. His right hon. Friend (Mr. M. Gibson) had referred to the deputation which waited upon the Earl of Derby. He (Mr. Bright) was present upon that occasion and heard one paper manufacturer from Yorkshire state that when the commercial panic broke out he had entered into a contract to supply a quantity of paper, the original cost of which at the mill was £400, while the duty was another £400. He had to pay the duty in six weeks, but he had to receive payment in a bill at four months, at a period when the commercial hurricane was sweeping over the country. It really was astonishing that a trader could subsist at all under such circumstances, and it was not exactly a fair argument for the Chancellor of the Exchequer to put £1,0000,000 of tea or sugar duties in comparison with the same amount raised by the paper duty, which interfered with trade in a most offensive and ruinous manner. He would remind the representatives of Ireland that they were interested in this matter, for when the paper duty should be abolished a larger quantity of that article would be required, which would be made doubtless from straw, and especially from oat straw, which was best adapted for that purpose. Ireland possessed that material in abundance, water power at command, and a good supply of labour. Ireland, therefore, offered an admirable field for the extension of the paper trade, and consequently there could be no doubt that that country would be benefited by the abolition of this impost. The agricultural districts of England, too, would see revived their ancient paper-mills, which, under the operation of the present Excise duty, had ceased to exist, and he would recommend the right hon. Gentleman the Chancellor of the Exchequer, upon his next visit to Buckinghamshire, to ask of any papermaker there, if one should be left, and he would then learn how much that industry had been thwarted and garotted—how much capital had been lost under the influence of this obnoxious tax. His right hon. Friend was justified in asking the House to say that a duty was bad for which no defence had been made, and respecting which there was so universal an admission of its in

jurious effects, and therefore had a right to ask them to say "that the maintenance of the Excise on paper as a permanent source of revenue would be impolitic." The Chancellor of the Exchequer wished his right hon. Friend to stop there, and so far was willing to agree to the Motion. It was true that as to the other portion of the Motion there might be two opinions as to the expediency of passing a Resolution pressing the Government to act in a particular way, when it could hardly act in any way, and, therefore, he thought that his right hon. Friend might fairly be asked to confine his Resolution to the words he had just read, and if that were agreed to the House would be merely doing what, in fact, all speakers had done, expressing a complete condemnation of this tax. He agreed that it was not desirable to hamper the Government, and if the House declared that it regarded the paper duty as impolitic as a permanent source of revenue, they would have made a step in the direction in which he wished them to travel, and towards freeing the paper trade and all those instruments by which knowledge was mainly diffused throughout the country from the pressure of a tax which was alike destructive to industry and an impediment to education.

SIR GEORGE LEWIS said, he should not have added anything in prolongation of this debate, had not the right hon. Gentleman who made the Motion attributed to him opinions he did not entertain, and expressions which he had not used. The right hon. Gentleman had described him as regarding the paper duty abstractedly as an excellent tax, which ought to be maintained at all hazards.

MR. MILNER GIBSON denied that he had used the words "at all hazards." He said the right hon. Baronet expressed an opinion that it was a good tax.

SIR GEORGE LEWIS remembered that what he said upon a former occasion when making a financial statement was, that comparing the paper duty with other taxes, there being a necessity for raising a certain amount of revenue, it did not appear to him that in the circumstances of the country it was expedient to abolish that duty. He had a distinct recollection that he said no more than that, comparing it with other duties there was no reason for placing it before others which it was expedient to repeal. When the right hon. Gentleman accused him of calling it a good duty, he would ask, would any one point out among the whole list of duties levied a single "good duty?" There was not a single duty to which solid and valid objections could not be raised. Every duty was attended by its own peculiar disadvantages and was productive of inconvenience to the community. But what the Chancellor of the Exchequer had to do was, to select those duties which compared with others were productive of the least amount of inconvenience. He objected that, upon a mere abstract proposition, without reference to any particular amount of expenditure or revenue, they should be called upon to lay down the proposition that this particular duty should be abolished. They were told that in a particular year the income tax was to be abolished. That announcement was received with approbation by many hon. Members of that House, but it must be remembered that it involved the fact that in three years we should abandon £5,000,000 of taxation. The question then arose, under those circumstances, not whether any other tax could be remitted, but whether some new one must not be created. When the proposition was made as to the prospective abolition of the income tax he made the same observation as he now did, that it was objectionable for the House to bind itself down by an abstract proposition with respect to the prospective reduction of a particular tax. When they knew that they had a surplus revenue and the means of diminishing the taxation of the country, then was the proper time to consider what, under existing circumstances, were the taxes which had the first claim to reduction. He saw no advantage in the House binding itself down by prospective Resolutions of this kind, which it might subsequently find inapplicable to the circumstances of the case.

MR. DRUMMOND was understood to say that he was always glad to listen to the honest and direct statements of the hon. Member for Birmingham (Mr. Bright). The hon. Gentleman had called on Gentlemen on that (the Ministerial) side of the House to defend this tax. The hon. Gentleman must not suppose that he (Mr. Drummond) would defend any tax. He had heard with delight what the hon. Gentleman had said about the exciseman in a man's house, but he only wondered that the hon. Gentleman had expended his indignation on that subject in connection with this miserable tax of one million, and never said a word about the malt tax.

This motion was, after all, only a flattering of newspapers—that was the only end with which this annual Motion was made. It was the newspapers which supported hon. Gentlemen opposite that it was sought to catch in this trap. Yet he did not believe that constituents were as green as hon. Members of that House thought they were. He suspected that they saw through speeches, and motions, and votes in that House in a way hon. Members little thought. But he must say, that simply repealing a tax, without pointing out the way of raising the same amount of revenue, was only, in other words, robbing the public. The words might be different, but the thing was the same. The repeal of all taxes must stand or fall together; and, as the Chancellor of the Exchequer had said, that was in effect a question of policy. If he (Mr. Drummond) had his way, he should like to double and quadruple that tax which was called the tax on knowledge.

LORD JOHN RUSSELL, who was indistinctly heard, was understood to say, that he agreed with the right hon. Gentleman the Chancellor of the Exchequer, when he said that this tax was one of the few remaining Excise duties which, as being vexatious, ought not to be kept up as a permanent source of revenue. With regard to several Excise duties, it had been found that after their abolition the revenue continued as large as before, and he believed that their abolition gave a spring and an impulse to the general revenue. But as to the exact time for repealing this or that tax, great latitude should be given to a Chancellor of the Exchequer. He thought that this was not the exact moment for such a step. When a Chancellor of the Exchequer was called on to repeal a tax, he ought to have before him the whole of the Customs and Excise duties, and on a review of them all, to ascertain which would cause the most benefit to the public by its repeal. There was a question which had been touched on by the hon. Member for Birmingham (Mr. Bright) with regard to which he (Lord J. Russell) differed in opinion with that hon. Member. The House would recollect that last year the then Chancellor of the Exchequer proposed that the income tax should be kept up at 7*d.* in the pound, and that, instead of 1*s.* 3*d.*, the duty on tea would be 1*s.* 5*d.*; and that there should be a proportionate increase in the duty on sugar. This year they had allowed the income tax to fall from 7*d.* to 5*d.* in the pound; but they had kept up the duty on tea at 1*s.* 5*d.*, and also retained the proportionate increase in the duty on sugar. It was, therefore, almost a matter of good faith when next there was a reduction in taxation that the duties on tea and sugar should be reduced, which were, in fact, war duties; and there could be no greater claim for reduction of taxation than in those articles of consumption which entered so largely into the comforts of the people. The Chancellor of the Exchequer, when he was in office before, was of that opinion; and he (Lord J. Russell) was sure, that if there was a duty of 1*s.* on tea, the increased consumption would soon bring up the revenue. He hoped the Chancellor of the Exchequer would take these taxes into consideration. He trusted his right hon. Friend would not press his Resolution, but would assent to the suggestion of the Chancellor of the Exchequer, and leaving out the latter part, be satisfied with the declaration contained in the first paragraph, "that the paper duty ought not to form a permanent source of revenue," and as the amount was so small it would probably be one of the first taxes which would be repealed.

MR. MILNER GIBSON said, that as he understood there was no objection to the first part of his Resolution—namely, that the retention of the paper duty was impolitic, he would withdraw his Resolution, and move—

"That in the opinion of the House the maintenance of the Excise duty on paper as a permanent source of revenue was impolitic."

MR. BASS said, he apprehended that if this Motion was agreed to, it did not commit the House to the opinion that there was no other tax equally impolitic.

THE CHANCELLOR OF THE EXCHEQUER: In assenting to this Motion, I must express a hope that the House may be allowed at once to go into Committee of Supply, and proceed with the Vote on education.

Amendment, by leave, *withdrawn.*

MR. BENTINCK said, before the question was put, he wished to say a word. He hoped that it was clearly understood that the Resolution meant nothing.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'this House is of opinion that the maintenance of the Excise on Paper, as a permanent source of Revenue, would be impolitic,'" instead thereof.

Question—

"That the words proposed to be left out stand part of the Question," put, and *negatived.*

Words *added:* Main Question, as amended, put, and *agreed to.*

Resolved—

"That this House is of opinion that the maintenance of the Excise on Paper, as a permanent source of Revenue, would be impolitic."

SUPPLY—EDUCATION.

Order for Committee read.

House in Committee.

Mr. FITZROY in the Chair.

Motion made and Question proposed,—

"That a sum, not exceeding £563,435, be granted to Her Majesty, to complete the sum necessary to defray the charge for Public Education in Great Britain, to the 31st day of March, 1859."

MR. ADDERLEY said, he supposed the Committee would naturally expect that before they assented to the Vote, he should furnish them with some information as to the present position and future prospects of the important question in connection with which so large a sum of money was required at their hands. He should endeavour to do so as shortly as was consistent with his duty. He had, since his accession to the office which he had the honour to hold, endeavoured to render the code of by-legislation which bore upon the question as distinct as possible, and he was happy to be able to state that, owing to the very valuable assistance which he had received in carrying out that object from Mr. Lingen, the successor to Sir Kaye Shuttleworth in the office of Secretary to the Council of Education, not only the Minutes of the Council from the day upon which it had first been called into active existence were chronologically arranged, but that a classification of the several subjects which came under the particular superintendence of that department had been completed. He might further observe, that all the additional Minutes would be from time to time codified, in accordance with the principle upon which he had proceeded in the case of those which had already been arranged. Having said thus much with respect to the form in which the information in reference to the question might be placed in a clear and concise manner before Parliament, he should, with the permission of hon. Members, direct their attention to the Vote to which they were asked to assent, and which he would beg them to regard under three distinct heads. The whole amount of the Vote for public education in Great Britain for the current year was, in round numbers, £663,000, of which sum £157,000 might be considered as being expended under the head of building and furnishing schools; £400,000 in training various classes of schoolmasters; and £57,000 in defraying the expenses connected with the management of those schools and in the payment of the salaries of inspectors. The £157,000 might again be subdivided into the two sums of £150,000 for building and £7,000 for the purchase of maps, diagrams, and scientific apparatus; while the £400,000 might be looked upon as having for its principal items £230,000 for the payment of the annual stipends of pupil teachers and gratuities to the schoolmasters and schoolmistresses instructing them, £45,000 for capitation grants in England and Wales, and the remainder in different sums in augmentation of salaries of schoolmasters and schoolmistresses, grants to assistant teachers, and grants to training, reformatory, and industrial schools. £16,000 of the remaining sum of £57,000 to which he had alluded, being expended upon the maintenance of the establishment in London, and £40,000 in defraying the cost of inspection. The increase in the present as compared with the Vote for last year amounted to £83,000, and that sum, he might add, might be spread over the whole of the items of the Vote with the exception of two — namely, the Vote for building, which was the same as that of last year, and the grant for assistant teachers. Now, the increase of £83,000, which he had just mentioned, must, he thought, be a circumstance of unmixed satisfaction to the Committee. There were, indeed, only two suppositions upon which the contrary could fairly be anticipated to be the case; the one being that the present system of national education was one of which the Committee did not approve, and therefore desired to have changed; the other, that the money laid out upon the promotion of that system was improperly and wastefully expended. If the system was a good one, the growth of the grant must be a source of satisfaction. If the organization under which the Vote was expended was a healthy one, its income must be a matter of congratulation. With regard to the system—namely, the subsidizing out of the Treasury the local efforts of all recognized religious denominations—that was the object for which the Vote was asked, and which the House had adopted. He would not enter now into a discussion of other systems of educa-

tion; he would not say whether a wholly voluntary system would be efficacious; but he would only say, in passing, that no one entirely depended on that system, except in theory. With regard to a system founded on local rating, whether rightly or wrongly, the House had always resolved to understand by it, either the domination of one religion or the elimination of all religion in the system of education, and neither of these systems would the House accept. It might then be assumed that the existing system was the system adopted by the country. He did not take the same gloomy view as some persons did of the capability of the system to supply the educational wants of the country for a long time to come. With regard to the probable extension of the system, and the limits which might be set to the expense which it entailed, he might be permitted to state very briefly the calculation which he had made. We had laid out upon buildings for educational purposes, in the purchuse of furniture, &c., about £1,000,000 from the period when the first grant had been made. That sum might be looked upon as permanent capital, which, at the rate of 6 per cent, would constitute an annual charge on the Treasury of £60,000. Now, the current expenses for public education was, deducting the cost of building and furniture, £500,000, which, added to the £60,000 which he had just mentioned, made the entire annual charge upon the Treasury in connection with the subject £560,000. With that amount of expenditure it was sought to provide for the education of 800,000 children. Now, taking the population of England, Scotland, and Wales at 24,000,000, one-eighth of that number, or 3,000,000 would come within the range of persons requiring education, from which number, if one-third were deducted to make allowance for those who would receive their education at private schools, 2,000,000 of children would still be left dependent for the means of instruction upon the national grant. The present rate of expenditure contemplated, as he had said before, the education of 800,000 children; and, starting from that fact as a basis of calculation, it was easy to show by computation for how much the education of 2,000,000 children could be dealt with, namely, about £1,400,000. That sum might be greatly economised in its extension. The building grants had naturally decreased; the grants to normal and training schools were almost complete; and he, therefore, hoped that £1,000,000 a year would be sufficient at the present rate of population to meet the educational demands of all the children who might be expected to be brought into schools aided by Treasury grants. Now, if he were right in that view, he did not think the Committee ought to object very strongly to intrusting the expenditure of so large a sum to such a department as the Council of Education, especially if the minutes of departments were regularly kept and produced for the inspection of the House of Commons, and were classified and codified as was at present the case. Every hon. Member of that House was equally anxious to carry out the end aimed at, and the only difference was as to the means. Now, it might be a source of satisfaction to the Committee, and perhaps might tend to abridge any proposed debate that evening, if he informed them that the Commission which the House had agreed to address Her Majesty for some months ago on the Motion of the First Lord of the Admiralty (Sir J. Packington) was formed and would be gazetted, he believed, to-morrow. He had certainly opposed that Commission, but now that it was formed it would be his wish, as it was his duty, to do all in his power to render their labours efficient and useful, and he thought it possible that they might throw some light on this great subject. It was not for him to say that the existing system of education was the only one possible in this country. In such a centralized system what was gained in strength and efficiency was certainly lost in want of proper control over local expenditure, and of that active interest which everybody took in works which were immediately and solely the result of local efforts. But could this more efficient and economical system be obtained? Was it possible to avoid that duplication of grants and of machinery, and that perhaps rather wasteful application of public money, which resulted from the use of religious denominational agency? Other nations might get rid of the difficulty by recognizing but one form of religion, and America by recognizing none, but in this country he did not see how they could dispense with the religious machinery now made available. With regard to the present expenditure, he had heard it said that the terms of the minute of Council in distributing the education grants led to the neglect of the poor districts throughout the country, while the rich obtained an undue proportion of aid. He thought the

alarm prevailing on this point, however, was a good deal exaggerated. For his part he did not willingly recognize the plea of poverty in any district. There were always landlords somewhere, and if the mere fact of their being absentees or unwilling to contribute their fair share were once admitted, the effect would be to create the pauperism which was assumed to exist. A practical example of this kind was afforded in a metropolitan district, St. George's in the East, which was called poor, and which was said to be unable to provide education for its inhabitants. An active incumbent, however, found that, though a great part of the inhabitants of the district were in a wretched condition, the landlords were living in luxury; he appealed to their honour and self-interest, and, through their help, the district, poor as it was said to be, was supplied with perhaps better schools than existed in any other part of London. The plea of poverty, therefore, was one which ought not to be too readily admitted, for he believed that every district of England had, if properly appealed to, sufficient means of its own, subsidized, of course, by the State as other districts were, to provide for its own educational wants. He believed a more just complaint was that these grants did not meet the wants of the remote agricultural districts; but he believed they must be content to put up with that smaller success which was so unsatisfactory to those who were sanguine in their views upon national education. They must be content with a low age and short attendance from the pupils in the country schools. It was certainly lamentable to hear as they did from Mr. Moncrieff the School Inspector of the Northern Counties, that seven-tenths of the grants in his district went to the education of children under ten years of age; but any attempt to keep the children of the labouring classes under intellectual culture after the very earliest age at which they could earn their living would be as arbitrary and improper as it would be to keep the boys of Eton and Harrow at spade labour. There must be labourers, and there must be scholars, and no Act of Parliament could make these convertible terms. All that could be done was, to make the most of the time during which the children remained at school, and to supplement the day instruction by evening schools. With regard to the education in the remote agricultural districts, he confessed he thought it was of rather too ambitious a kind. From the reports recently issued, it was clear that this grant was mainly expended in towns, and that the agricultural villages did not share in it to the extent they ought to obtain. They were coming more and more within the scope of the grant, but not so rapidly as could be wished, and he believed the fact to be, that when a Government department undertook the education of the poor, the tendency was to make the standard of instruction too high and raise it above the level of those who were to be benefited. If time had allowed, he would have been glad to have made some remarks on industrial schools which came within the Vote, and which he considered of primary importance in the distribution of the money, because in them you had a class of children who were clearly altogether dependent for their education on the charity of individuals and the patronage of the State. With regard to middle-class schools, which, of course, required no such assistance, he was happy to say that this was the first day on which the University of Oxford was conducting its middle-class examinations throughout the kingdom. This movement afforded a most significant and satisfactory evidence of the increased appreciation of education which now prevailed among the middle classes. He believed this to be owing in no small degree to the immense pressure put by the State on the education of the labouring classes, which had thus extended its influence to the upper ranks of society. He was convinced that if employers only pressed forward vigorously, as Englishmen always did everything they took in hand, the intellectual training of their children, the chief difficulties of national education would be solved, for, when employers had once been highly instructed and sought for skilled labourers, there was no fear but that the class below would answer this demand, and readily and eagerly seek for the advantages of a good education.

Mr. W. EWART said, he was glad that we now had a real educational Estimate, and that all the items which naturally came under that head were associated together. Still, however, he must express his regret that the hon. Gentleman (Mr. Adderley) had not taken a larger view of the subject. His speech fell very short of the various details in the Estimate and he had made no reference in his statement to schools of design, to schools for art education, to museums of practical geology, or to institutions of a similar character. He thought the Minister whose duty it was to

propose these Estimates to the Committee ought to furnish them with a general statement, not only with regard to schools, but with respect to the manner, and habits, and effects of school education on the people. He (Mr. Ewart) hoped that, with regard to the poorer classes, endeavours would be made to afford them a really useful education, for he found it was stated by the School Inspectors that, in consequence of the adoption of a practical education for their children, the labouring classes were beginning to appreciate the means of instruction provided for them. In Scotland hereditary teaching had shown the people the value of education. It was now a part of their nature and habits, and he trusted that it would soon produce the same effect in this country. He believed that the existing system of education, with its complications of masters, pupil teachers, Queen's scholars, and inspectors, was very good as far as it went, but he regarded it merely as a temporary system, which must be replaced by one more extensive and efficient.

MR. GILPIN said, that while he agreed with the right hon. Gentleman (Mr. Adderley) that this was not, and ought not to be, made a party question, he entirely differed from that right hon. Gentleman in his statement, that no man now depended upon the Voluntary system. He had felt some hesitation in expressing his opinions upon this occasion, for he knew that it was commonly supposed that those who in any way doubted the propriety or the application of the continually increasing Parliamentary grants to this object, were opposed to the great cause of popular education. For himself, he yielded to no man in his interest in that cause. In his youth he had been a Sunday-school teacher, and up to the present time he had aided educational efforts to the extent of his power. But he looked upon it as a most important question—a question which called for the earnest consideration of the House, how far the Parliamentary grants, commencing at £20,000—already increased to £1,000,000, and going on at a rate which, on the authority of the Chancellor of the Exchequer, would, ere long, amount to three or four millions—answered the purpose for which they were made. Of course this vast expenditure involved a large amount of patronage, extending over the country, and centring in the educational department. By a Return he had recently moved for of the means and salaries of those inspectors and sub-inspectors appointed by the Board, who received upwards of £100 per annum, he found that about £40,000 per annum was spent in those salaries, and out of fifty-six inspectors and sub-inspectors, thirty-two were clergymen and ministers, having, he concluded, other sources of income than their school inspectorships, though whan he found that some received £600 per annum, as well as £250 per annum for travelling expenses, he confessed he thought the Council might fairly require the whole of the time of these gentlemen. He was not about to detain the Committee with going into the various arguments for the Voluntary system; but let them recollect, that some of the clearest and closest reasoners who had written on the subject, still doubted the efficiency and efficacy of the present system. He would quote a few lines from an able writer on this subject :—

"We have abundant evidence, if we will but look around us, how, under the pretence o educating the people, they may be trained almost to anything ; and it appears to me quite possible by this insidious system to undermine the liberties of a people, and rob them, by slow degrees, of their most cherished rights, when all other more direct means of attack would fail in accomplishing the purpose. It is the moral result of education that should be kept in view, and we should remember that by the means we adopt to promote education, we are teaching a lesson, and more certainly educating the people, than by the books we place before them. If the channel through which education is conveyed to the people lead them to undervalue independence and self-reliance ; if it lead them to a craving for help from Government to do that which is essentially the duty of the individual; then I say the lesson so taught is bad, pernicious, and enervating."

So far was he (Mr. Gilpin) from agreeing with the right hon. Gentleman (Mr. Adderley) that no man now had faith in the Voluntary principle, that he believed that that principle had been the mainspring of educational effort, long before many of the present advocates of education were alive. Let it be remembered (for after the statement of the President of the Education Board it was only fair that the other side of the question should be shown) that there were those who believed that Government aid was not necessary, and that ample means for the education of the people would be provided by voluntary agency, as fast as and faster than the people were prepared to desire it, and avail themselves of it. On this point he would read an extract :—

"Government has contributed the sum of £654,851 during the last eighteen years towards

increasing school accommodation. In the same period there was subscribed, towards the same schools, by the voluntary benevolence of the promoters, the sum of £1,637,534 5*s*. 6*d*. Of the total sum there has, therefore, been contributed :—

By voluntary benevolence . .	72 per cent.
„ Government ditto . . .	28 „
	100

Was the proportion contributed by Government actually needed or not? We are happy to say that we can answer this question with all the formal exactness required by the official mind. The total number of children for whom accommodation has been created by this great expenditure is £529,410. The total number of buildings erected or enlarged, 4,247. Keeping these figures before us, we will go on to another table. We find in the general summary of results of inspection for the year 1855-6, that the school inspectors visited during that year 5,179 schools, in which the average attendance of children was 571,239 ; the attendance on examination day, 645,905 ; but the accommodation at eight square feet of superficial area per child, 877,762. The accommodation, therefore, exceeds the largest attendance by exactly 231,857. But Government has only provided accommodation for 28 per cent of 529,014 or 148,124. There would, therefore, have been an excess of accommodation over attendance in the inspected schools alone, without the aid of a single penny from the State, from the time the first grant was voted until now, for no fewer than 83,733 children. This result will be seen more clearly by the following statement :—

Inspected Schools.

Actual accommodation . . .	877,762
Accommodation required . . .	645,905
Surplus . . .	231,857
Deduct accommodation provided by Government aid in inspected schools from the commencement of grants (namely, 28 per cent of 529,014) . .	148,124
Surplus without Government aid . .	83,733'

It would be, he thought, worthy of the right hon. Gentleman's inquiring, what proportion of those whom we educated as pupil teachers with the hope that they would continue to devote themselves to the work of education, did continue so to devote themselves. He thought it would be found that a large proportion became clerks, mechanics, and labourers, and however much it might be desired to have able clerks, he submitted that this was not the purpose of these Educational Grants. Again, we had the Capitation. "One of the items in the expenditure which is most rapidly increasing is the Capitation Grant." This was originally confined to rural districts—it is now extended to large towns. Of this grant, the Rev. F. Temple, late Principal Inspector, has thus written in the "Oxford Essays :"—

"The Capitation Grant has had a slight effect in improving the regularity of attendance. It has compelled a few more schools than before to employ certificated teachers; it has induced a few other less important improvements. But the probability is, that two-thirds of it has been spent on schools which were doing quite as well without it; and that two-thirds, therefore, has not been spent in promoting education, but in relieving others of the burden of doing so."

Now the duty and the privilege of the working man, as, indeed, of all men, was to provide for the education of his children,—physically, intellectually, morally, religiously,—and he who will teach the working classes of this country the importance of education, and induce them, themselves to provide for the education of their little ones, would do more for the success of real practical education than all your Government grants. On this point he agreed with the following passage, extracted from *The Times* of April 21 :—

"But, though we might not be able to hit a blot in the Budget, there is a blot in modern finance which shows itself in this Budget, and this is the true mark of most of the criticisms made upon it. The Chancellor of the Exchequer himself has pointed it out in the continual and still increasing additions to the national burdens, in the shape of miscellaneous, civil service, and extraordinary expenses of all kinds. The Education grant within a very few years has reached a million; and, as the Chancellor of the Exchequer says, if it goes on at its present rate, will soon be three or four millions a year. Yet there is scarcely a shadow of Parliamentary interference. Any subject whatever, anybody's petty quarrel with anybody will get a night or two ; but the working of a system which is fast absorbing the whole education of the country, and moulding the future mind of England, does not get an hour in the Session. In a country like ours, where people are really able to govern themselves, and rich enough to find the money, the less done from Downing Street, and even Parliament itself, the better for the work, and the better for the people."

The House would do well to consider the question:—Are these grants, large already, and continually increasing, really serving the cause of free, sound, and unsectarian education, or are they paralyzing the arm of voluntary effort, which cannot be prized too highly, and subversive of that voluntary principle which, in his opinion, formed no small part of individual success and of national greatness? He trusted that he should obtain from the House a response to his sincere, though he was well aware, imperfect advocacy, of a principle which lay, in his opinion, near the very root of national morality and independence.

Mr. PULLER said, that he was sure the hon. Gentleman did not attempt to

mislead the House, but he felt that his statements were calculated to have that effect. Who would understand from his praises of the voluntary system that so far from the great advance lately made in education being owing entirely to voluntary efforts, it was notorious that those voluntary efforts had in a great measure been called into existence by Government aid? If the hon. Gentleman who had just sat down would refer to the state of education twenty-five years ago, before these grants were commenced, and when the schools were gerally entrusted to broken-down shopkeepers and discarded serving-maids, he would very soon see that the voluntary system by itself was not to be depended on for meeting the wants of the country. That system was now discarded in the United States, in Germany, in France, indeed in every country which had made any advances towards civilization, and to say that it could have produced the effects in England which had been produced by our present system was really to throw aside all the evidence furnished by the facts of the case. The hon. Gentleman's argument as to the pupil teachers was scarcely fair. He had complained that the pupil teachers did not in many cases follow out the profession of a teacher; but he would remind the Committee that the pupil teachers gave full value in their services as pupil teachers for all the payment they received. It would not be fair that a boy apprenticed at the age of thirteen should be held to be bound for life to the work of a schoolmaster; and in these days, when there was such a great demand for skilled labour, the country was almost as much benefited by some of these young men finding employment as engineers or clerks as if they had remained schoolmasters. For his own part he rejoiced at the extension of this system, knowing, as he did, that every £1 advanced by Government, called out £2 from the voluntary subscriptions of the people.

MR. MASSEY said, he wished to direct attention to the reduction of the capitation grant to those very useful institutions, the ragged schools. By a minute of Council of June 2nd, 1856, a grant of 50*s.* per head per annum was made to them, to enable them to feed those who resorted thither, it being considered impossible to induce the lowest portion of the juvenile population to attend those schools unless they were provided with food. The effect of that minute was to give a great impulse to ragged schools, and the success of their efforts had been very considerable. By the minute of the 2d of December last, however, the allowance had been reduced to 5*s.* a year, which was totally inadequate for the purpose. He hoped that the Government would restore these schools to the position in which they were placed by the minute of June, 1856; for unless they did so, there was great danger that they might cease to exist. The sum required for this purpose was so trifling, compared with the object to be accomplished, that he thought the most parsimonious Government could not object to it. He observed, also, that the allowance to industrial schools was so niggardly as to baffle all the attempts of those who were interested in them. It was only £5 a year each, while the reformatory schools, which were institutions of a kindred nature, received £18 or £19 a year each. He suggested that all these schools should be placed under the management of that large and well-organized department, the convict department, and that the question of the aid to be afforded to them should be withdrawn altogether from the Committee of Education.

MR. FOX said, he agreed with the hon. Gentleman who had just spoken, that the class of children to whom he referred stood most in need of the fostering hand of those who had the disposal of the public money. He was glad to hear that a Commission would shortly commence its labours on this subject, and he thought that the proper time for a complete revision of the plans which had hitherto been pursued in the matter of education would be when the Commissioners should have collected all their evidence, and have presented their Report upon the subject. Then, too, would be the time to inquire whether that combination of the voluntary principle with Government interference, whether that delegation of instruction altogether to the religious bodies scattered throughout the country, whether that heterogeneous and mongrel plan, in short, which was now in vogue was the most efficacious one for the country to pursue. He suspected that they would find that it was not, and certainly the Report which had just been made tended to confirm him in that impression. It was by no means an encouraging Report. They were told that the same amount was to be asked for this year as last for the erection of school buildings, when the fact was that they had already done a great deal too much in that direction. School building had been carried on throughout

the country until it was stated, on good authority, that there was now accommodation for twenty or thirty per cent more pupils than were ever gathered together. The impulse to erect a school was generally strong. It appealed to one's liberality which poured out with a gush, but did not continue to flow permanently so as to support the school. They were not told in the Report that there was any improvement in the ages of the children who attended the schools or in the length of their attendance. So far from this being the case, the children presented a younger appearance every year, and the schools were degenerating into a better kind of infant schools, by no means answering the purposes for which they were intended. Until they could devise some mode for insuring the continued attendance of children for a greater length of time all their efforts to promote general education would be vain. They were not told so much either of the moral effect of the education imparted as he would fain have heard. They still found from the gaol returns that by far the larger proportion of prisoners consisted of those who were not entirely ignorant, but who had been at some school or other, such as now existed—a class of schools of which one of the inspectors himself said that it would be by no means a gratifying thing to the lovers of education if every child in the country were in one of them. They were too often only the portals of the gaol or the ginshop. This too must be attributed to the system which had been established. On those instructed for the office of schoolmaster there had been a great waste of the public money. They had trained people for an office which offered no encouragement, no ambition, nothing but solitary starvation, and which, consequently, many abandoned to enter upon more profitable paths of life. He doubted whether there was any ground for the statement of the right hon. Gentleman that education covered a greater area than heretofore. If they took the number of children of the school age in the last census and compared it with the number in former years, they would find that the number of children of that age who were neither at school nor at work was continually on the increase. Their exertions did not keep pace with the population. There was still an increasing mass of ignorance, and consequently of vice, which required very different and much more energetic modes of struggling with than any yet adopted. He believed the voluntary system had egregiously failed. The mixed system had also failed; and it was only to be hoped the Report of the Royal Commission would put them in the right way. He believed the Government could do more indirectly than directly for the encouragement of education; on that account he had been glad to hear the discussion which preceded their going into Committee; the repeal of all taxes which interfered with the diffusion of knowledge would tend much to the spread of education. He had also heard with satisfaction the announcement that the University of Oxford had their examinations under the new system; he believed those examinations would tend to create an honest and honourable ambition in the minds of young men connected with mechanics' institutions and other associations for self-culture, and eventually create a public opinion in favour of good education, not only amongst them, but in the class below them. If they examined the returns they would find the schools remarkable for giving good instruction were more frequented than the others, thus showing that even the poor were able to appreciate a good education. He trusted the new University movement would create a public opinion in favour of good education amongst the lower classes; if that were done they would require neither the help of Government nor the charity of congregations

Mr. POWELL said, he hoped that the Government would not break faith with the ragged schools the patrons of which had incurred considerable expense on the faith that Government help would be continued to them. He protested against the transfer of ragged schools to the superintendence of those who were intrusted with the administration of the criminal law, and urged the Government to persevere in the present educational system.

Mr. LOWE said, it seemed to be generally assumed that all which could be done was effected if they provided the poor with the means of education; if they did not choose to avail themselves of these means the State could do nothing more. He, however, was rather disposed to agree with the hon. Member for Oldham (Mr. Fox) a very high authority on these subjects, that the Government could, perhaps, do more indirectly than directly for the encouragement of education. Their great object should be to have a voluntary system. He used the word in its natural not the controversial sense. He did not mean what was

generally called a voluntary system, the upper classes making a voluntary contribution for the education of the poor—that was not a real voluntary system. The sense of the benefits of education was now sufficiently diffused amongst the higher and middle classes and the problem which they had now to solve was by what means they could make a sense of the benefits of education penetrate the lower classes, for whom this educational system was intended. They ought to hold out some prospect to the poor of their children obtaining a direct advantage from the education which they so earnestly pressed those poor parents to allow their children to receive. His experience of the University system and the direct pecuniary advantages which it held out induced him to believe that without such a prospect they would find great difficulty in impressing upon the minds of the poor a sense of the benefits of education. Prizes innumerable and valuable in the eyes of those who competed for them ought to be offered to the children of the poor, just as prizes were offered to students at the Universities. The Government had a great deal in its power in that respect. He did not allude to clerkships in the public offices, but to the office of messenger in the Post-office, of letter-carrier, and situations of that kind, which ought to be thrown open to the competition of such as could best pass an examination at the public schools. That competition would benefit not only those who were successful, but also those who were not, inasmuch as it would give a stimulus to their education, and ultimately the people at large would feel the beneficial effects of that competition. The poor would then attend to the education of their children, not to please the squire or the clergyman, but for their own benefit. Public companies also and persons in the different walks of business might, by offering employment to be competed for in this way, do much to promote the general education of the country, without the expenditure of a single shilling of the public money. If such a plan were adopted by the Government and by public companies the people at large would have a relish for education. The people unfortunately had a very strong taste for fermented liquors. The demand created the supply, and at every corner there was a gin palace to minister to their wants. If there were the same taste for education there would be no need of any Government machinery to supply it. It might be Utopian to suppose that there ever would be such a taste, but was it not right to do all they could to stimulate the desire for education, that when once created they might dispense with the necessity of any Government aid. If they were to provide every possible means of education it would still still be distasteful, because they would be enforcing on the people as a boon and a favour to their superiors that which ought to be desired for its own sake.

MR. BLACK said, he objected to the sectarian system upon which they were proceeding in respect to education, and which he regarded as essentially wrong. He thought a system ought to be introduced under which children of different persuasions would be taught to sit on the same forms, and not regard each other in the light of heretics; this, he contended, the House of Commons could accomplish if it seriously took the matter in hand, and earnestly applied itself to the task. He had no objection to the Vote for Ireland, for he thought the plan pursued in that portion of the kingdom much to be preferred to the system which prevailed in England and in Scotland. It was not his intention to remark upon the Vote for England—of the working of the educational system here he knew comparatively little, but he was well acquainted with its effects in Scotland, and he regarded them as tending to propagate sectarian differences. If the Established Church opened a school in a parish the Free Church opened another immediately. Both received grants, and the consequence was, that the parish had two bad schools instead of one good one. The Vote in aid of Scotland for the present year showed an increase of £14,751; this he regarded as a proposal to make the differences already existing more widely felt, and, such being the case, as calculated still further to remove the prospect of a better system, free from the sectarian influences to which he had adverted, and under that conviction he begged to move the reduction of the Vote by that sum—namely, £14,751.

Motion made, and Question proposed,

"That a sum, not exceeding £548,684, be granted to Her Majesty, to complete the sum necessary to defray the charge for Public Education in Great Britain, to the 31st day of March 1859."

MR. INGRAM said, that liberal as was the educational Vote for the present year, he, for one, thought that it fell short of what was so urgently required for bettering the condition of the people, and believing

that to be the general opinion of the House, he felt sure that the Amendment just moved had little chance of success. He rose, however, for the purpose of expressing his dissent from the statements made by more than one hon. Member as to the light in which the people regarded the efforts of the Government for the extension of education amongst them. Now so far as his own experience went he felt persuaded that there was not any general unwillingness on the part of the people to avail themselves of the advantages afforded them, although, no doubt, hon. Members might have met with individual instances of apathy which justified their statements. But as a general rule he thought that the working men of England were not insenible to the value of educatioual opportunities, and he knew of cases where they had in more than one northern county invited taxation themselves in order to extend more widely the cause of education.

Mr. COWPER said, the Motion made by the hon. Member (Mr. Black) was one he should hardly have expected from a Scotch Member, and he was quite sure that it had not been made in concert with other Scotch Members, for the effect of it would be to deprive Scotland of advantages which that country would otherwise acquire. For his own part, he was very anxious that these grants should be applied to tuition exclusively and not to food, except in the case of abandoned children, for whom the Minute of 1857 made provision. It had been said that children could not be attracted to these schools except by feeding them. That had been the course in the schools of Aberdeen, but it had not hitherto been the case in England, and he thought that the expense of feeding the children might be left to the benevolent persons who had charge of the schools. For children in the lower classes, education was a necessary, and when hon. Gentlemen talked of leaving such education to the parents, they should remember that in no country of Europe had parents been enabled to raise the necessary amount, and if it were left to parents there would be no education at all. They might be left to pay a portion of the expense, but to suppose that they could pay it all was entirely out of the question. The hon. Member for Northampton (Mr. Gilpin) had spoken as though State provision was opposed to the voluntary principle, but that was a great fallacy, for in England, he thought, the balance had been most successfully kept between the two systems. The combination of the two was the principle for which he thought, experience showed them they ought to contend. He doubted whether the education of these classes should be stimulated by prizes. In the Universities men strove for honours because they might be useful to them in after life, but amongst children who would have to gain their living by labour, he thought this artificial stimulus should be avoided, and that all that should be attempted should be to give them practical instruction which would be useful to them in their future career.

Mr. BLACKBURN said, the Motion of the hon. Member for Edinburgh applied to the whole Vote quite as much as to the increase, but he did not think any one would for a moment contemplate moving such an Amendment.

Mr. ADDERLEY said, the hon. Gentleman was under a mistake, as there was no such Vote as that which he wished to reduce. The hon. Gentleman referred to an item of expenditure in the Vote of last year.

Mr. BLACK said, he presumed he could reduce the Vote from £563,435 to £548,684—namely, make a reduction of £14,751.

Mr. BARROW said, he could add his testimony to that already borne as to the value of ragged schools. By encouraging the education of the poorest classes a stimulus would be given to parents immediately above them in social position to send their children to good schools at their own expense.

Mr. BLACK said, he would withdraw his Amendment.

Amendment, by leave, *withdrawn.*

Mr. SLANEY suggested that at the school examinations the cleverest and most intelligent pupils ought not alone to be rewarded. Prizes should also be given with a view to draw out the quieter and less obtrusive virtues, on which the future happiness of the children so much depended.

Viscount MELGUND adduced figures to show that Scotland, in proportion to her population, did not receive an equal share with England of the educational Votes. Moreover, Scotland was taxed in a way from which England was exempt. She paid about £40,000 a year for her parochial schools, and England ought to be similarly assessed. Many persons in Scotland thought the system upon which these grants were distributed was radically

defective. The parochial schools of Scotland were too sectarian in their character.

Vote *agreed to.*

House resumed; Resolution to be reported *To-morrow.*

SALE AND TRANSFER OF LAND (IRELAND) BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

Clause 51,

MR. SERJEANT DEASY said, he would put it to the Government whether they would proceed with this Bill at so late a period of the evening, as they had now come to the most important clause of the whole Bill (Clause 51)?

MR. WHITESIDE said, he could see no objection, as they had got to Clause 51, to their going into Clause 52.

MR. M'MAHON said, it has been agreed that contested business should not be proceeded with after twelve.

THE CHANCELLOR OF THE EXCHEQUER said, he had no objection, if it was the general feeling, to the Chairman reporting progress, as there was a good deal of business on the paper to get through.

House resumed.

Committee report progress; to sit again on *Wednesday.*

PORTENDIC AND ALBREDA CONVENTION BILL.

SECOND READING.

Order for Second Reading read.

SIR BULWER LYTTON moved the second reading of this Bill, and explained that its object was to enable the Government to carry out certain treaties by which the free navigation of the Gambia was conceded to the French traders. A contraband trade had sprung up, and in the efforts to suppress it considerable irritation had been caused, which at various times threatened to imperil the amicable relations existing between this country and France. To obviate the inconveniences that had arisen arrangements had been entered into by which the right of the French traders to the free navigation of the Gambia was fully recognized, but in order to carry these out some modification of the Act of 1853 was necessary, and it was for that purpose that the present Bill had been introduced.

Bill read 2°, and *committed* for *Thursday.*

MR. BARBER'S PETITION.

COMMITTEE NOMINATED.

MR. BRADY said, he rose to nominate the Select Committee on William Henry Barber's Petition:—Mr. BRADY, Mr. HARDY, Mr. MILNER GIBSON, Lord HOTHAM, Mr. BRIGHT, Mr. WILSON, Mr. CROSSLEY, Mr. COLLIER, Mr. ADAMS, Sir JOHN TROLLOPE, Viscount GODERICH, Mr. MASSEY, Mr. ARTHUR MILLS, Mr. COBBETT, and Mr. YORKE.

MR. STUART WORTLEY said, he trusted the appointment of this Committee would not be drawn into a precedent. The practice of compensation to parties after a judicial investigation was so objectionable that it was likely to lead to great public inconvenience.

MR. BRADY said, he thought the hon. and learned Gentleman ought to have given notice of his intention if he objected in any way to the Committee.

MR. HARDY remarked, that he did not dispute that Mr. Barber was an injured individual, but he thought the hon. Member ought not to make any reflection on the hon. and learned Gentleman, who had acted with great candour throughout the investigation.

Motion *agreed to.*

House adjourned at a quarter before One o'clock.

HOUSE OF LORDS,

Tuesday, June 22, 1858.

MINUTES.] PUBLIC BILLS.—1ª Leases and Sales of Settled Estates Act Amendment; Durham County Palatine Jurisdiction; Joint Stock Companies Acts Amendment; Public Grounds and Playgrounds.

3ª Probates and Letters of Administration Act Amendment; Divorce and Matrimonial Causes Act Amendment; Peace Preservation (Ireland) Act Continuance.

OATHS SUBSTITUTION BILL.—JEWS BILL.

SECOND READING PUT OFF.

OATHS BILL.

COMMITTEE TO PREPARE REASONS.

THE EARL OF MALMESBURY said, he proposed to move for a Committee to draw up Reasons for their Lordships adhering to the Amendments they had made on the Oaths Bill, and he would propose that those Reasons should be sent down to their Lordships on Thursday next. And he would take the opportunity of asking his noble and learned Friend (Lord Lyndhurst) if he would consent, in consequence of the absence of his noble Friend at the head of the Government, to postpone his Motion for the second reading of his Bill on Jewish Disabilities until Thursday week.

LORD LYNDHURST said, he was sorry for the cause, and could not but acquiesce in the request made to him. It was im-

possible to discuss this Bill in the absence of the noble Earl at the head of the Government, and he would, therefore, with their Lordships' consent, postpone his Bill until Thursday week.

THE EARL OF LUCAN said, he would postpone the Motion for the second reading of his Bill till the same day.

LORD CAMPBELL was understood to object to any further delay. He did not see why they should not take either the Bill of his noble and learned Friend, or the Bill of the gallant Earl, to whom they were so much indebted for the course he had taken, and proceed with either the one or the other of them in this House.

THE EARL OF HARDWICKE said, the Bills were separate and distinct measures, but as they referred to the same subject it would be desirable that they should be considered on the same night.

LORD BROUGHAM thought it was not likely that the House of Commons, on receiving these Reasons, would proceed immediately with the consideration of them, but would wait till they saw the fate of the two new Bills that had been introduced to their Lordships' House.

EARL GREY said, that as the House had by a majority resolved to adhere to their Amendments, it was necessary that a Committee should be appointed to draw up their Reasons. That was the ordinary and proper course. But it would be quite inconsistent to ask those who were in the minority to agree in those Reasons; he would content himself, however, with entering his dissent from the propositions. He hoped the Reasons would be printed and placed in the hands of their Lordships, in order that they might know what they were, before they were called on to consider them.

EARL GRANVILLE said, he understood that the postponement of the two Bills was solely on the ground of the illness of the noble Earl at the head of the Government. The noble and learned Lord opposite (Lord Lyndhurst) did not think there would be any inconvenience in sending the Reasons down to the House of Commons to be dealt with in the meanwhile.

Second Reading (which stands appointed for Friday next) *put off* to *Thursday the 1st of July* next.

Committee appointed to prepare Reasons to be offered to the Commons for the Lords insisting on their Amendments to the Bill to which the Commons disagree, named; to meet immediately. The Committee *reported* Reasons prepared by them. Said Reasons to be *printed;* and to be taken into Consideration on *Thursday* next. Which Reasons are as follow :—

"1. Because, although the words 'on the true faith of a Christian' were originally introduced into the oath for the immediate purpose of binding certain Roman Catholics, it is unreasonable to assume that the Parliament which so introduced them did not intend that the profession of Christianity should be a necessary qualification for admission to the Legislature when they enacted that a declaration of that faith should form part of the oath required to be taken by every Member of both Houses.

"2. Because the constant intention of the Legislature may be further inferred from the fact that, neither at the time of the introduction of these words were the Jews admissible, nor have they at any subsequent period been admitted to sit and vote in either House of Parliament.

"3. Because exclusion from seats in Parliament and offices of the State on the ground of religious opinion, and for other reasons when the general good of the State appears to require it, is a principle recognized in the settlement of the succession to the Crown, and in other cases; and has moreover been further and recently sanctioned by the House of Commons in some of the provisions of the present Bill.

"4. Because in the prayers with which both Houses daily commence their proceedings they implore in Christ's name the divine assistance and guidance in all their undertakings, professing themselves His unworthy servants; and this act of worship will become a mockery when among those who are therein declared to be gathered together in His name are numbered some who deny Him through whose merits alone those prayers can be acceptable.

"5. Because, when the Commons plead in support of their views, in a matter which equally concerns the constitution of both branches of the Legislature, their repeated recognition of the expediency of removing this disability of the Jews, and admitting them to their councils, the Lords desire to refer to their equally firm adherence to the principle of retaining those privileges which they believe to be peculiarly and inseparably attached to Parliament as an exclusively Christian assembly.

"6. Because, in regard to the 8th and 9th of the Commons' Reasons, the Lords are advised that the 1st and 3rd clauses of the Bill are not open to the construction which the Commons conceive them to be in consequence of the rejection of the 5th clause, and that the Jews will not be subject to any new disabilities under the Bill as amended by the Lords."

PROBATES AND LETTERS OF ADMINISTRATION BILL.

THIRD READING. BILL PASSED.

Bill read 3ª (according to order)

LORD ST. LEONARDS moved the omission of the word "Crown" from the 19th clause, and to substitute in lieu thereof the words, "the Judge Ordinary for the time being," as the party in whom property under litigation was to be vested.

After a few observations from Lord CRANWORTH and Lord ABINGER,

On Question, Whether the Word proposed to be left out shall stand Part of the Bill? their Lordships divided:—Contents 22; Not-Contents 22.

And the Numbers being equal, it was (according to ancient Rule), *resolved* in the *negative*.

Amendment *agreed to*.

Further Amendments made.

Bill *passed*, and sent to the Commons.

CONTENTS.

Chelmsford, L. (*L. Chancellor.*)	Belper, L.
	Calthorpe, L.
	Campbell, L.
Somerset, D.	Cranworth, L.
	Foley, L. [*Teller.*]
Lansdowne, M.	Granard, L. (*E. Granard.*)
Westminster, M.	
	Minster, L. (*M. Conyngham.*)
Carlisle, E.	
Carnarvon, E.	Somerhill, L. (*M. Clanricarde.*) [*Teller.*]
Clarendon, E.	
Granville, E.	Stanley of Alderley, L.
Grey, E.	Truro, L.
Stanhope, E.	Wycombe, L. (*E. Shelburne.*)
Wicklow, E.	

NOT-CONTENTS.

Cleveland, D.	Abinger, L.
	Bolton, L.
Amherst, E.	Brougham and Vaux, L.
Belmore, E.	Clarina, L.
Desart, E.	Colchester, L.
Harrington, E.	Crofton, L.
Lucan, E.	Kingston, L. (*E. Kingston.*)
Powis, E.	
Stradbroke, E. [*Teller.*]	Moore, L. (*M. Drogheda.*) [*Teller.*]
De Vesci, V.	Saint Leonards, L.
Dungannon, V.	Talbot De Malahide, L.
Lifford, V.	Wynford, L.

DIVORCE AND MATRIMONIAL CAUSES ACT AMENDMENT BILL.

THIRD READING.—BILL PASSED.

On Motion that the Bill be now read 3ª,

Lord REDESDALE said, that on the last occasion when the measure was before their Lordships he ventured to remark upon the extreme rapidity with which certain unopposed causes had been decided in the new Court of Divorce; and he was assured at that time by a member of their Lordships' House that his complaint was unreasonable, and that nothing could be more certain than that due inquiry with respect to collusion was made in all the cases to which he had referred before the decision of the Court was pronounced. He could assure their Lordships that he had heard since from more than one quarter that serious objection was taken to the manner in which that part of the business of the Court was conducted. Nine unopposed causes and one opposed cause were disposed of in one day, one of which only occupied the Court eleven minutes. He was convinced that proper precautions could not be taken against collusion if the proceedings of the Court were conducted in that manner. It was no answer to be told, as he had been, that most of the cases in question were cases of bigamy on the part of the husband. The misconduct of the wife in any one of them might have led to the husband committing bigamy; and he (Lord Redesdale) could not understand any cases more likely to give rise to a just suspicion of collusion than those in which bigamy was charged. If the Court of Divorce was to gain the respect of the public, it must exercise the same caution in the treatment of those unopposed causes as had always been exercised when such causes used to be decided before their Lordships; but if as many as nine were disposed of in a single day, it was impossible that they could receive the same careful investigation; and he trusted that more care would be exercised in future.

Lord CAMPBELL said, he was astonished that the Chairman of their Lordships' Committees should think it his duty to stand up in his place and impeach the conduct of the Judges of the land. He thought that such a course was a very rash and ill-advised one. He had himself had the honour of being one of the Judges of the Divorce Court, and had presided on four or five days, and he would undertake to say that no case that had come before their Lordships had ever been more deliberately considered than those which had been decided by the Court while he was present. Since then Lord Chief Justice Cockburn and Mr. Justice Wightman had attended, than whom no more learned or cautious Judges had ever sat in Westminster Hall. Of Lord Chief Justice Cockburn the highest expectations had been entertained; but those expectations had been more than fulfilled by the learning, the caution, and the vigilance which he had uniformly displayed since his elevation to the judicial bench. He felt certain that the cases tried before Lord Chief Justice Cockburn had been as fully sifted as those which had come before him (Lord Campbell). He believed that in the nine cases referred to, the whole facts had been carefully ascertained in each case, and that there was not the slightest ground for the

suspicion of any improper haste in arriving at a decision. In nearly all the cases referred to the parties had been living separate for many years, and there was no possibility of collusion. He believed, too, that the Court would have a most salutary effect in preventing bigamy from being so common in future as was now the case, because there was no doubt that the impossibility of obtaining a dissolution of marriage under the old system had had a direct tendency to produce bigamy amongst the lower orders.

THE BISHOP OF OXFORD said, the noble and learned Lord had read rather an unnecessary lecture to his noble Friend, whose remarks were no more than the utterance of what a large number of people thought both out of doors and in their Lordships' House. He was quite confident that if divorces *a vinculo matrimonii* were obtained with the rapid facility upon which his noble Friend had animadverted—if nine such divorce cases were to be swept off in a single day, as if they were so many petty sessions cases—then those who still believed in the sacredness of marriage as God's ordinance, and whether they thought it might or might not be set aside for great or high causes of offence, would look with much apprehension upon those decisions. Judges were appointed in order that all care should be taken that that greatest of evils, facility of collusion, might not creep in; and in calling their Lordships' attention to this subject, his noble Friend did not impugn any particular judgment, but simply took the bare fact which stared them in the face—namely, the great rapidity with which decisions had been given and the multitude of cases which had been got through in a single day; and he stated that that fact by itself did alarm the moral and religious feelings of the people of this country.

EARL GRANVILLE said, that while admitting that the noble Lord (Lord Redesdale) had perfect right to bring a question concerning the administration of justice before their Lordships, he thought that it was most undesirable to do so immediately, and without giving the slightest notice of his intention to any of their Lordships. He had not the slightest objection to "speaking out," but as the noble Lord did not complain of any particular judgment, nor find fault with the law itself, it was clear that his remarks were calculated to cast a severe reflection upon the manner in which the law was administered—a course which was calculated to lower in the esteem of the people the sacred administration of justice in this country. He trusted that if this course was to be repeated it would only be after due notice to their Lordships' House, and that previously the learned persons whose conduct was impugned should be communicated with, in order that they might have the opportunity of defending themselves.

LORD CRANWORTH said, he was of opinion that rapidity of decision was an advantage, provided there had not been undue haste, and that proper precautions had been taken to guard against collusion. All such matters were matters of comparison, and he should be glad to know in what it was that the proceedings under the old system afforded any greater security against collusion than existed in the tribunal to which the investigation of these cases was now confided? Under that old system there was no doubt a great deal of parade, and the proceedings were very costly; but did it lead more clearly to the discovery of the truth than the one investigation which was at present instituted before the ordinary judges of the land? What security was there against collusion in the action for *crim. con.*, or in suits which were instituted in the ecclesiastical courts, or in the examinations which were conducted at their Lordships' bar? He protested that in his judgment there was no advantage possessed by that most complicated, dilatory, and costly system, beyond that which was possessed by the present Court. The circumstance of an accumulation of cases chiefly amongst the pauper portion of the community, who had had no opportunity of applying for a divorce before, did not tend to create in his mind any doubt whatever with regard to the policy of the measure which their Lordships had so recently passed.

LORD ST. LEONARDS said, that the question before their Lordships related not to the state of the law itself, but to the administration of the law; and he took it for granted that everything had been done by his learned friends at the head of that department of justice with the greatest consideration and propriety. He had read with attention the accounts which had appeared of the proceedings in the new Court, and he was of opinion that there was no fault whatever to be found with the manner in which its decisions had been given. He agreed entirely with his noble and learned Friend (Lord Cranworth), that this House

had no means of detecting collusion under the old system which were not possessed by the new Court; and, as far as he could form an opinion from merely reading the reports of the cases in question, justice had been properly administered.

THE EARL OF WICKLOW begged to state, in reference to the complaint that his noble Friend (Lord Redesdale) had given no notice of his intention to bring the subject under their Lordships' notice that evening, that his noble Friend had only repeated to-day what he had stated to their Lordships a few evenings since, and that it had been in the power of the Lord Chief Justice to have made himself acquainted with the facts referred to in the interval —for it appeared that the noble and learned Lord did not sit in the Court when the nine unopposed cases and one opposed case were despatched in a single day. As one of those who had opposed the Bill in its passage through this House, it was only natural that his noble Friend (Lord Redesdale), as well as himself, should watch with some anxiety and care the working of a measure of this kind. He was glad, therefore, that his noble Friend had brought forward this subject, and he trusted, if many cases of the kind to which he had alluded occurred, that it would lead to a reconsideration of the whole question.

LORD CAMPBELL said, his noble Friend the Chairman of Committees had given no notice whatever of his intention to bring the subject forward again; there was no reason, therefore, why he (Lord Campbell) should have instituted inquiries into the facts.

VISCOUNT MELVILLE rose to order. The noble and learned Lord had already addressed their Lordships once, and had no right to speak a second time.

LORD CAMPBELL contended that he had a perfect right to explain.

THE BISHOP OF OXFORD: But the noble and learned Lord was answering the speech of my noble Friend.

LORD CAMPBELL had merely to say, that he had no reason to expect that such complaints as their Lordships had heard that evening would be made against the administration of justice in the Divorce Court. The Chairman of Committees— ("Order!")

LORD REDESDALE said, he had not in the course of these discussions raised any objections to the state of the law, and had never said he wished the old proceedings—by actions for damages, suits in the ecclesiastical courts, and inquiry before their Lordships—should be restored. The present Court might be fully competent to undertake the business, and the law might be amply sufficient to enable it to do so; but there had been great rapidity with regard to certain cases—one of which, as he had already stated, occupied only eleven minutes in despatching—and that rapidity appeared to him to be incompatible with the due consideration of those cases, and the discovery by the Court whether there had been any collusion or not. With respect to the necessity which existed for giving notice of a question of this sort, he should say that any Member of their Lordships' House had a perfect right to animadvert upon statements which appeared in the public papers. He had done so on a former occasion, and the remarks which he then made had been justified by the expression of opinion of gentlemen who practised in the new Court, and who stated that the proceedings to which he alluded had been conducted with undue haste.

EARL GRANVILLE said, it was not fair that the noble Lord should be allowed that opportunity of making a second speech which had been denied to the noble and learned Lord (Lord Campbell). This was not an explanation, but an additional string of insinuations directed against the administration of the new Court.

LORD REDESDALE: What he had stated was not by way of accusation, but rather of precaution; and he hoped that the expression of opinion would lead to a little more time being allowed for the consideration of these cases hereafter.

LORD BROUGHAM said, that what had just taken place could not fail to convey to their Lordships the impression that one degree of license with respect to the privilege of making a second speech was extended to a Chairman of Committees, while a totally different measure was meted out to a Lord Chief Justice.

Bill read 3ª.

Amendments made.

Bill *passed*, and sent to the Commons.

COURT OF CHANCERY—THE CHIEF CLERKS' OFFICES.

OBSERVATIONS.

THE LORD CHANCELLOR in rising, pursuant to notice, to call their Lordships' attention to the Chief Clerks' Offices said, it would be in the recollection of their Lordships that, shortly after he had the honour of taking his seat in that House,

a noble Lord (Viscount Lifford) called attention to certain complaints of delays which he stated to exist in the Court of Chancery, and mentioned a particular case in which he himself was interested. He (the Lord Chancellor) at the time certainly misapprehended the direction of the noble Lord's complaint, for he was under the impression that he complained of delays that had taken place in the Chief Clerks' Offices. He now understood that the noble Lord's complaint was much more extensive, and he had promised the noble Lord that inquiry should be instituted with the view of ascertaining whether there was ground for the complaint or necessity for applying a remedy. In conducting that inquiry, he had received assistance of a most valuable description. His noble and learned Friend (Lord St. Leonards), to whom the country was so much indebted for his attention to all those subjects, and for various reforms and improvements in the Court of Chancery which he had been the means of introducing, had volunteered the benefit of his experience in instituting an inquiry into the state of the Chief Clerk's Offices. Accordingly, his noble and learned Friend had thoroughly investigated the subject, and would be enabled much better than he (the Lord Chancellor) to give their Lordships information respecting it. With regard to the particular case to which the noble Lord had referred, he (the Lord Chancellor) had also required that a report should be furnished him with respect to the proceedings in the courts. That report he had received, and having examined it, he was bound to say that he thought there was ground for the complaint which the noble Lord had made. That complaint, however, did not attach to the Chief Clerks, or the proceedings of their office; but there certainly had been a most unjustifiable delay in the proceedings of the Court. It appeared that although the matter was referred to a Master in Chancery in March, 1850, no Master's report was obtained until the month of December, 1855, and that for the delay which took place during all that long period not the slightest explanation had been given. One thing, however, to be observed upon that subject was, that it took place under the old system. That system had now been entirely abolished and a new one introduced in its stead; and since the matter reached the office of the Chief Clerk he really did not see that there was any ground of complaint on the part of the noble Lord for any improper delay which was attributable to the Chief Clerk himself. He believed the order for inquiry was made in June, 1856, and the inquiries were rather of a complicated description. They were for the purpose of ascertaining what had become of a certain fund which had been paid into Court by a receiver, what was due on settled and what was due on unsettled estates, what encumbrances were upon those estates respectively, what annuities were existing, and what arrears of those annuities still remained to be paid. Now, he found that there were various meetings appointed from time to time by the Chief Clerk, when the parties were not ready with their evidence, and of course adjournments were therefore necessary; but there were only two occasions on which the postponement was attributable to the Chief Clerk, and in each of these instances it was the result of affliction in his family. He confessed, however, that he was astonished by what he had heard from the noble Lord, and which he had not been before aware of. It appeared that among the matters to be inquired into was a question as to whether the annuities were still in existence, and whether there were any arrears of annuities still to be paid. The annuitant, who was entitled to an annuity of three guineas a year, had, he believed, died; but the noble Lord, and those whose interest the noble Lord represented, had no proof of that. They had no direct knowledge of it, and no accurate means of showing it except that which existed in the breasts of their opponents. But the noble Lord told him (the Lord Chancellor) that the solicitor on the other side was perfectly aware of the fact of the death of the annuitant. On hearing that he suggested to the noble Lord that an easy remedy would be to call that solicitor before the Chief Clerk and make him prove the death. The noble Lord, labouring, as he (the Lord Chancellor) believed under a misapprehension, said he had been informed that the Chief Clerk had no power to summon that gentleman. He (the Lord Chancellor) thought there was some mistake as to that point, for the course he had proposed to the noble Lord seemed to him an obvious one to adopt in order to arrive at the truth in this insignificant matter. However, he believed that the case was almost ripe for the Chief Clerk's certificate, which would be ob-

The Lord Chancellor

tained within a few days. At the same time he should in justice say that the noble Lord had not complained without cause. There had been great delay in the case, but he thought the noble Lord would agree with him that that delay was not so much, if at all, attributable to the Chief Clerk, or what took place in the Chief Clerks' Office, as to proceedings which took place under the old system. With regard to the mode of proceeding in the Chief Clerk's offices his noble and learned Friend (Lord St. Leonards) had made a careful investigation. His noble and learned Friend had, he believed, been on the whole very well satisfied with the manner in which the Chief Clerks conducted their business. He (Lord St. Leonards) had suggested some changes, which he was of opinion might be beneficially introduced into those offices. They were not very considerable; but as he had not himself made a personal investigation into the matter it would perhaps be more satisfactory for their Lordships to hear from his noble and learned Friend what those proposed changes were.

LORD ST. LEONARDS said, that the case stated by the noble Lord was one which called for inquiry and explanation. In 1852 much had been done to put an end to prolixity in proceedings such as these. Before that time the Masters in the equity courts constituted a sort of *medium* Judge; there were repeated references and reports backwards and forwards, all owing to the constitution of the Court that had existed for centuries. It was resolved in 1852 that there should be no Judges but the regular Judge of the Court —that there should be no medium for the discharge of judicial functions. The Masters in Chancery were accordingly abolished; no persons were allowed to act as Judges but the Judges themselves. Some portion of the proceedings, which had formerly been performed by the Masters, were directed to be performed by the Chief Clerks of the Judges; and he (Lord St. Leonards) resisted an attempt to give the officers who were now called Chief Clerks any other title than that which they at present bore. These officers had very important duties to perform—very complicated inquiries to go into; but all they did was done under the direction and supervision of the Judge. It was asked on a former occasion, did the Chief Clerks proceed with business *de die in diem?* Now, his opinion was that the best mode of getting through business was for a person to finish one thing before he entered upon another. The general practice of the Chief Clerks was for them to settle, as well as they could, with the solicitors for the parties how many sittings would be required. They then put down the cases accordingly, fixing the hearings *de die in diem*, so far as they had ascertained the number of days that would be required. Of course, if the cases were of a very complicated description and required frequent re-examination, much time must be consumed. He had recently gone through the Chief Clerks' offices, and he had been much struck with the competence, the diligence, and the excellent arrangements of all the Chief Clerks he had seen. It was impossible for any men to be more diligent in the discharge of their duties, and they had as much work as they could perform with the closest application. Indeed, he believed that no serious delay or inconvenience was experienced from the mode in which the business of the offices was now administered; but it was necessary that the procedure in the Chief Clerks' offices should be assimilated —at present they were not uniform. One of the principal differences of practice among them occurred in relation to receiverships. Some of the Chief Clerks thought it was not their duty to be active in the case of defaulting receivers. He (Lord St. Leonards), on the other hand, thought it was the duty of the Courts by whom the receivers were appointed to take care that they properly discharged their duties. He would suggest that, at the end of every term, a list should be made out in each of the Chief Clerks' offices of all the receivers who were in default, and who had not delivered their accounts; that such list should be hung up in the court of the Lord Chancellor; and that, if in fourteen days after it was exhibited the defaulting receivers did not come in before the Master or Chief Clerk, the latter should be empowered to employ the solicitor to the Suitors' Fund to compel such receivers to come in and pass their accounts, and to apply to the Court to remove the defaulters and appoint other receivers in their places. One of the greatest evils in the administration of property was the long continuance of estates under the management of receivers, persons who considered themselves masters of the property, but who managed that property very badly. Now, property under the administration of the Court of Chancery ought to be managed in the same manner as every sensi-

ble man would manage his own property. In the cases of sales of estates, they, under the present system, remained in the courts for a long period, sometimes as long as six or seven years. The Chief Clerks did not conceive themselves in a position to drive on the parties in their litigation, and therefore delays existed which ought not to be permitted; but he thought Orders might be framed which would bring these matters within a narrower compass. The evil of the unsuitable chambers in which the Chief Clerks had to transact business ought to be immediately corrected, and it was well worthy the consideration of the Government whether it was not advisable to erect new courts with chambers attached—so that there might be constant communication between the Judge and his Chief Clerk and between the Chief Clerk and the clerks under him—on the east side of Stone's Buildings, sending the Registrars and other officers now in the buildings which stood on that site to the Masters' offices, which had become the property of the Crown. He had seen in *The Times* of that morning a letter very strongly complaining of the delay in winding up Mr. Feargus O'Connor's land scheme, and of the putting up the estates for sale at a reserved price, which ended in their being bought in. He thought the estates should be sold for what they would fetch. It was not a time for the discussion of that matter, and he had no doubt it would receive from the noble Lord on the woolsack the fullest attention.

Lord CRANWORTH said, he had heard the statement of the noble and learned Lord (Lord St. Leonards) with unmixed satisfaction. His noble Friend had the happiness to have been in the highest degree instrumental in the reform of the Court of Chancery. It was his (Lord Cranworth's) good fortune to become the holder of the Great Seal shortly after his noble and learned Friend's Act passed in 1852. The holder of the Great Seal practically did not come into contact with the Chief Clerks—they were attached to the Master of the Rolls and the Vice Chancellors. But when he became Lord Chancellor he felt that one of the main duties imposed on him was to see that the new system introduced by the Act of 1852 was properly carried into effect; and with that view he followed the course which he ventured to recommend to his successor, of having an interview every term with the Judges, and inquiring of them whether matters were conducted in the mode contemplated by the Act, and particularly as to the working of business in the Chief Clerks' offices. It was a universal feeling that every contested matter which was begun should be carried on until it was ended; but, although the theory was correct, it was impossible always to observe it in practice—postponements must necessarily take place, whatever precaution might be taken to have the cases gone through without interruption. For example, the Chief Clerk had to inquire who were the creditors of a person deceased. Advertisements were issued calling upon the creditors to come in by a certain day and prove their debts. On the day appointed it was found there were other creditors who had not heard a word upon the subject — perhaps, too, the deceased was a trader, dealing with persons in Australia or in India, who could not possibly have had notice. There was no blameable delay, but, for the attainment of justice, a postponement was necessary. Then again, it was not always possible to go on with the same case from beginning to end. A case of importance was fixed for Thursday and it was calculated to last until Saturday. But on Saturday it was not finished, and choice had to be made between postponing it until Thursday or Friday in the following week and going on with it on the Monday, to the great inconvenience of persons engaged in the cases previously fixed for that day. It was impossible to lay down any unvarying rule that should never be departed from. A rule had been laid down with his (the Lord Chancellor's) sanction by the Master of the Rolls, that when a case was once commenced it should be proceeded with until it was finished, unless circumstances rendered it impossible or inexpedient; and very early in the working of the new system it was arranged that every day for an hour or two there should be a time fixed for short applications, so that they might be disposed of without interfering with long and heavy cases, and this plan had been found to work remarkably well. He had always felt, however, that the real improvement was not to be effected by legislation, but was, so to speak, mechanical. It would be an advantage beyond price if they could place the Judge in an airy comfortable court, with a superfluity of chambers attached to it, in which the Clerks and junior Clerks could conduct their business in immediate conference with the Judge. It was difficult

Lord St. Leonards

and inconvenient, for example, for a Clerk to leave his chambers and walk 100 or 150 yards off to consult the Judge. At one time he thought that the benchers of Lincoln's Inn were disposed to give up a large portion of their inn for the purpose of building new courts there. Difficulties however presented themselves, but he was sure that the erection of good courts, with chambers for the clerks, would be of greater service than any regulation or orders that could be made.

LORD CAMPBELL expressed his great satisfaction at the explanations he had heard. They had heard of delays in Chancery from time immemorial, but he believed that those delays were not the fault of the Lord Chancellor, or the Master of the Rolls so much as of the Masters' offices; but he thought that there had been reformations effected in the Court of Chancery which would work well, and be highly advantageous.

VISCOUNT LIFFORD was of opinion that the inquiries that had been made, and the results that had attended the labours of the noble and learned Lord, would be of essential service to the unfortunate suitors of the Court of Chancery. The complaints that had been made were not so much against the Judges of the Court of Chancery, as from the existence of a feeling on the part of the public that there was no adequate check upon useless expense or means adopted for the prevention of frivolous and vexatious proceedings.

CHURCH RATES.—PETITIONS.

THE EARL OF CARLISLE, in presenting a petition relative to church rates from the Society of Friends, of which he had given notice, said it was not his intention to originate a discussion on this subject, or to express his individual opinion on the subject before he heard whether Her Majesty's Ministers had any suggestion to make with respect to the mode of dealing with this important and long-vexed question. His object in giving the notice, and in presenting the petition, was mainly to mark his own respect, which he was sure would be shared in by their Lordships, for the character and position of the respectable body from whom it emanated. It styled itself "the petition of the undersigned members at a meeting representing the Religious Society of Friends of Great Britain." It was, in fact, adopted at the annual meeting of the Society of Friends, and conveyed, he believed, the unanimous sentiments of every member of that body. They stated their views with great brevity and force of language, and set forth that for more than two centuries, apart from all party or political considerations, they had steadfastly maintained those great principles which they believed to be founded on the Gospel—namely, that man was responsible to God alone in matters of religion; and that all legislative interference with the rights of conscience is not only impolitic, but contrary to the true spirit of the Christian religion. Influenced by these considerations, they were of opinion that they ought not to be assessed in church rates, and that it was not in accordance with the spiritual nature of the Christian religion. To this exposition of their views he had nothing to add. For upwards of two centuries the Society of Friends had stood steadfast and consistent in their principles, and their general good qualities and great services to the cause of humanity and philanthropy needed no testimony from him; and he believed that at a cost occasionally of great hardship and oppression, of large pecuniary damage, and at all times of considerable personal inconvenience, they had borne witness to the principles which they asked their Lordships to adopt. It was, of course, only fair and candid that he should admit that the principles and opinions of the body would be equally opposed to the payment of tithes.

The noble Earl having handed in the petition, it was pointed out by the Clerk that it was informal, and could not be received, the word "humble" being omitted from the description.

House adjourned at a quarter to Eight o'clock, till To-morrow, Eleven o'clock.

HOUSE OF COMMONS,

Tuesday, June 22, 1858.

MINUTES.] PUBLIC BILLS.—1° Sale of Grain, &c.; Bankruptcy and Insolvency Laws Consolidation; County, &c., Property Conveyance.
2° Railways Act (Ireland) Continuance.
3° County Management; Joint Stock Banking Companies.

LOCAL GOVERNMENT BILL.
COMMITTEE.

Order for Committee read.

House in Committee.

Clauses 1 to 8 were *agreed to.*

Clause 9 (Adoption by Towns of the powers conferred by the Bill).

SIR WALTER FARQUHAR said, he rose to move, as an Amendment, in Clause 9, page 3, line 10, to leave out from the word "by" to "council," and insert, "and in all other places having a known and defined boundary, by a resolution of the owners and ratepayers." It was as difficult to get at the bottom of this Act as for a person who saw a *Bradshaw* for the first time to know at what time a train started. By the clause the Act was to be adopted by resolution of the town council, by the improvement commissioners, or by the ratepayers and owners. The object of the Amendment was to give the owners and ratepayers the authority of adopting the Act. The town councils were generally elected on political grounds, and he did not think they were the proper parties to decide on the adoption of the Act. The country would never settle down quietly under such a Bill as this.

MR. BAINES said, this was an extremely important question. In his opinion, the Bill as it stood was right. In such large boroughs as that which he represented, it would be extremely inconvenient to have questions of this nature referred to the whole body of the population. The power was one which might be safely entrusted to a town council which was elected by a popular constituency; for their connection with their constituents was so intimate and so frequently recurring, that there could be little danger of their acting in direct opposition to the popular will. They had twenty-four years of experience of town councils, an institution which worked admirably, and such a question as this was quite within their jurisdiction. On principle and expediency, then, he wished to leave the clause as it stood.

MR. ADDERLEY said, he thought the hon. Baronet had overlooked the question, if a town council was able to exercise the powers which it now had, it was able to exercise the powers under this Bill. The power about to be conferred was analogous to the provisions of existing Acts. The council must have a majority of two-thirds, with long notice, and with powers of appeal. He hoped the hon. Baronet would not press his Amendment to a division.

MR. PALK said, he thought that the objection of centralization which had been taken to the public health Bills of former years was also applicable to this Bill.

MR. COWPER said, that the Bills referred to had not been rejected on the ground of centralization, but from want of time to consider them properly. The principle of centralization had been often alluded to, but had never been fairly discussed. With regard to the Amendment, he considered it erroneous in principle and inexpedient.

MR. SLANEY said, he hoped the hon. Baronet would not persevere with his Amendment, which would, if adopted, only end in defeat and delay,

SIR GEORGE PECHELL observed, he had wished this Bill had been referred to a Select Committee. He believed all these public boards were a nuisance to the country—especially the Poor Law Board. The Bill would work well for lawyers.

MR. COWPER said, he had no inordinate desire for Boards, but he thought his hon. and gallant Friend should not object to a thing merely on account of the name. Neither the Board of Health nor the Poor Law Board, to which his hon. and gallant Friend objected, were Boards in the sense to which his hon. and gallant Friend objected, for both had responsible Ministers in that House.

Amendment, by leave, *withdrawn.*

MR. BAINES said, that the clause provided that notice should be given of the meeting referred to in it. He thought that notice should be given, not only of the meeting, but of the purpose for which it was called. He therefore moved the insertion of the words "and of the purpose thereof."

MR. ADDERLEY said, that he did not object to the Amendment.

Clause, as amended, *agreed to.*

Clause 10,

MR. COWPER said, that he would move, in page 3, line 41, to leave out the words, "one of Her Majesty's principal Secretaries of State," and insert the words, "the Committee of Her Majesty's Privy Council for Public Health," with the object of giving the latter authority the power to appoint persons to summon meetings of ratepayers in places where neither churchwardens, overseers, nor other local officers named in the Bill, were to be found. The attention of the Secretaries of State was in his opinion already sufficiently occupied with matters of primary importance, and the object should be to diminish rather than to increase their duties.

MR. ADDERLEY said, he thought that the right hon. Member must have had in his mind, in making the proposition, the continuance of the General Board of Health. The object of the Bill was to abolish that

Board, but it could not be abolished unless some Bill like the present was passed. There ought to be a distinction maintained between sanitary questions and questions of police. The present was a measure of police. Though sorry to do anything likely to impede the progress of the Bill, he must oppose the Amendment.

MR. WESTHEAD said, that his constituents had a great horror of having to apply to the Privy Council, and would very much prefer to deal with the Secretary of State.

MR. SLANEY remarked, that the best way to expedite the passing of the Bill was for hon. Members to make short speeches.

MR. BAINES suggested that due notice should be given of the meetings of the town council and of the purpose thereof.

Amendment *negatived.*

In answer to Sir GEORGE PECHELL,

MR. ADDERLEY said, that the Bill did not in any way alter the mode of voting provided for in the Bill of 1848.

Clause *agreed to;* as were also clauses up to 19 inclusive.

Clause 20 was put, and an Amendment moved by Mr. M'MAHON that only new corporate districts be included under the Bill.

Amendment *negatived.*

MR. PALK said, he wished to propose an Amendment, the effect of which was to restrict the tenure of office of members of the Board to one year. He should, therefore, move as an Amendment, in page 10, clause 20, to leave out from line 5 to "election," in line 8, inclusive, and insert "Notwithstanding anything to the contrary in the Public Health Act, 1848, no person elected shall in any case continuously remain in office for more than one year; and on the days appointed for going out of office, a number of persons shall be elected equal to the number of those going out, and so many others as may be necessary to complete the full number of the local Board of Health in respect of which the election is to be made."

MR. ADDERLEY said, he must oppose the Amendment. In proposing that a third of the number elected should go out annually, he had followed the precedent established by the Municipal Reform Act.

Amendment *negatived.* Clause *agreed to;* as were also the remaining Clauses up to Clause 30.

The House resumed.

Committee report progress; to sit again on *Thursday.*

AUSTRALIAN POSTAL SERVICE.
QUESTION.

MR. H. BERKELEY said, he would beg to ask the Secretary of State for the Colonies whether any Representations have been recently received from the Legislatures of New South Wales or Victoria with reference to the irregularities in the performance of the Steam Postal Service between this Country and Australia, and whether the Legislature of Victoria has not by a formal Resolution recommended that the existing Contract should be annulled?

SIR BULWER LYTTON: Sir, in answer to the hon. Member, I beg leave to state that the Australian Colonies have made repeated complaints of the irregularity in the performance of the steam postal service between England and Australia. In the month of December last, Sir William Denison sent home a recommendation upon the subject from the Legislature of New South Wales; and at a later period he forwarded a Resolution in reference to the same matter from the Chamber of Commerce in that colony. With regard, however, to the second question of the hon. Gentleman, I have to state that we have received no representation upon this subject from the Legislature of Victoria, and neither has any recommendation been made to us by them that the existing contract should be annulled. But so great a grievance has not escaped the earnest attention of Her Majesty's Government, and more especially of the Colonial Office. We have been in constant communication with the Treasury upon the subject, and I have now the satisfaction of stating that the contract will be immediately dissolved. I beg further to say that the Lords of the Treasury inform us that tenders for a new service will be invited without delay, modifying the terms in such particulars as experience may have shown to be necessary, and that they state that they have now every hope that they will be able to place the service in all respects on a satisfactory footing. It may be desirable it should also be known, that with a view to obviate the inconvenience which would follow from a sudden removal of the present line of steamers, it is the intention of the Lords of the Treasury to take immediate steps for entering into a temporary arrangement with the Royal Mail Steam Company, or some other Company, for the performance of the service during the period which must intervene between the termination of the present con-

tract and the commencement of a new one. I have only to add that on the 16th instant we informed the Governors of the different Australian Colonies of the dissolution of the contract with the European and Australian Royal Mail Company; and we also made known to them the temporary arrangements we proposed to make until a new contract upon the subject should be completed.

BARRACKS AT KENSINGTON GORE.
QUESTION.

MR. H. BARING said, he would beg to ask the Chancellor of the Exchequer whether the Government proposes to take any steps for obtaining such portion of the Kensington Gore Estate as would suffice for the erection of Barracks for the Guards in lieu of the present quarters in Portman Street? He had given notice of his question before the discussion on the subject last evening, and now put it on account of the great anxiety which prevailed on the matter.

THE CHANCELLOR OF THE EXCHEQUER; Sir, Her Majesty's Government have made inquiry into the subject to which the question of the hon. Gentleman relates. But we have found that the Royal Commissioners for the Exhibition of 1851 could not, without a violation of faith, enter into any arrangement of this kind. The land in question was purchased not from one, but from several proprietors; all those proprietors had other property which they still retain in the same district and immediately contiguous to it, and they made it a condition, when they sold portions of their land, that on those portions no building of a character which could deteriorate the value of the remainder should be erected. They required from the Commissioners very stringent regulations and conditions to that effect; but it was found impossible, or at least very difficult, to draw up such conditions; and the result was, that the proprietors of the land, taking into consideration the high character of the Commissioners and their connection with the Government, had offered to accept from them, instead of a formal document, a personal engament that no building should be erected upon that site except a building connected with the promotion of art and science. It was with this honourable engagement that the purchase was completed, and the hon. Gentleman will therefore see that it is not in the power of the Commissioners to ascertain any overture of the kind he has mentioned from Her Majesty's Government.

CORRUPT PRACTICES AT ELECTIONS ACT.—QUESTION.

MR. REBOW said, he rose to ask the Secretary of State for the Home Department when he proposes to bring in the Bill for continuing the Corrupt Practices at Elections Act?

MR. WALPOLE said, it was difficult, in the present state of public business, to say when he could bring in the Bill. His intention was to do so on Monday, if possible; but he trusted to get an early day to proceed with it.

REWARDS TO MEMBERS.
RESOLUTION.

LORD HOTHAM said, that the great unwillingness which he, at all times, felt to do anything having the appearance of a desire on his part, to put himself unnecessarily, or ostentatiously forward, could only, in this instance, have been overcome by a permanent sense of duty, from the pressure of which he had found it impossible to escape. He was well aware that the task he had undertaken was anything rather than an agreeable one, but the circumstance of its being so made him feel that it would be the less justifiable to shrink from it. He had, at least, the consolation of knowing that he came to the consideration of this question in a state of the most complete and entire freedom from personal feeling or prejudice of any kind. He had no private wrong to complain of—no private injury to avenge—no private object to effect—no private ambition to gratify. It was on public grounds, and on public grounds alone, that he was induced to call the attention of the House to a subject deeply affecting its reputation. He was warranted by precedents in submitting to the House the Resolution which he intended to move. The House of Commons had from the earliest period shown a determination to maintain its purity, and had at different times passed Resolutions restraining its Members from the commission of acts tending to undermine its independence and lower its character in the eyes of the country. The House might recollect that in April last the hon. Baronet the Member for Tavistock (Sir John Trelawny) submitted a Motion arising out of the inquiries of a Committee not long before appointed in consequence of a peti-

tion presented by a person named Coffey. He (Lord Hotham) took part in the debate upon that Motion, and it was supposed by some hon. and learned Members that he intended to reflect, injuriously, upon their profession. But that impression he had hoped was speedily removed. It was not then, nor was it now, his intention to do anything of the kind. He was one of those who desired to see the Members of the learned profession stand high in the public estimation, inasmuch as he considered that in the integrity and independence of the Bar was to be found one of the best safeguards of the liberty of the subject. He had a large acquaintance with lawyers, and he was proud to number many, standing in the front rank of their profession, among his personal friends. Neither could he forget that he was himself directly descended from one who for more than thirty years occupied a seat on the judicial bench in Westminster Hall, and who, however much he might have been excelled in learning by his contemporaries, was surpassed by none in a feeling of high honour which characterized every act of his public and private life. His (Lord Hotham's) feelings, therefore, for the legal profession could be none other than that of respect. But passing to a matter of a less personal character he found that the First Resolution on this subject on the Journals of the House directly interfered with the free action of hon. Members of the legal profession. It provided that Members of the House who were lawyers should not take part as counsel on Bills before the House of Lords prior to their coming before the House of Commons. He also found that various Members had been expelled from the House for the acceptance of bribes in consideration of the performance of their duty. Mr. Ashburnham was expelled in 1667 for receiving a fee of £500 from a merchant, and a predecessor of the right hon. Gentleman in the chair was expelled, in 1694, for receiving 1,000 guineas from the City of London for passing the Orphans Bill. Subsequently Mr. Hungerford was expelled for receiving what would now be considered a moderate sum — namely, twenty guineas, for having, in his capacity of Chairman of Committees, helped to pass that Bill. In 1695 the House, feeling that if there were no offerers there would be no receivers of money, passed a resolution making it a high crime and misdemeanour, for any one to presume to offer money to any Member of the House to stimulate him in the discharge of his duties. Things went on without any interruption for a very great length of time. The next occasion which Parliament interfered to protect its own character and independence was in the year 1830, when in consequence of an hon. Member having entered into partnership with another gentleman to carry on the business of a Parliamentary agent, a Resolution was passed, without a dissentient voice, by the House, condemnatory of that practice, and on the following day that partnership was dissolved. Since the commencement of the present Session, circumstances had occurred which called for further interference on the part of the House. Hon. Gentlemen were aware that of late years the sending of appeals from India to this country had become a matter of more and more frequent occurrence ; and in consequence of that system a practice had sprung up, against which he thought it behoved the House carefully to guard, and upon which it was time that they should pronounce some definite decision. They had been informed by no less an authority than the hon. Member for Guildford (Mr. Mangles), who had lately filled the office of Chairman of the Court of Directors of the East India Company, that it was publicly stated and believed in India that the services of Members of that House could be purchased with money. That was the general impression which prevailed among the Natives of India. In discussing that subject he would not go into the evidence adduced before the Committee which had inquired into the allegations contained in the petition of Coffey against a Member of that House. That Committee had acquitted the hon. and learned Member in question of the charges set forth in the petition, and he had no doubt but that in doing so they had been influenced solely by their sense of duty. But no one, he thought, would be prepared to deny that a belief very extensively prevailed in India that the services of legal gentlemen occupying seats in that House might be secured by an offer of fees or pecuniary rewards, and he would refer to the Report of that Committee to confirm the statement which he had made. This matter had largely attracted the attention of the public. The public narrowly watched their proceedings, and naturally inquired whether they were as careful with regard to what took place in the House as they professed to be with regard to what took place

out of it. What were the terms employed by a public journal of large circulation? Alluding to the system with regard to Indian appeals that journal said:—

"What can be worse than such a proceeding as this? A barrister in Parliament is retained by a fee of most exaggerated magnitude (colourably a fee, but really a bribe) to advise upon business professedly intended to be brought before the ordinary court of law. Consultations are gravely held, and suggestions gravely made to the effect that the matter is one in which resort to a legal tribunal is hopeless: the only remedy is by an appeal to Parliament. The legal member to whom the retaining fee has been paid is requested to undertake the case. He does so, ostensibly as a legislator, really as a lawyer; ostensibly as a representative of the people giving his unbiassed opinion on a matter of national concern, really as a hired advocate uttering purchased sentences at so much a period on behalf of a cause in which his interest is only of the pounds, shillings, and pence kind. Such is the imputation. Everybody who has mixed at all in life must have heard of it over and over again in private. Corruption is the rule in India—bribery, the recognized procedure of all its courts. How are these people to draw the distinction (sufficiently subtle at the best) between the fee to the barrister and the bribe to the Member, in those cases where one and the same person advocates in the House, as Member, the very same cause that he was retained to advise on as a barrister? A fee of 500 guineas is left with papers in a dingy set of chambers in the Temple; that is the first act; a consultation is the second; a speech in the House the third. Can you hope to make the Indian Prince believe that the speech of the Member has not really been bought by the fee to the barrister? Nay, can you make any one else believe it? Do you, reader, believe it? Does Mr. Bull believe it, or Mrs. Bull, or any of the family who have come to years of discretion? Can we wonder that our wealthy subjects in Asia are filled with a profound conviction that our boasted purity of Parliament is but a farce? Can we wonder that it should be publicly stated in India, as Mr. Mangles assured us it is, 'That the services of Members of Parliament are obtainable for money? Can the House tolerate such imputations as these? Ought it to hesitate a moment in stringently enforcing the plain rule, that no legal Member shall advocate or promote in Parliament any cause or matter in respect of which he has been professionally consulted as a fee'd advocate."

Well, then, the next question which arose was whether the Resolutions to which he had referred were sufficient to meet the case where there was no direct offer or acceptance of money in consideration of Parliamentary services? For his own part he thought that they were not, and the question with which he wished to deal was that of legal Members of that House being retained in a regular manner for the discharge of duties in a court of law, and then, instead of taking the cases in which they have been thus retained into court, bringing them forward in the House of Commons. Such conduct was quite possible without any infringement of the Resolutions to which the House had already agreed; but at the same time it was calculated grievously to impair the purity of that House. He was not going to embarrass the discussion with the question as to a Member's voting or not voting on a question in which he was personally interested; every vote given under such circumstances was liable to be struck off on appeal to the House, and further Mr. Speaker Abbott had ruled, that the interest which would preclude a Member from advocating a measure in that House must be a personal pecuniary interest. It should be remembered, that the legal profession was the only one in which its Members received their remuneration before their work was done, and that the first step in the engagement of a barrister was to tender him his honorary fee. The transaction in the case of a legal Member was therefore complete as soon as he had received his fee; and, therefore, to meet the case under consideration he had no alternative but that of proposing the Resolution which he had placed on the paper. Let him glance for a moment at the objections which might be urged against the Resolution. In the first place, it might be said that what he proposed involved an undue interference with the free action of members of the legal profession in the House of Commons. Now, to that he would reply, that the first duty of every Member of that House was to the House itself, and that he was bound to comply with the rules laid down by the House for the guidance of its Members. The effect of one of the Resolutions to which he had referred was to prevent legal Members of that House, who had been concerned on measures before Committees of the House of Lords, from advocating them in that House; and surely it was not very unreasonable to prevent hon. Gentlemen stepping at once from the position of advocates before Committees of the other House to that of judges in the House of Commons. It appeared to him that the same principle which made it improper for those who had been engaged before a Committee of the House of Lords to advocate the same case in the House of Commons, made it equally improper for those who had advised upon a case or advocated it in court to again act as advocates in the House of Commons. It might be said that constituencies would complain

of the free action of their representatives being fettered, but that was not a question for the House, it was one to be settled between the Member and his constituents, to whom he ought to state fairly all the disabilities to which the House might subject its Members. He could not help remarking that that House was accustomed to extend great advantages to members of the legal profession. Such Members performed but a very small portion of the duties of Committees, and when the circuits came they were always allowed leave of absence. It was said that the best security against improper proceedings was publicity; but in the case of transactions such as his Resolutions contemplated, the safeguard of publicity was wholly wanting. The apprehension entertained by some that the adoption of his Motion would deprive the House of the services of many honest, able, and learned men was, he thought, chimerical. It was well known that it had been the practice of the present Lord Chancellor while at the bar never to take part in any proceedings in that House in which he was professionally concerned out of it, and on the other hand, never to act as an advocate out of the House in any case in which he had been previously concerned within its walls. The noble and learned Lord would be regarded as a high authority on any question of professional honour or propriety; and it could not be supposed that the adoption of a rule which had been followed by such a distinguished ornament of the legal profession would prevent able and learned men from sitting in that House. Fears had been expressed by hon. and learned men who were sensible of the necessity of some step being taken on this subject, lest his Resolution were not too stringent; and they had suggested whether it might not be possible to provide that the action of the advocate should cease from the moment that the matter in which he was engaged was introduced into that House. That, however, would, he thought, entirely fail to reach the evil against which they ought to guard. He was happy to say that since his notice was put on the paper he had received from a large number of Members of the legal profession—persons of the highest as well as persons of comparatively low station — expressions of entire approbation of the course which he was pursuing. Among those gentlemen were members of the Irish as well as of the English bar, and the late Attorney General for Ireland, whose unavoidable absence he regretted, had told him, and had authorized him, if he desired it, to say that he entirely concurred in his object. Some hon. Members, though admitting that the practice to which he had alluded was scandalous, and ought to be put an end to, might be of opinion that the existing law was sufficient, and that a Resolution like this would rather weaken than strengthen that law. He could not think that this was a valid objection to the Resolution. The Committee over which the right hon. Member for Carlisle (Sir J. Graham) presided, in dealing with the case lately submitted to it, contented itself with giving a verdict that was tantamount to an acquittal of the hon. and learned Gentleman concerned, without saying a word about the practice of the existence of which there was no doubt. In 1830, when the question of Parliamentary agency was raised, the House did not refrain from expressing its opinion on the subject on account of the supposed sufficiency of the existing law. Sir J. Scarlett, Sir E. Sugden, Sir C. Wetherell, Mr. Brougham, and Mr. W. Wynn, all high authorities on such a question, did not then object to the adoption of a Resolution on any such ground. Another eminent individual, a great stickler for the privileges of that House, Mr. Secretary Peel, stated on the same occasion that he would vote for the Resolution because it was consistent with the uniform practice of the House that lawyers should not take part as Members of Parliament in any proceeding in which they were professionally engaged, and because any Member taking a pecuniary reward for his services did that which was incompatible with the discharge of any Parliamentary duty, and because the introduction of such a practice would necessarily tend to give members of the bar who were fortunate enough to have seats in Parliament an undue advantage over the rest of the profession. Unless hon. Gentlemen were ingenious enough to believe that a legal Member who received a fee of great magnitude in consideration of a duty which he was afterwards told it was not necessary for him to do, and who subsequently brought the matter before that House, would not be biassed by the fee which he had received, they could not do otherwise than give effect to his Resolution. He had already quoted from one public journal, he begged now to quote the following from another :—

"Is the House prepared for such an incorporation of professional and legislative duty on the part of its legal members as that gentleman who have been retained by private individuals in the one capacity should take advantage of the other to further their client's claims. . . . . It remains for Parliament and the country to say whether this confusion of their two capacities shall be permitted to professional Members of the House. If such proceedings are permitted, there is an end to all confidence in the disinterestedness of Members. At this time especially our relations with India should be above suspicion. The country cannot tolerate any pretended Burke or Wilberforce, with one hand raised in philanthropic declamation and the other thrust behind him to take the rupees. A stringent resolution will be expected from the House if it desires to maintain its fame and dignity."—*The Times*, March 8.

It was on these grounds that he ventured to propose a Resolution which, whatever its other demerits might be, was without ambiguity, and could not be charged with saying one thing and meaning another. In considering this Resolution he asked hon. Members in the words they heard read to them every day, to lay aside all "private interests, prejudices, and partial affections." In dealing with it he called upon them, not as men of politics, and still less as men of party, but as men of honour and integrity, as men of conscience, of common honesty, and of common sense, and asked them what would the country think if, after professing so much virtuous indignation at corrupt practices out of doors, the House became so squeamish when the question was the removal of a blot from its own escutcheon. If after disfranchising St. Albans and Sudbury, and holding in suspended animation the freemen of Galway,—it was to be struck dumb when there arose a question of its own purity. He hoped that the House would rise above all minor considerations, and would proclaim to England, to India, and to the world, that whilst it would punish to the utmost every species of corruption without its walls, it would not tolerate even the suspicion of corruption within them. With these feelings, and having no personal interest in the matter, except a regard for the credit of an assembly in which he had had the honour of sitting for thirty-eight years, he hoped that the House would agree to his Resolution.

MR. DIVETT seconded the Motion. Although he did not anticipate much practical good from such a Resolution as this so far as it would affect Members of the House, yet he thought the effect of the discussion would be to enlighten the constituencies as to their duties, and thus produce the good effect of restraining them from sending to Parliament men who would be likely to abuse their position. He would not refer to what had taken place during the present Session, more than to state that he agreed in the decision at which the Committee had arrived in the case of the hon. and learned Member for Youghal; but during his Parliamentary experience he had known many cases of the grossest corruption; and if he were asked why he did not bring them forward, his reply would be that if he had the eloquence of the hon. and learned Member for Sheffield, and but a small portion of his pugnacity, he should probably have done so. He, however, had no hesitation in saying that such practices as those complained of deserved all possible censure. They frequently saw briefless barristers go down to constituencies, sometimes amusing them with ultra-radical notions, and sometimes with antediluvian conservatism, for no other purpose than to promote their own private interests by obtaining a seat in the House of Commons; for when elected they received briefs, which they were unable otherwise to do, for the sake of their votes in Parliament. He had often mentioned these cases in private, and had been told that the practice was strictly professional. He had been unable to define the term "professional," unless it meant getting the greatest amount of money for the least possible amount of work. It was "professional" in a mining agent or captain to send up glaring reports of the state of their mines, in order to deceive the public; it was "professional" for architects to receive their commission and a per centage from the tradesmen to pass their accounts. There were a great number of these professional practices which it would be as well if the House could put down. From the conviction, then, that such a Resolution would have a good effect upon constituents he gladly seconded the Motion.

Motion made and Question proposed,—

"That it is contrary to the usage and derogatory to the dignity of this House, that any of its Members should bring forward, promote, or advocate, in this House, any proceeding or measure in which he may have acted or been concerned, for or in consideration of any pecuniary fee or reward."

MR. BOWYER said, he could not admit that there was no ambiguity in the Resolution; but his chief objection to it was that it was a vague censure upon all the Members of the legal profession in that House. [*Cries of* "No!"] He maintained that that

was the case, and that the speeches of the mover and seconder also implied that there was impropriety of conduct in reference to this subject in Members of that House belonging to the legal profession. He hoped that before the debate terminated the noble Lord would state who were the persons to whom he alluded, and what causes of complaint he had against them. If he did not do that, his Resolution would remain as a mere abstract proposition, throwing a stigma on a very important portion of that assembly. Though not himself engaged in practice, he felt it his duty, as a member of that profession, to repel the insinuation that the legal Members took fees ostensibly for professional purposes, but in reality for services rendered in that House. If the Resolution were passed, and a barrister had been concerned in a case many years before, and that case came before the House, he would not be able to speak upon it without incurring the imputation of corrupt motives. If the noble Lord wished to carry out his principle, he must go a great deal further than he proposed. Some Members of the House were railway directors, and in that capacity received salaries and emoluments from their respective companies; yet when measures affecting the interests of their companies were introduced into Parliament, they were allowed to take part in the discussions upon them. So with respect to the Chairman of the East India Company. He was deeply interested in maintaining the power and authority of the great corporation of which he was the head, and he was in the habit of advising the House for that purpose; but if the principle of the noble Lord were carried out, he would be precluded from joining in the debates on the India Bill. The same observation applied to the Governor of the Bank, and to other gentlemen concerned in different commercial undertakings. They ought, according to the principle of the noble Lord, to be prevented from supporting any measure which related to matters for which they received emoluments. Nay, even the law officers of the Crown would have their mouths closed when questions were discussed in which they might be officially engaged, and yet they were the persons to whom the House looked for information in such cases. It was only the other day that the Attorney General for Ireland was allowed to defend his own conduct and that of the Crown with regard to a prosecution in Ireland; but, according to the principle of the noble Lord, the hon. and learned Gentleman had no right to speak on the subject. It was obvious that the proposition of the noble Lord, if followed out to its legitimate conclusion, would deprive the House of much valuable information. On the other hand, if it were to be applied to the legal profession alone, its effect would be, in his opinion, to affix a most unjust stigma on its members, and therefore he should record his vote against the Resolution. In conclusion, he would repeat that the noble Lord ought to name the persons against whom he had brought charges.

MR. WHITESIDE said, that the observations of the hon. and learned Member for Dundalk (Mr. Bowyer) were highly creditable to him, but the hon. and learned Gentleman had not done justice to the Resolution, which might well be affirmed by the House without in the slightest degree trenching on the honour of the legal profession. The arguments of the hon. and learned Member might be easily answered. When the Chairman of the Court of Directors spoke on behalf of the Company the House understood exactly the position in which he stood, and gave to his statements and arguments all the weight they deserved, and no more. There was no analogy between such a case and that put by the noble Lord. What the noble Lord justly complained of was, that any man should attempt to advocate a particular measure in that House from a professed belief in its truth and justice, and nothing else, when, at the same time, his services had been purchased by a fee. The two things were quite distinct. So with respect to the Law Officers of the Crown. They had sat in the House of Commons for centuries, during which time they had been excluded from only one Parliament, and the hon. and learned Gentleman knew by what name that Parliament was known —the "Lack-learning Parliament." Assuredly a person holding an efficient situation under the Crown, and discharging the duty so imposed upon him, stood in a very different position from a private barrister acting on behalf of an Indian Prince, and, while professing to advocate measures in the interests of truth and justice alone, allowing himself to be influenced by pecuniary considerations. Moreover, nothing should be done indirectly that ought not to be done directly. Not much weight would be attached to the statements of a man who frankly told the House that the particular measure he was advocating had been brought forward in consequence of a

professional opinion he had given to an Indian Rajah; and what the noble Lord proposed was than an hon. Member so circumstanced should not be allowed to interfere directly or indirectly in Parliament, whatever he might do in courts of law, in matters in which he had received fees as a barrister. Hon. Members were prohibited from practising before Parliamentary Committees for the reasons set forth in the Resolution of the noble Lord, and they ought not to be permitted to do in another way the same business which they were interdicted from doing "upstairs." The resolution appeared to him to be just and reasonable, and, so far from casting any reflection upon the profession to which he had the honour to belong, it deserved, and he hoped would receive, the support of every hon. and learned Member of that House.

Mr. E. P. BOUVERIE said, that the Resolution did not apply to the particular grievance which the noble Lord had brought before the House. The case submitted by the noble Lord was that of certain gentlemen of the long robe who had taken fees, ostensibly for business out of the House, but really for business in the House. As a remedy for that simple case the noble Lord proposed a Resolution which did not refer particularly to Members of the legal profession, but declared in general terms that corrupt practices had crept in among Members against which it was necessary for the House to protest. Now, the fact was, there was nothing of the kind to be alleged against the conduct of business in the House. The noble Lord did not recite that it had been proved that certain particular gentlemen had been guilty of malpractices. His proof had been of the vaguest description, merely quoting from newspapers. Was it true, or not, that the great bulk of the Members of the legal profession were guilty of practices of this kind? He (Mr. Bouverie) believed nothing of the kind. He had, indeed, heard of two or three cases of the kind talked of, but they were alluded to in the strongest terms, as being contrary to proper practice. But even supposing the charge was true as regarded the Members of the legal profession—which, however, he denied—why were Members generally to be exposed to a grave censure such as that contained in the Resolution of the noble Lord? Again, how would the Resolution meet the cases aimed at which from being dishonourable were necessarily secret. In short, what the House really wanted was, not an abstract Resolution against corrupt practices, but the means of detection. He questioned the legality of that House laying down any new rule upon this subject, though they might properly expound the old practice. But apart from that he thought the proposition of the noble Lord was both too wide and too narrow, and therefore he should vote against it. It was too wide, for it would include the law officers of the Crown and the Ministers of State—who brought forward measures, in respect of which they might be said to have received fee and reward. He also said that the Resolution was too narrow, for it did not meet the case it was wished to meet. A man astute and crafty enough to evade the rules of the House would laugh at the Resolution, and say that he did not bring forward a Motion for which he had received a pecuniary fee or reward, but a totally distinct Motion. Therefore he maintained that the Resolution was both too wide and too narrow. There was nobody more fitting than the noble Lord, from his position and character, to vindicate the honour of the House of Commons; but the noble Lord's feeling was a sort of vague and indiscriminate suspicion that there was something wrong in the House of Commons. The simple and real truth, however, was, with respect to the Members of the House of Commons generally, that there had been an extraordinary improvement within the last two or three generations. Anybody acquainted with the history of Parliament was aware that about 200 years ago the grossest personal corruption prevailed among the Members. What was the state of things in the reign of Charles II.? It was stated in the Parliamentary History that—

> "Then was the time when we beheld a band of abject pensioners in Parliament, a list whereof is still extant. Then was the time we saw our senators wearing the badge of slavery and doing a tyrant's drudgery for clothes and sustenance. Then was the time when no less a sum than £252,467 was squandered among those mercenary wretches in less than three years. Then was the time when a hungry Member was sure of a dinner at one or other of the public tables kept about Westminster. The practice was that besides a dinner, when they had done any eminent piece of service every one found under his plate such a parcel of guineas as it was thought his day's work had merited."

That was a grievous state of things, and corruption showed itself afterwards even in the Chair of the House, and the Speaker was turned out of that assembly for taking bribes; and it was commonly understood

that in 1763 the Peace of Paris was agreed to by the House of Commons in consequence of the personal corruption of the Members, a large sum of money being expended for that purpose. Another authority—Hallam—stated—

"But while this acknowledged influence of lucrative office might be presumed to operate on many staunch adherents of the actual Administration, there was always a strong suspicion, or rather a general certainty of absolute corruption. The proofs in single instances could never, perhaps, be established—which, of course, is not surprising; but no one seriously called in question the reality of a systematic distribution of money by the Crown to the representatives of the people; nor did the corrupters themselves, in whom the crime seems always to be deemed less heinous, disguise it in private. This practice of direct bribery continued, beyond doubt, long afterwards, and is generally supposed to have ceased about the termination of the American war."

Well, he said that since then a great change had taken place, and they were generally better than their ancestors in those respects; and this was attributable not only to the general improvement of public morality, but also to the great security afforded by the press, which was ever vigilant and ready to lay its hands on any person guilty of dishonourable practices. That was the real security, and not a vague Resolution such as had been proposed. He was satisfied that, laudable as the noble Lord's object was, the remedy proposed would go wide of the mark, and the plaster would not fit the sore. The real remedy was one of a totally different kind, and he deprecated placing on the Journals of the House, as a record for all time, that in 1858 the House of Commons thought it necessary to pass a Resolution against corruption on the part of its Members. On these grounds he objected most strongly to the Resolution, and should move "the Previous Question."

SIR JOHN PAKINGTON: Sir, I am induced to offer a very few words upon the proposition of my noble Friend; because, not having the honour to be a member of the legal profession, I may, perhaps, be considered free from the suspicion of bias in any suggestion I may venture to submit to the House. It appears to me that the first and most important question to be considered before we decide upon either the Motion or the Amendment is this—whether there is such a state of public feeling in regard to the existence, or the probable existence, of any corruption, or tendency to corruption, amongst the Members of this House as to make it desirable to pass such a Resolution as that now submitted to us by the noble Lord? If it be the pleasure of the House to agree with my noble Friend in this Resolution, I cannot help suggesting that the words of it should be more general. They should be such as to cover every person in this House, and not be made to apply to a particular section of the House only. Nor should the Resolution contain expressions which, whatever difference of opinion may exist in this House as to their application to the legal profession, will be construed by the public at large as applying to that profession. I certainly deprecate the idea of the learned profession of the law being open to any accusation of this kind. I would therefore suggest to my noble Friend whether or not the adoption of such words as these, condemnatory of the conduct of any Member advocating or promoting in this House any measure "in which he may have acted or been concerned," will not, in fact, be adopting a Resolution pointing to the members of the legal profession—whether these words will not establish a kind of trap for the consciences of members of the Bar; and whether in some possible cases they will not operate as a serious difficulty in the discharge of their ordinary business? I allude particularly to Crown prosecutions. There are cases in which law officers of the Crown are engaged professionally in the discharge of their duties, in which they receive the proper professional remuneration, and in relation to which they may feel themselves bound to come down to the House and take a part in the discussions arising out of such cases. Now, I think that the probability of such cases occurring must prove fatal to the adoption of those particular words in the proposed Resolution. I would suggest, if the Resolution is to pass, that these words to which I have referred should be altogether omitted, and that the Resolution should be passed in this form:—

"That it is contrary to the usage and derogatory to the dignity of this House that any of its Members should bring forward, promote, or advocate in this House any proceeding or measure for or in consideration of any pecuniary fee or reward."

I think it would not only be unadvisable, but it would be unfair, to introduce those which I think refer to the learned profession only. I would further suggest to my noble Friend that, if these words are retained, that the real scope and object of

his Resolution will be materially affected, and that the worst class of cases will be left wholly untouched. The worst class of corruption is not, in my opinion, that in which professional men advocate in this House those views for which they have been previously engaged outside the House; but the worst class is that in which a Member, from a desire of pecuniary or other reward, undertakes to originate a certain proceeding in this House. Now this latter class would be wholly untouched by the Resolution. If, then, we are to proceed with the proposition, I think we ought to proceed in the manner I suggest. I think I am right in saying that the Standing Orders are silent on the crime of corruption in Members of that House, though there is a distinct Standing Order against offering a bribe or reward to Members. There is no Standing Order, however, against Members receiving bribes or rewards, and I believe the feeling has been not to conceive the possibility of any such offence on the part of Members. Consequently I own I am rather disposed to avoid, if possible, any proceeding on our part which would imply that there is a tendency to corruption in this House. Sir, I believe that the House was never more free from the imputation of such a charge than it is at the present time. On the other hand, if the House should think it necessary to adopt some measure of the kind, I trust that it will not refuse to frame their Resolution in the manner I have suggested.

MR. LABOUCHERE said, he hoped the House would not follow the advice of the right hon. Baronet, for to do so would be to affirm a kind of truism. He should, therefore, deprecate any such proposition as the right hon. Baronet had suggested as vague and unmeaning. He quite agreed that personal corruption was not a charge that could be made against the Members of that House, and he was firmly of opinion that never had any popular assembly, dealing with such large interests, in which pecuniary considerations were greatly involved, given its votes more free from personal bias or corruption. Comparing the House with other great popular bodies, he believed that its Members were distinguished most honourably and most creditably for their purity of conduct; and contrasting the present moment with past times, he believed that they had grown better instead of worse, and that they had purged themselves from the stains which in former days might have attached to them. He thought, however, that the House and the public were greatly indebted to the noble Lord for having brought forward this subject, for it was impossible to listen to what had been said out of doors without feeling that they would have shown themselves insensible to their own honour and to the honour of the legal profession—whose character was no small part of the public possessions of the country—if they had not endeavoured to guard more effectually than they had hitherto done against such cases as the noble Lord had alluded to. It was no use disguising the fact. It was notorious that the reference of pecuniary claims from India to this country was becoming more and more frequent, and that they were promoted by great Indian rajahs and wealthy zemindars who were accustomed in their own country to apply their immense resources in the most unscrupulous way to the perversion of justice. There was no doubt but that there was a growing belief that legal Members of the House might with propriety, after having been more or less concerned professionally in cases, bring them forward in that House. He thought that that ought to be put a complete stop to. Even if there were mere suspicions, it was worth their while to put a stop to them. He had heard with great pleasure the speech of the right hon. and learned Gentleman who represented the Bar of Ireland, and he should have been much better pleased if the matter had been taken up by the Bar themselves, for he thought it due to that noble profession that there should be no ground of suspicion against its members. He hoped they would have a declaration from the law officers of the Crown for England similar to that of the Attorney General for Ireland. If that were so, he thought that there would be security against the course which had been deprecated being followed in future—a better security than they could obtain by any Resolution. These things must have a serious effect in India, where no doubt they were much exaggerated; and he thought the circumstances so grave, that it became them to show that they were in earnest on this occasion. Therefore, although he thought that reasonable objection might be made to the terms of the Motion, he felt that the country was indebted to the noble Lord for the course which he had pursued.

THE SOLICITOR GENERAL said, he was reluctant to allow the discussion to

terminate without saying a word on behalf of the profession to which he had the honour to belong. With a great deal that had fallen from the right hon. Gentleman (Mr. Labouchere) he cordially concurred. He had, however, no difficulty in saying, on behalf of the Bar, that if any member of that profession had come down to the House and advocated a question with which he had been previously professionally concerned, and had received his usual fee, such a person would be held by the Bar itself as deserving of the reprobation of the House, as well as the reprobation of the public. He (the Solicitor General) would go further, and say, that any member of the profession who entertained that feeling of honour which he believed was common to the whole body, would at once declare that he could not advocate, or even vote for any question in that House, in which he had been professionally engaged, lest he might, unconsciously, perhaps, be biassed by the opinion which he had, as an advocate, expressed outside of the House. But having said that much, he must express his regret, not at his noble Friend bringing forward the proposition before the House, because he was sure that the noble Lord was actuated by nothing but the purest sense of honour —but he regretted that both the noble Lord who proposed the Motion, and the hon. Gentleman who seconded it, in their several addresses seemed to insinuate that some cases had taken place, and could be named, which rendered a proposal of the kind absolutely necessary. Now, the view taken by the right hon. Gentleman (Mr. Labouchere) was somewhat different. That right hon. Gentleman, while stating his belief that these rumours were quite unfounded, said, that inasmuch as such suspicions were entertained, it was due to the House to adopt a Resolution on the subject. If they had only suspicions to go upon, he should certainly be disposed to offer objections to entertaining the proposition at all. But as the noble Lord and the hon. Gentleman who seconded the Resolution appeared to give their countenance to these suspicions, and by the tone of their speeches led the House to believe that there were grounds for those suspicions, he (the Solicitor General) must, on behalf of the Bar, ask his noble Friend and the hon. Gentleman, in Scotch phrase, to "condescend to particulars," and tell the House who were those members of the legal profession that were charged with having so misconducted themselves. He believed that a more honourable body of men than the Bar of England never existed. And he further believed that the Members of that House, who were also members of the Bar, were not the least honourable section of the Bar. When a Member of the House, addressing himself to a section of Members, gave currency to suspicions which were said to exist out of doors, it was due to that section to enter upon some particularization. If there were such cases as had been referred to they should be specifically mentioned to the House, in order that there might be a foundation for a Resolution of this description. Speaking for the members of the Bar who had seats in that House, he must say that he could not give credence to the charge. On the contrary, he could name instances of members of his profession, also Members of that House, who had been placed in positions in which they could have come down to the House and given the most valuable assistance in support of certain questions; but, to their honour, they unequivocally declined to take any part in relation to those questions in the House, because they had previously been professionally engaged upon them outside. Those facts he knew to his own personal knowledge. He agreed with the right hon. Member for Kilmarnock (Mr. Bouverie) that the Resolution was at once both too wide and too narrow in its scope. Taken in its wide sense there could be no doubt that it included the Ministers of the Crown, the law officers and gentlemen holding such public positions as the Chairman of the East India Company, the Governor of the Bank, and others; and he asked whether it was advisable gravely to affirm a Resolution which might produce out of doors a worse doubt and a worse suspicion than it was intended to provide against? If it was to affirm that a course of conduct should be pursued which he declared was inherent to the honour of the Bar, then the wording of the Resolution should be somewhat different. It would ill become him, having spoken of the wording of the Resolution, to say more upon the part of the Bar, except to claim for them that if there was any charge imputed to any member of that body in that House, there should be a distinct statement, and some proof of it given. He disowned all alleged charges against the members of the Bar in that House. He did not believe in them. He was sure there was no foundation for them. Having said so much, he would leave the Resolution in the hands of the House to

adopt any wording it might think fit to convey the meaning it intended; but at present he believed the resolution either conveyed much more than those who proposed it, or those who supported it intended it to convey, or it failed to express the charges which were meant to be expressed, and which had been insinuated in some of the speeches delivered that evening.

MR. SERJEANT DEASY said, he fully concurred with the hon. and learned Solicitor General in thinking that conduct such as had been imputed to the Bar in the course of this debate would be a violation of their duty, both as Members of Parliament and members of the legal profession. As a member of the Irish Bar, he would say that the whole of that profession would unanimously condemn any Member who could allow himself to be influenced by the motives imputed, and that, on the contrary, members of the Bar often refused fees in cases, lest at some future day they might have to decide on the same cases as Members of Parliament. He repudiated the vague imputations which had been cast on the Bar, and firmly believed that its members were incapable of the conduct which had been insinuated rather than charged in the course of the debate.

THE ATTORNEY GENERAL said, that holding the office which he did, he felt bound not to allow the debate to terminate without saying a few words upon the subject of the Resolution before the House. If the noble Lord who moved the Resolution, or any one who supported it, believed that there had been on the part of any member of the Bar of England, Scotland, or Ireland, any such conduct as afforded the slightest ground for the Resolution, the charge, as a matter of justice to the whole profession, ought at once to be plainly and openly made. He had listened with astonishment and regret to the observations of the right hon. Member for Taunton (Mr. Labouchere), for it was impossible to avoid perceiving that that right hon. Gentleman had in his mind some impression that there had been conduct on the part of members of the Bar in that House which called for the Resolution. Mention had been made of rumours out of doors, but he (the Attorney General) had never heard of them. He believed that the Bar of England merited the encomiums that had been pronounced upon it by his hon. and learned Friend, and that it enjoyed and deserved the confidence of the public. Now, as far as the Resolution went, except as to the words pointed out by his right hon. Friend the First Lord of the Admiralty, it was entirely unobjectionable, though at the same time he considered it quite unnecessary and uncalled for. The Resolution was an abstract Resolution, expressing what was now the law of Parliament. There was an Order of the House, passed as long ago as 1695, in which it was laid down that—

> "That the offer of any money or other advantage to any Member of Parliament for promoting any matter whatsoever impending or to be transacted in Parliament is a high crime and misdemeanour and subversive of the English constitution."

That order was directed against offers, but of course it implied that the acceptance of such offers by a Member of Parliament would be equally reprehensible. But then there were the words which had been proposed to be omitted from the Resolution, "in which he may have acted or been concerned," and upon these he would ask the House to consider what was the natural, the necessary meaning of those words—that members of the Bar having seats in that House should not be permitted to interfere in matters upon which they had been consulted as barristers. He, as one of the law officers of the Crown, was consulted upon a matter in which the House and the country felt a deep interest—the affair of the *Cagliari*. He gave an opinion, and within three days after giving it the matter was brought under discussion in that House. In what position would the law officers of the Crown have been placed if the proposed Resolution had then been in force? They would have been forbidden to take any part in that discussion. If it were intended that the Resolution should not apply to cases where opinions only had been given, then that should be expressed in the Resolution, otherwise every member of the Bar having a seat in that House would be placed in a very difficult position. He would refer to class of cases with which he had been associated more frequently perhaps than any other hon. and learned Member in the House—he alluded to the cases of Indian Princes having grievances, real or supposed, to urge against the British Government, who came over to this country and consulted some member of the Bar who might happen also to be a Member of the House. The case was read by that Gentleman, and he wrote his opinion upon it, and there his connection with it ceased. If the

counsel, upon reading the case and hearing the facts, should come to the conclusion that the Indian Prince had no remedy at law, but had a wrong which Parliament could and ought to redress, he would give that opinion to his client. He conceived that it was the duty of members of the Bar in that House—and that duty he had always endeavoured scrupulously to perform—when a case was laid before them which there was the least ground for supposing might come before Parliament to state that they could not be consulted upon it. If it were a case for a court of law, of course they might deliver their opinion upon it, and advocate it in a court of law; but his objection to the Resolution was, that it would restrain a Member of Parliament from giving an opinion in that House upon any question on which he might have been consulted, not as an advocate, but for the purpose of obtaining his unbiassed opinion upon the law and the justice of the matter. He wanted to know what wrong there could be in such advocacy. If there were wrong, as a member of the Bar he wished it to be pointed out to him by the House. It might be that the only redress which could be obtained by the party who had consulted a learned Member of that House on a case was by bringing it before Parliament, and he wished to know upon what conceivable principle that Member's independence in that House was to be assailed, and his mouth to be closed on such a case. If the Resolution bore only on the many Indian cases that came before the House, there would be little difficulty in tracing out a line of conduct that he doubted not every Member of the House would be ready to adopt. But when they considered it as applicable to the many cases for which Members of the House might be consulted, and which might afterwards come before Parliament, he must say that he could conceive nothing more likely than such a Resolution to drive from the House the most eminent and high-minded members of the Bar. With regard to the question of Indian Princes, he would say that it was impossible not to agree with an hon. Member who had observed that every Member of that House ought to be above even the shadow of a suspicion of advocating in his place in Parliament the cause of any of those Indian Princes, except from his inherent love of justice, and looking for no reward beyond the approbation of his own conscience. But when the words of the Resolution came to be applied to the case not of private Members, but that of the law officers of the Crown, he thought it would well become those who supported it in its present form to ascertain what was the mode in which the duties of members of the Bar were performed, and what was the mode in which they were consulted on the part of the Crown in regard to questions which might, and in some cases inevitably must, come before Parliament. Every member of the Bar of England, and more especially his learned Friends who had succeeded for the good of the country in obtaining seats in the House, would scorn to be influenced by any hope of reward for the performance of their duties in the House.

Mr. MALINS said, that as a member of the Bar, and naturally anxious for the honour of his profession, he must protest against the motives which had been attributed to the members of his profession. He knew not what was the origin of the Resolution. The right hon. Gentleman the Member for Taunton (Mr. Labouchere) had gone somewhat beyond the hon. Member for Exeter (Mr. Divett) in stating, that there was a growing opinion in the legal profession that those engaged in it might receive large fees as an inducement to come down to that House and advocate particular measures. He (Mr. Malins) should like to know from what quarter the right hon. Gentleman had obtained that information, because nothing could be more diametrically opposed than that opinion to the opinion entertained among those members of the Bar with whom he associated, and who would repudiate with as much indignation as the right hon. Gentleman in the chair any dishonourable proposition that might be made to them. He had a profound respect for the noble Lord, but he regretted that he had not more specifically mentioned what it was that had induced him to submit this Resolution. It had been said that some briefless barristers came into that House with the view of thereby procuring business, which they could not otherwise obtain. Now, the members of the Bar in that House were rather a numerous body, and yet he had looked in vain for cases of the kind alluded to, and he could further say that if any barrister were so foolish as to entertain such a notion, he would meet with bitter disappointment. There was no evidence whatsoever to show that those malpractices against which the Resolution appeared to be directed had any

existence ; and nothing, he should contend, could be more embarrassing than that the Resolution should be passed in its present shape, because, taken in connection with the debate to which it had given rise, it would be regarded in no other light than as an expression upon the part of that House of an imputation upon the conduct of those among its Members who belonged to the legal profession.

Mr. BENTINCK said, he wished to express his cordial approval of the wording of the Resolution, as well as of the sentiments to which his noble Friend, by whom it had been submitted to the notice of the House, had given utterance. After what he had heard from so many distinguished members of the legal profession, it must be quite clear that the sentiments of the profession were completely in accordance with what they ought to be, and what every one hoped and believed that they were. The Resolution, indeed, was one the justice of which it was, in his opinion, impossible to deny ; nor could he concur with the hon. and learned Gentleman who had just sat down, in thinking that the House could not assent to it without thereby casting an imputation upon the members of the legal profession. His belief, on the contrary, was, that in not assenting to it hon. Members would be casting an imputation on themselves. His chief object, however, in rising to address the House was to express his regret that his noble Friend had not gone a step further. It appeared to him, indeed, that the words of the Resolution would, in fact, bear the more extensive construction which he wished them to bear ; but, on the other hand, it seemed to be the opinion of the House that the Resolution was intended to reflect solely upon Members of the legal profession. Now there were two other cases which reflected equally on the character of the House and of its Members to which this Resolution ought to be made unequivocally applicable. One class of cases was that embraced under the head of testimonials. They frequently heard of Members of that House receiving large sums in hard cash for services or reputed services performed, in their capacity of legislators, and still continuing Members of that House. Now, with respect to the propriety of accepting such rewards, he, for one, had no hesitation in expressing a decided opinion. Such practices were more derogatory to the character of the House and of its Members than anything which had been alleged against members of the legal profession. When a Member received money on account of the performance of his duty that was neither more nor less than a bribe, influencing him in the discharge of such duty in that House, and he thought that the House should express its marked disapproval of practices of this kind. Then there was another class of cases to which the same remarks might be very fairly applied. Members had in times past—happily not recently—been the hired and paid agents of colonies, paid and hired to do their duty in that House as Members of Parliament on behalf of certain colonial possessions. Was not that a greater violation of the character of the House and of its Members than anything that could be done by a member of the legal profession in his joint capacity of barrister and Member of Parliament ? And unless they expressed clearly by this Resolution their disapproval of such practices, they would bear hardly upon the legal profession ; they would be straining at a gnat and swallowing a camel. He should abstain at that time from any condemnation of that which had always been held contrary to the laws of honour in this case ; but he thought they were bound to have it understood that they did not confine themselves to criticisms of the conduct of the legal profession, but that they considered it disgraceful to the Members of that House, at any time and under any circumstances, to receive money, bribe, or testimonial for the performance of duties which they ought to perform as free, independent, and unbiassed Members. Of course he did not mean to include in these remarks such testimonials as were often given by constituents to Members who had long and faithfully served them. Such testimonials as these he conceived to be honourable to those who gave and those who received them.

Mr. GILPIN said, that he did not see a word about the legal profession in the Resolution, and as a Member not connected with that profession he was prepared to maintain that the proposition either meant a great deal less than it said, or a great deal more than could be gathered from the speeches of the mover and seconder to be their intention. He thought that whether a testimonial was given by the Crown or the people, the recipient of it was not disqualified for worthily performing his part in that House. He did not dispute the purity of the legal profession. He believed that the legal Members of the House stood

on a par, in point of honour and integrity, with other hon. Members, and he did not think that they themselves professed to do anything more. If he believed that the Motion was intended as a slur upon the legal profession, he would be amongst the first to oppose it as being unjust and undeserved; but he did not think that that was the bearing of the Resolution, and he did not, therefore, oppose it on that ground. In his opinion, the Resolution was unnecessary. He believed that there was proof in the Orders of the House, or, at all events, in *Hansard*, that the House disapproved the conduct alluded to in the Resolution, and that being so, to pass another Resolution in addition to those already sanctioned by the House, would appear to imply a consciousness that there was something wrong, which he did not believe. He had already said that the Resolution might be interpreted as extending much further than was generally understood. It might be read as precluding a railway director from addressing the House in regard to a scheme in which he was interested, although he did not think that any Member had hitherto laid down such a rule of conduct. He (Mr. Gilpin) was a director of a large railway. The hon. Member for Exeter (Mr. Divett) was also a director of a large railway. He (Mr. Gilpin) was not aware if that hon. Member had laid down a rule to himself, that if his line came under the notice of Parliament he would not speak or vote in reference to it; but certainly he (Mr. Gilpin) had laid down no such rule for himself. He had spoken and voted on such questions more than once, but had taken care that it was known by the House that he was a director of the company. He also thought that it would be an outrageous thing to say, that because the Attorney General had been consulted by the Oude family he should be for ever after disqualified from giving an opinion on their case. He believed that the opinion of the House on this subject was well understood; that its power was sufficient, and its will indisputable, to deal in the most stringent manner with any case of the kind referred to, should it arise; and thinking this Motion, therefore, unnecessary, he should vote in favour of the Previous Question.

MR. P. O'BRIEN said, he believed that the members of the law were actuated, in the discharge of their Parliamentary duties, by the most honourable and disinterested motives. He had been a short time ago offered a brief for an Indian firm, but he had refused it, believing that its acceptance might interfere with the discharge of his Parliamentary duties. He believed that that was the principle which actuated the Members of the Bar both in England and Ireland; and he thought, therefore, that a Resolution which bore the aspect of casting a slur upon that profession was unjust to them, while it was unnecessary, as expressing disapprobation of pratices which the House had already sufficiently condemned.

LORD JOHN RUSSELL: Sir, I believe that the noble Lord who introduced this Resolution has done good service to the character of this House. That noble Lord has introduced the measure in a direct and manly manner, and whatever may be the conclusion of this debate, he has done good service to the character of the House. I confess, however, that I feel very great difficulty in voting for this or any other Resolution that may be drawn up on the subject, because it seems to me that the House, by a general Resolution, said many years ago that no Member should vote on any matter in which he had a direct pecuniary interest. That Resolution so come to affords, at least, a plain and intelligible—I think when you attempt to go further and define what shall be the conduct of Members of the House in regard to transactions in which they have been concerned, that you then run great danger of framing a Resolution so wide that persons not intended to be included in it will think themselves precluded by its language from voting according to their consciences, lest they may be violating the rule you have laid down. I cannot quite admit the distinction which was drawn by the Attorney General for Ireland as to the conduct of the law officers of the Crown. For instance, some years ago the question was raised in this House whether the law officers of the Crown, in prosecuting a certain company in the City for fraud on the revenue, had not exercised their functions in a most oppressive manner. If such a case as that were brought forward in the House—and I believe that that very case was so mentioned—it would be the right, as it was the duty, of the law officers of the Crown to defend their conduct and promote any measure which would put an end to the practices complained of. No one could blame them for taking such a course, but the right hon. Gentleman said that that would be so because their

conduct was open and it would not therefore be condemned by this Resolution. That, however, was just the distinction which the Resolution did not make, and I doubt whether it is possible to frame a Resolution that would adequately convey the meaning of the noble Lord and the House if it were desirable to do so. Then there is the case which was mentioned by the Attorney General for England—a case on which, speaking for myself, I think it very desirable to know what is the opinion of gentlemen of high standing at the Bar. The case supposed by him is one, in which the hon. and learned Member, who is consulted, is of opinion that it will be necessary to seek pecuniary redress from this House, as often happens, the case of some one like a Prince from India or other person with large claims. Now, the learned Attorney General has told us exactly what the conduct of a member of the Bar ought in that case to be. He supposed that the case came to him through the usual channel; his clerk receives a retainer; and he finds, on coming to the papers, that there is no redress to be got in a court of law, although a wrong has been suffered; he has a right to give his opinion, and he is not afterwards precluded as a Member of Parliament from taking up that case. If I understand the learned Gentleman, his proposition is a right one, and it is this—that a barrister who is a Member of this House, having given his opinion—whether he take a fee or not, for that is of little consequence—should from that time forward take no fee or reward—that if he gave his advice to that person afterwards he should give it gratuitously, and that he may take it up as a public case. I think, Sir, that no blame attaches to him for doing so; nay, I think he would be highly to blame if, having given his opinion as a lawyer, and being afterwards consulted as a Member of Parliament, he should decline to advocate and support the opinion he had given as a barrister. If I understand the learned Gentleman as speaking the sentiments of the Bar—and so I understood him—then I think the rule which he laid down is perfectly satisfactory. Of course every barrister must consider for himself how far he may go in the particular case before him; and then arises the large, though not difficult question, whether the members of the Bar are of such a character that they can be trusted to make a proper distinction between their duties as lawyers and as Members of Parliament.

Lord John Russell

I am glad, Sir, that this discussion has taken place. But still I would rather trust to the honour of members of the Bar of England who are Members of this House than trust to the words of any Resolution. It has already been pointed out by some one that even this Resolution, if it were passed, would be open to evasion; and indeed you can hardly frame words which may not be evaded by those who wish to do so. I, therefore, think that the aim of the House will be better gained by trusting, upon a question of honour and feeling, to the conscience and high character of the members of the Bar than by the words of any Resolution. I shall, therefore, rather vote for the Previous Question, but in so doing I render my tribute to the noble Lord who has brought forward this question, as having done good service on a question upon which much difficulty has been felt.

Mr. BOVILL said, he thought that, of all persons, Members of the Bar in this House ought to be most indebted to the noble Lord for bringing on this discussion. He, however, dissented entirely from the grounds on which the noble Lord had based his Resolution. Probably nothing could be further from his mind than a wish to cast imputations on the members of the Bar; but the vague charges he had made, and certain expressions in his speech wounding to the feelings of many hon. and learned Members of the House, certainly had that effect. Now, if any impression prevailed in the public mind that barristers were bribed for their services in Parliament, it was quite time to dissipate such an impression, for it was neither the principle nor the practice of the English Bar to act in any such corrupt and dishonest manner; and it was impossible, indeed, to suppose that any man of honourable feeling would barter his independence for the miserable fee he might receive in such a case. Should the Resolution be adopted, its language would be such as to render it almost impossible properly to discuss in this House legal questions which required the assistance of the Bar. For example, in the recent discussion on the subject of church rates, the hon. and learned Member for Yarmouth (Mr. Mellor) must have had some hesitation in taking part, as he had been professionally concerned in the question. Another instance of this might be found in the Bill with respect to crossed cheques. Both himself and the Attorney General had happened to be engaged in

the very case which elicited a discussion upon a recent Act of Parliament, and for that reason the two persons, perhaps, who know most of the subject would be precluded by this Resolution from taking any part in the discussion. Then again, if the object was to prevent members of the legal profession taking part in any question upon which they had in their capacity of barristers pronounced an opinion or taken any part, the Resolution did not go far enough, for while it declared that they should be incapable of promoting such measures, it did not say they should not be allowed to oppose them. In truth, all these questions might be safely left to the honour and discretion of members of the legal profession; and on this ground, as well as because the Resolution was in itself imperfect for the objects it sought to attain, he should vote for the Previous Question.

MR. ROEBUCK said, that when they were about to pass a Bill in order really to bring under the dominion of this House the whole of India, it was of some importance to determine the circumstances under which hon. Members ought to undertake the advocacy in Parliament of questions of a particular nature. He had had some experience in this matter, and the statement of the Attorney General, he thought, exactly met the case. He would mention a circumstance which had occurred to him. It so happened that he was the governor of a bank, the manager of which came to him one day and said, "One of our customers is below; he wishes to see you; will you go down and speak to him?" Thinking the applicant had come upon matters connected with the business of the Bank, he (Mr. Roebuck) replied, "Certainly," and down he went. He found a gentleman, who said he came on the part of the Queen of Oude. Well, he (Mr. Roebuck) was not quite sure that Her Majesty was not going to open an account with the Bank, and he replied, "Very well, Sir, what have you to say?" The gentleman said, "The Queen certainly has not spoken to me; I am obliged to speak to her through women; but she has conveyed to me her desire that you would see the Prince of Oude." He (Mr. Roebuck) replied, "Certainly, I will see the Prince of Oude, though I am not aware I can do any good by it; but if Her Majesty desires that I should see him, I shall only be too happy to obey her wishes." The gentleman then observed, "Sir, Her Majesty bade me say she was very sorry she only approached you in this manner." He (Mr. Roebuck) said, "Sir, what the Devil do you mean?" The gentleman replied, "Sir, she is very poor." He (Mr. Roebuck) replied, "Oh, Sir, now I know what you mean; but you come to me as a Member of Parliament, and I am ashamed that any Englishman should dare to approach me in such a manner." "Oh, Sir," replied the gentleman, "you are very much more particular than a certain gentleman," whom he named, "who, being a Member of Parliament, has received £500." That brought him to the second part of the case. Now, he took the statement of the hon. and learned Attorney General of the rule which ought to guide Members of that House who were also members of the Bar, in such cases to be, that if it should happen that any such Member had given advice before he knew all the circumstances, and afterwards he found that there was nothing for it but going to Parliament—he, being a Member of Parliament, should withdraw from the case, and not permit his name to appear on the books of the House, or in any way in connection with it in the House, while he was receiving a fee from the client. If that were the effect of the hon. and learned Attorney General's statement, then the rule was clear and definite, and could not be mistaken—namely, that when they came to Parliament, all fees as to the barrister were to cease at once. There could be no doubt or hesitation in the matter henceforward, and he thought the learned profession, of which he was a very humble member, were deeply indebted to the noble Lord (Lord Hotham) for bringing forward his Motion. He wondered that the hon. and learned Member for Wallingford (Mr. Malins) should have said that he had never heard of imputations of this kind. Never heard of such imputations! Had the hon. and learned Gentleman walked through Westminster Hall without hearing Members of that House charged, by name too, with having accepted fees for the advocacy in Parliament of a particular line of conduct? [MR. MALINS: Yes.] He (Mr. Roebuck) could only envy the ignorance of his hon. and learned Friend who had passed through life without hearing what was within everybody's knowledge, but there were none so deaf as those who wouldn't hear. The case was plain; but, although he was prepared to vote with the noble Lord, he did not think he would gain much by pressing his Motion to a division. He was quite

prepared, with the noble Member for the City of London (Lord J. Russell), to leave it to the honour of the noble profession, of which he was a member, to pursue a cautious line of conduct; and, as the opinion of the House had been distinctly declared that no man ought, as a lawyer, to advocate any case in that House for fee or reward, he thought there was no danger of an infringement of the rule. In his opinion, the House had done all it need do, and he believed that hereafter no lawyer would dare to infringe the rule they had laid down.

Mr. MELLOR said, it might happen that in particular cases of hardship the law of the country afforded no redress. Members of the legal profession who were also Members of that House might say to their clients under such circumstances, "The law affords you no redress; you must appeal to the Legislature;" and because they had given that advice were their lips to be sealed in the House of Commons, although they might be the most competent persons to render assistance to the House in dealing with such questions? He thought that could not be the intention of the House, and the etiquette of the legal profession would prevent any barrister whose character was worth anything from taking fee or reward under the circumstances contemplated by the Resolution. On the other hand, if the Resolution were adopted with the exception of the words which the First Lord of the Admiralty proposed to omit, it would amount to nothing more than the declaration of a truism. He felt great difficulty in voting with the noble Lord, but still greater in voting against him, and therefore he trusted that the noble Lord would consider that he had gained all he could expect to obtain from the discussion which had taken place, and would not press his Motion to a division.

Lord HOTHAM, in reply said, that it was not a bad test of the value of a Motion when hon. Gentlemen found fault with it, by saying that it did at once too much and too little. He must in the first place express his extreme regret that anything he had said should have wounded the feelings of any Member of the legal profession. He had started by saying that there were rumours of such practices as he had alluded to, and a belief in the public mind that the services of hon. and learned Members could be procured by retaining them first professionally, and then inducing them to go on with cases in that House. He had said that this ought not to be permitted, and that the House ought to lay down a rule that such proceedings should terminate. It was impossible not to allude to some person or other, but when he was asked by the hon. Members for Dundalk and Wallingford to name those persons, even if he knew he would not mention their names, and the more, because the offence in question was prohibited by no law, however immoral it might be. It was a fact, in the case of the Queen of Oude, that an hon. and learned Gentleman, a Member of that House, was retained professionally and received a large fee with a view to legal proceedings, and a consultation took place, at which it was stated that the case could not be worked in the courts of law, and the learned Gentleman was appealed to, as he knew the case best, to bring it before the House of Commons. That appeared to him (Lord Hotham) an improper practice, and he thought that the House ought to declare it to be so. The noble Lord the Member for London had spoken in very handsome terms of the motives by which he was actuated, but the noble Lord added that the case was already provided for by the Resolution of the House levelled against hon. Members acting in cases in which they had a direct pecuniary interest.

Lord JOHN RUSSELL: I said all that could be effected by a Resolution was thus provided for.

Lord HOTHAM: In such cases as he had alluded to, how could direct pecuniary interest be proved? The money was given beforehand as a fee, and then the individual was asked to undertake the conduct of the case in that House. Whatever might be the motives of a person so situated, he could never be free from suspicion. The hon. and learned Member for Sheffield said that the matter was now thoroughly understood, and that a professional Member of that House must cease to act in a case the moment it came before the House of Commons. But that left things as they were. No fee was given for acting in the House of Commons, but it was given in the first instance, and covered all subsequent proceedings. The hon. and learned Attorney General had stated very fairly his opinion as to the mode of dealing with these cases. He said that Members of the legal profession were at liberty to act in Indian cases out of the House, in the first instance, and then come and act

on them in the House. From that opinion he (Lord Hotham) entirely dissented, and he felt it his duty to ask the House to pronounce an opinion, on a division, whether such a doctrine was correct.

Whereupon *Previous Question* put, "That that Question be now put."

The House *divided :*—Ayes 151 ; Noes 80 : Majority 71.

Main Question put.

The House *divided :*—Ayes 210; Noes 27 : Majority 183

Resolved—

That it is contrary to the usage and derogatory to the dignitary of this House, that any of its Members should bring forward, promote, or advocate, in this House, any proceeding or measure in which he may have acted or been concerned, for or in consideration of any pecuniary fee or reward.

ASSESSED AND INCOME TAXES.

RESOLUTION.

MR. LINDSAY, who had given notice of his intention to move a Resolution—

"That in the opinion of this House the assessors and collectors of taxes, both assessed and income, should be appointed by the Commissioners of Inland Revenue,"

said, that the subject which he desired to bring under the attention of the House was of very considerable importance, and those whom he represented, along with others, had been very severe sufferers from the present mode of collecting the taxes. Instead, however, of putting the Motion of which he had given notice, he proposed to substitute the following :—

"That in the opinion of this House the present mode of collecting the taxes, both assessed and income, is attended with great disadvantage and loss, and requires immediate attention."

From the Return which had been ordered on the Motion of the hon. Member for Stoke-upon-Trent (Mr. Ricardo), it appeared that there were seventy-one different parishes which had been reassessed under the Income-tax Act—that is to say, those parishes having paid their income tax, and having defaulting collectors, had been called upon to pay their income tax a second time. In some instances, the amount thus claimed was considerable—amounting, in one instance, to £2,500, and his (Mr. Lindsay's) constituents had been reassessed to the amount of £1,796 15*s.* 4*d.* In 1854-55 two collectors were appointed for the parish of Tynemouth. The warrant under which those collectors were appointed was undersigned by the Commissioners, who thereby nominated and appointed two persons named Briggs and Phillipson to collect the income tax, &c., and the Commissioners thereby enjoined them to collect such tax, &c., and upon payment thereof to give acquittance, &c. To the parties holding that warrant, his (Mr. Lindsay's) constituents paid their taxes and received a receipt. Afterwards Briggs became insolvent. At first it was, though unsuccessfully, attempted to make his co-collector Phillipson liable. The effects of Briggs were taken possession of and converted; but before applying the proceeds in reduction of the debt due to the Commissioners, the Board were of opinion that his creditors had a prior claim, and the sum available, after paying such claim, was £1,459, which sum was paid over, leaving £1,765 4*s.* 4*d.* to be paid, and that amount was reassessed on the parish, as it was provided by the Acts. His constituents presented their receipts, and attempted to resist the second payment, after consulting eminent counsel. The matter went on for some time, when the Board of Inland Revenue insisted that the amount should be paid, and they called upon the local Commissioners to distrain upon the parties if necessary. Two persons were appointed for that purpose; but after some delay they declined to do so, stating that they had done sufficient dirty work already; and because they so declined they were fined £50 for neglect of duty; but the amount was subsequently abated. Not being able to find a local collector, the Board of Inland Revenue sent a person down specially to make a reassessment. After resisting, but in vain, his constituents were obliged to pay the tax a second time. The law, as it stood, was extremely difficult to understand; there were a number of Acts bearing on the subject. The 43 *Geo.* III. gave directions for the appointment of assessors and collectors, and by 5 & 6 *Vict.* parishes were liable to be reassessed for defalcations; but the 17 & 18 *Vict.*, c. 85, seemed the most important, By that Act the collectors were required to give security to the Board of Inland Revenue, if that Board thought fit to demand it; and he thought a remedy for the evil complained of would be obtained by a slight alteration of the law, making it imperative on the parties collecting the assessed and income taxes to give security. As his Motion originally stood, he proposed that the collectors of these taxes should be appointed by the Government, and that, consequently, the Government should be responsible for their defaults,

That would make it necessary for the Government to call on them for security; but, as there were difficulties in the way of that arrangement, he would now suggest, not to place the appointments in the hands of the Treasury, as the local Boards might thereby be weakened, but that the whole country should be divided into districts, and that the local Commissioners should appoint competent and responsible parties as collectors for those districts, but that the appointments should be subject to the approval of the Treasury or Board of Inland Revenue, by whom the collectors should be required to give security. The collectors in large districts might appoint sub-collectors if necessary, but with them the Government would have nothing to do. The Government would look to the collector, who had given security, and who was appointed by the local Commissioners, and to him alone. Should a collector become insolvent, then the parties who had paid their taxes, or the Government, could come upon their securities for the money. He hoped he had shown the House the necessity of a change. He did not wish to pledge the House to the precise form of that change; all he wished to establish was, that the taxpayer, once he had paid his taxes, should not be called upon to pay them again, and with this view he would again read the Motion.

MR. W. WILLIAMS seconded the Motion. Many losses had occurred in the borough which he represented, and he could speak to the loss and inconvenience inflicted thereby upon individuals. In his opinion the appointments ought to be made by the Government, who should be responsible for defalcations. In the borough of Lambeth hundreds of persons had been disfranchised through the defalcations of the collectors.

Motion made and Question proposed,—

"That, in the opinion of this House, the mode of collecting the Taxes, both Assessed and Income, is attended with great disadvantage and loss, and requires immediate attention."

SIR JOHN TROLLOPE said, he thought there would be great difficulty in carrying out the views of the hon. Member for Tynemouth (Mr. Lindsay), and therefore, if it were pressed to a division, he must vote against it. Every person who became security would be registered as a debtor to the Crown, and this would be a charge on the whole of their estates, while, on the other hand, in a large number of districts the remuneration was so small that no man would for it subject himself to the inconvenience of giving security to the Government. He had been a local commissioner for many years, and never knew a case of defalcation in any officer appointed by him. The officers who were defaulters were the officers appointed by the Government. The hon. Gentleman spoke of seventy cases, but did not say over how many years they were spread, or the amount of the defalcations. He would suggest to the hon. Member that the best course would be to propose the repeal of the statute of George III., which enacted, that in case of any defalcation the amount should be re-assessed on the parish; that was a hardship. With taxes, as with anything else, if a person paid his money to the duly qualified officer, the receipt ought to be a discharge under all circumstances. If the hon. Gentleman pressed the subject to a division he must oppose it, although he admitted the law required amendment.

MR. RIDLEY contended the matter complained of was a great grievance. There could not be a greater hardship than that a man having once paid a tax to the proper officer should be compelled to pay it over again. He understood the matter had lately been under the consideration of the Board of Inland Revenue, and he trusted the Government would be able to provide a remedy. If something was not done, the effect on the revenue might be very serious.

MR. INGHAM considered the suggestion of the hon. Baronet (Sir J. Trollope) a very good one, and if adopted, it would go far to remedy the grievance complained of; but if the Inland Revenue Commissioners were responsible for the collection of the revenue, they ought to have the appointment of their own officers. If that were done, a much smaller number of collectors would do the work.

THE CHANCELLOR OF THE EXCHEQUER said, he thought that the hon. Member for Tynemouth was quite justified in bringing this question before the House, for it was, no doubt, one of great grievance. He (the Chancellor of the Exchequer) hardly knew any thing more severe than to pay taxes at all, but to pay taxes twice because a man whom you had never seen had run away, undoubtedly seemed a combination of grievances, which no one could be expected to bear patiently. He trusted, however, that the hon. Gentleman would not press his Motion to a division, because the matter was now under the considera-

tion of the Government. He did not use that phrase as one merely to meet a Motion coming from the other side of the House. The Commissioners of Inland Revenue, in their Report on land and assessed taxes, which was laid upon the table a few days ago, referred to this subject in a paragraph which he would read to the House. They said,—

"The system of assessing and collecting these taxes by means of officers appointed by the parishes must before long be taken into your Lordships' consideration. It is very unsatisfactory, and constantly tasks our ingenuity to provide against its inherent dangers. Yet, besides the insensible loss to the revenue occasioned by carelessness and ignorance, a year seldom elapses without some flagrant instance of default or fraud among the collectors. Improvements might no doubt be effected in the present system by the local Commissioners, but, admirably suited as they are for acting as judges of the propriety of the assessments which are laid before them, it is not to be expected that they should devote themselves to the superintendence of the details of the process of assessment and collection in the same way as an officer of the Government would. No such officer, for instance, would have allowed the violation of an essential rule in the collection of taxes by the union of the offices of assessor and collector in the same person, as is now generally the case both in assessed taxes and income tax. The facility for fraud afforded by such a practice—adopted for the sake of the poundage, and quite in opposition to the spirit of the law—has been lately exemplified in the Bassishaw ward of the City of London, where the collector, who absconded, had received and appropriated to his own use large sums in discharge of returns which he had suppressed or destroyed, the returns being made to him in his capacity of assessor. There was thus no charge raised against him for these payments."

The right hon. Gentleman (Sir J. Trollope) had made a suggestion worthy the attention of the Commissioners, but the whole subject was one which could not be immediately settled. It demanded, on the contrary, great consideration, thought, and contrivance. A machinery was wanted for raising a large revenue at a slight cost, but it was natural that local jealousy should exist in regard to appointments by the Government, and this jealousy ought not to be discouraged, since it was not desirable to increase the patronage and power of the Crown beyond what the interests of the public required. He trusted that the hon. Gentleman would feel that it was unnecessary to ask for a more formal expression of opinion on the part of the House.

MR. LINDSAY said, that after the distinct statement of the right hon. Gentleman that the matter was under the consideration of the Government, he would not press his Motion to a division. The matter, however, was one that required the speedy attention of the Government.

Motion, by leave, *withdrawn*.

LUNATICS UNDER THE COURT OF CHANCERY.

COMMITTEE MOVED FOR.

MR. TITE, in moving for a Select Committee on this subject, said the matter was so foreign to his usual pursuits, that he would not have moved in it, but that a case of very great hardship having recently been laid before him, he felt compelled by a sense of duty to bring the matter before the House. He regretted to hear that his Motion was to be opposed—he should have thought that the feelings of every hon. Member would lead him to support it. It appeared from recent returns that there were now 29,000 lunatics in England, the increase last year having been 1,000. There were 15,054 in the county asylums, and 7,000 pauper lunatics in the workhouses. The number of county asylums was thirty-eight, and it was gratifying to learn that last year the cures in them were fourteen per cent. There were 551 lunatics under the control of the Court of Chancery, possessing property to the amount of £240,000 a year. The amount allowed for their support was £160,000, or an average of about £300 a year each. It might be supposed that having such large funds for their support, those lunatics would be in a much better state than any other, but in point of fact it was amongst this class that the greater number of complaints of hardship were found to exist. The proportion of cures did not exceed two per cent. The Act of 1853, though drawn with much legal acumen, did not work. In the first place, only two medical visitors were appointed to look after these 530 persons, and they were only paid £500 a year each, an amount of remuneration for which it was impossible to expect gentlemen of their eminence to devote the whole of their time. These medical visitors were only bound to visit each patient once in the year, so that the patient might, in reality, be two years without medical attendance; for, if a medical visit was paid in the January of one year it need not be repeated till December of the year following. The result was that the visitation was not efficient, and without constant supervision the lunatic was sure to be neglected. He found, too, that one of the medical in-

spectors took his degree as M.D., in Edinburgh in 1806, and he should like to know what physical energy that gentleman was able, for £500 per annum, to bestow upon the inspection of 551 Chancery lunatics each year? Lunacy was tiresome and harassing; and without constant vigilance humanity itself would cease to be humane with regard to this unfortunate class. The sums paid for the maintenance of some of the lunatics was monstrously extravagant. In a recent return to the House of Lords he saw a case mentioned in which no less than £1,100 a year was allowed for the maintenance of the lunatic—a sum that must make the fortune of the asylum in which he happened to be placed; and that, evidently rendered it the interest of the keeper of that institution to prevent the inspectors obtaining a correct idea of that gentleman's mental condition, should it become improved. In another case, a clergyman, subject to partial hallucinations, and fit to move in society, was placed, with an allowance of £400 a year, in the care of an ex-sergeant of police, whose other income only amounted to 30*s*. He did not mean to say that the lunatics in these cases were unkindly treated, but he maintained that they were not treated quite fairly. With regard to other patients, the Reports of the Commissioners were regularly laid on the table; so that if there was any complaint it could easily be investigated; but the Reports relating to the class to which he was calling the attention of the House were kept secret. He was willing to admit that every possible attention was paid by the Lord Chancellor and the Lords Justices to those cases of lunacy that were brought before them; but cases which ought to be brought under their notice did not come before them. It was the system that was at fault, and it was the system that he wanted to have changed. It was almost impossible to get an account of how the money paid for the maintenance of lunatics was expended. It was suggested that this was very late in the Session to move for a Committee of this kind, but that was not his fault. He would not detain the House while he quoted to them the cases of hardship which had come within his knowledge, but he hoped the Government would take into consideration the great importance of the subject, and grant him the Committee for which he moved.

SIR ARTHUR ELTON seconded the Motion.

Mr. Tite

Motion made and Question proposed,—

"That a Select Committee be appointed to inquire into the Laws relating to Lunatics under the care of the Court of Chancery."

THE SOLICITOR GENERAL said, the hon. Gentleman need make no apology for drawing the attention of the House to the subject, for it was one of such painful interest that it could not fail to excite all their sympathies; but, before they agreed to enter upon such an investigation as the hon. Member proposed, they must first of all consider whether there was time and opportunity for carrying it to a satisfactory termination. If there was to be an investigation, it should not be confined to three or four cases under the jurisdiction of the Lord Chancellor, but should extend to the whole lunatics of the country. The Act which now regulated the care and treatment of lunatics was passed in 1853. It was desirable that every means should be taken to watch the operation of a new law, and he admitted that upon such a subject as the care and treatment of lunatics whenever anybody could say with plausibility that there were cases which required investigation no time should be lost in instituting the necessary inquiries, because lunatics were a class of persons who could not protect themselves. Were there time and opportunity, the Government would not interpose any impediment in the way of such an investigation; but the hon. Gentleman himself must see that at this late period of the Session it would be impossible to procure the services of hon. Members who had directed their attention to the subject, and vain to hope that any Committee could arrive at a satisfactory result. He therefore hoped that the hon. Gentleman would not press his Motion to a division. If the matter were renewed in proper time next Session, neither the Government nor the Lord Chancellor would throw any obstacles in the way of a full and complete investigation into the working of the Act of 1853, both as regarded the lunatics under the jurisdiction of the Court of Chancery and the general subject of the care and treatment of lunatics throughout the country. Meanwhile, however, it was satisfactory to know that any person who had a complaint to make with respect to the treatment of a lunatic was entitled to apply to the Lord Chancellor, the Lords Justices, or the Commissioners in Lunacy, whether he was connected with the lunatic or not; and without any expense to the

party complaining an inquiry was instantly ordered and immediate redress obtained. The hon. Gentleman had referred to what he called the striking fact that, whereas the percentage of recoveries in the case of lunatics generally was very large, few, if any, of the lunatics under the care of the Lord Chancellor ever recovered at all. It should be recollected, however, that it was only when persons became confirmed lunatics that applications were made to the Court of Chancery — a fact which sufficiently accounted for the disparity mentioned by the hon. Gentleman. Thus, on referring to the list for a single year (1852), he found that the shortest period during which the lunatic was found to have been suffering from mental infirmity previous to the proceedings being taken was two years. In one case it was forty years; and some of the lunatics were returned as having been idiots from their infancy, so that in point of fact these persons might be considered as having been all but incurable before any steps were taken. Nor was it correct to say that the Act of 1853 had proved radically defective. Like all Acts of Parliament, it might be capable of amendment, but it had reduced the expense of proceedings in lunacy from £200 to between £50 and £60, and had led to the adoption of a system by which everything connected with the care of the persons or property of lunatics was directed by the Masters in chambers, without the smallest trouble or cost to the parties concerned. The hon. Gentleman had also objected to the present mode of visitation as insufficient. Now, private asylums were subjected not merely to the visitation of the two visitors appointed by the Lord Chancellor, but to the constant and careful inspection of the Commission presided over by the Earl of Shaftesbury, and the lunatics under the care of the Court of Chancery had the advantage of the same double system of visitation. It would be desirable, however, if it could be done, that the visitors appointed by the Lord Chancellor should visit the patients more frequently during the year, but in that case it would be necessary to increase their salaries. At present, in consequence of orders recently laid down by the Lord Chancellor and the Lords Justices, the annual visitation was one of the most effective character, and resulted in a categorical Report as to the manner in which the lunatics were treated. The hon. Member had complained that the Reports detailing the circumstances found on official visits to those asylums were kept secret. But did the hon. Member not know the reason for that secrecy? Did he suppose that would be agreeable to the friends of those unfortunate persons to have laid before that House circumstances which must necessarily be so painful to them? If, therefore, those Reports were made public at all it would have to be without names, and in that case they would be useless. The hon. Member had said that one of the visitors — meaning, no doubt, Dr. Southey — was far advanced in life. That was so; but any one who was acquainted with the energy, skill, experience, and activity of Dr. Southey would be of opinion that there could be no man whose services would be more valuable than his in the department in which he laboured. The hon. Member admitted that the great care bestowed by the Lord Chancellor and the Lords Justices in cases of lunacy was worthy of all praise. He (the Solicitor General) thought he might say the country owed a considerable debt of gratitude to the Lords Justices in particular for the manner in which the lunacy business was transacted by them. In the transaction of that business they devoted much of their valuable time in private when the public did not see them; and the real interest they took in the cases of the unhappy persons afflicted with lunacy, which were brought under their cognizance from time to time, was deserving of all praise. The hon. Member had also adverted to the custody to which these unfortunate persons were confided by the Lord Chancellor, and complained that extravagant sums for maintenance were allowed to committees of the persons of lunatics, and that they were allowed to spend the money without rendering any account. Now, upon this point he would remark that for many years past it had, in every case where it was practicable, been considered most desirable to induce the nearest relative to take charge of them. Where a relative did not take charge of them some other person was appointed, and an allowance made for their maintenance, and in such a case a detailed account of the money so expended was called for. This, of course, could not be insisted upon where they were in the care of a relative, inasmuch as no relative would consent to their custody if it involved the necessity of making separate returns of the sums expended for their allowance apart from the general expenses of

the household. But even in these cases the production of accounts was demanded, if there existed any suspicion that the lunatic did not receive those comforts and that attention to which his allowance would entitle him. With regard to the particular case to which the hon. Member had referred, but the name of which he had not mentioned, he might inform him that he knew the instance to which his remarks were directed, and inquiries by a special visitor had been instituted. The Report which resulted from those inquiries went to show that nothing whatever had been neglected which might be conducive to the welfare of the lunatic, and the petitioner was dismissed with costs. He would conclude his remarks as he had begun, by saying that he was most anxious for the welfare of the unfortunate class of persons in question, and that in every case where a complaint was made the fullest investigation should take place; in his opinion, it was most desirable that the House of Commons should know how legislation in regard to lunatics was carried out; he thought, however, that to attempt an inquiry such as the hon. Member contemplated would be impossible during the present year, and he trusted, therefore, that, resting satisfied for the present with the assurances he had given him, and with his readiness in every case of complaint to grant the fullest investigation, he would withdraw his Motion.

MR. DRUMMOND said, that the hon. Member's Motion, instead of being one to inquire into the laws respecting lunatics, ought to have been directed to an inquiry into the treatment of those unfortunate persons under the Court of Chancery. He did not hesitate, notwithstanding the speech of the hon. and learned Gentleman who had just sat down, to say that the treatment of lunatics under the orders of the Court of Chancery was much worse than in other cases, and that those unhappy persons received much less supervision. Last year the management of lunatics in Scotland underwent considerable discussion in that House, and on that occasion the law which regulated that management was said, as had now been said of the law in this part of the kingdom, to be admirable; but, notwithstanding that, the treatment of the lunatics in Scotland was most infamous. Cases could be brought forward of the treatment of lunatics under the orders of the Court of Chancery nearly as bad as any that were adduced during the discussion of last year; and he contended that any law relating to lunatics was useless which did not provide for regular, systematic, and stringent inspection of lunatic asylums. He hoped the hon. Gentleman would not let the question rest. The law might be excellent, but it was highly necessary to look after its administration. Now, the hon. and learned Gentleman had remarked that it was very easy for persons in those establishments who had a complaint to make, to make it. Was it really so? He thought otherwise, and he could only say that whenever he had visited an asylum, and went up to a lunatic who had stated that he had a ground of complaint, some keeper immediately evinced an unusual interest in his personal welfare, and cautioned him saying, "Take care of him, sir, he is a very dangerous man." English Members might depend upon it that there was no difference whatever on this subject as regarded England and Scotland, save that the supervision was more active in this country.

MR. TITE said, after the expression of opinion which they had heard that night on this subject, he should withdraw his Motion; but he should, in accordance with the suggestion of the hon. and learned Solicitor General, renew it at the earliest possible period next Session.

Motion, by leave, *withdrawn*.

BANKRUPTCY AND INSOLVENCY LAWS CONSOLIDATION BILL.

LEAVE.—FIRST READING.

LORD JOHN RUSSELL said, he now rose to ask leave to introduce a Bill to amend and consolidate the laws relating to Bankrupts and Insolvents, a subject that he need not remind the House had occupied the attention of so many eminent persons and great authorities in questions of bankruptcy jurisdiction and commerce. The matter had originated in a conference of some of the leading commercial men of this country, and at that meeting it was agreed that there should be a committee appointed consisting of delegates from various commercial bodies entirely connected with trade in various parts of the kingdom. This committee of delegates met, and after long deliberation, agreed upon the points which, as traders and commercial men, they wished to have inserted in a Bill upon this subject. They asked him (the noble Lord) to introduce it, and he promised to lay it before the House, that it might have the attention of the law officers

The Solicitor General

of the Crown and the Members of the House who might be best competent to secure the most effective legislation on the subject. The grievance of which these traders complained was one they had for some length of time felt very much. It was that the expense of the Courts of Bankruptcy were so great that about 30 per cent. of the realised assets was consumed in the expenses of these courts. There were three or four propositions on which the Bill was based. One was to put an end entirely to the distinction between bankruptcy and insolvency. It was proposed that hereafter there should be no separate Court of Bankruptcy or Court of Insolvency, but that the two courts should be consolidated and united, and that all persons who should be insolvents should be deemed to be bankrupts. In the second place, when persons who were insolvent or bankrupt came before the Court after adjudication, the property was to be placed in the hands of an official assignee; but that would only be until the first meeting of creditors, and immediately the creditors met they would have the power of appointing a creditors' assignee, to whom the estate of the bankrupt might be transferred. If the opinion of the gentlemen he had alluded to on this subject was to be received, it would appear that although an official assignee may very often be a man of very considerable activity and knowledge, yet in other cases, by indolence or carelessness, he might consume a great deal of time and much of the property of the creditors; and it was therefore only fair that they should have an assignee of their own. It was further proposed that the process altogether should be very much simplified, that it should be cheaper than it now was; and in certain cases it was proposed that after an adjudication had been filed creditors might resort to the County Court, as another mode for recovering debts. By another provision, it was proposed to place the retiring allowances on the Consolidated Fund; and there were other provisions affecting the position of bankrupts and insolvents; but the main feature of the Bill was to consolidate the bankruptcy with the insolvency laws, so as to have but one general law, and do away with the necessity of having exclusively an official assignee. As the subject was a complicated and a commercially important one, all that he (the noble Lord) intended to do on the present occasion was to obtain leave to bring in the Bill. He did not intend to proceed further with it this Session, but he laid it before the House in order that the Government and hon. Members might deliberate on the whole question before any alteration was made in the existing law.

THE ATTORNEY GENERAL said, he thought that the House and the country were much indebted to the noble Lord for calling public attention to so important a subject as the amendment of the Bankruptcy Laws. Her Majesty's Government had already directed their attention to this subject, and a Bill had, he believed, been brought into the other House, which would also deal with the question, and by which it was hoped that many of the defects of the existing system would be remedied. He had observed with some surprise and disappointment that the Bill introduced by the noble Lord did not profess to deal with perhaps one of the most important subjects connected with the Bankruptcy Laws, and which throughout the whole compass of those laws most required amendment—namely, the state of the law with respect to insolvent joint-stock companies. The effect of recent legislation was such at the present moment that, when joint-stock companies became insolvent, it was impossible to do justice to the creditors or to the shareholders without instituting proceedings, not only in the Court of Bankruptcy, but also in the Court of Chancery. The consequence was that there was a concurrent jurisdiction exercised by both these Courts —a conflict of jurisdiction, a conflict of evidence, and a conflict of officers, who under the law were authorised to wind up insolvent companies; and the necessary consequence of this was that an immense expense was incurred. All manner of litigation was introduced, and the law, after all, was so uncertain that it was utterly impossible justice could be done to either the creditors or shareholders. He (the Attorney General) would abstain from adverting to the provisions of the Bill until it was fully before the House. He was glad the noble Lord had proposed in his scheme to abolish the distinctions that existed between bankruptcy and mere insolvency, and he hoped that the suggestion he had made with reference to joint-stock companies would not be lost sight of. No doubt, under the inspiration of the noble Lord and other hon. Members, they would succeed in securing an effective measure.

Mr. HEADLAM said, he agreed with the hon. and learned Gentleman that some consolidation of the existing Winding-up Acts was requisite, but he did not think it desirable that that subject should be mixed up with the improvement of the Bankruptcy Law in general. The Winding-up Acts had been passed from time to time, and now formed a series of Acts which left the law at present in a state of confusion. It would be very advantageous if the Government would consider the subject during the recess, with a view to introduce some general measure in the ensuing Session.

Leave given.

Bill to amend and consolidate the Laws relating to Bankrupts and Insolvents, *ordered* to be brought in by Lord John Russell and Mr. Headlam.

Bill *presented* and read 1°.

CORONERS' INQUESTS.

COMMITTEE MOVED FOR.

Mr. COBBETT said, he rose to move for a Select Committee to consider the state of the law and practice as regards the taking of inquisitions in cases of death; the appointment, duties, and remuneration of the officers employed therein; and whether it is expedient that any and what alteration should be made in such matters. His object was virtually the revival of the Committee appointed in 1851 on the Motion of the hon. Member for Lewes. That Committee sat for a considerable time, took some evidence, and reported hastily just before the dissolution, recommending that the evidence should be printed. The evidence, however, never had been printed. In consequence of the Poor Law Commissioners having, in 1837, thrown the whole of the expenses of coroners' inquests on the county rates, a great feud now existed between the coroner and the justices in no less than fifteen counties, and the question between them was a question of fees. The 25th of *Geo.* II., c. 29, gave the fee of £1, and an allowance for mileage on all inquests which have been duly held, and which should be paid out of the county rate. This gave the justices a supervision. The 1st *Vict.*, c. 68, enacted that the expenses attending the holding of inquests should no longer be paid out of the poor rate. That act of course threw a greater burden on the county rate with regard to inquests, and from that time to this there had been a growing disposition on the part of the justices to cut down the expenses of inquests. With regard to the expenses under the 1st *Vict.*, the magistrates had no discretion, but with regard to the fee of £1 and the mileage they had, there having been discovered lately an old decision of the Court of King's Bench, by which on the word "duly" it had been held that the justices had jurisdiction. The rule of law was that there should be an inquest in all cases of sudden death, or death from violence, but the rule of the magistrates was that the inquest should not be held except there was some suspicion of criminality. The justices of Yorkshire had given directions to the constables to inform the coroner of cases in which they thought there was suspicion, so that the constables were made the judges of the necessity, instead of the coroner. A Commission having issued, he believed that the right hon. Gentleman thought that a Committee would be useless, but if a hope was not held out that the Commission would go fully into the whole matter, he must press upon the House the necessity of appointing a Committee.

Motion made and Question proposed,

"That a Select Committee be appointed to consider the state of the Law and Practice as regards the taking of Inquisitions in cases of Deaths; the appointment, duties, and remuneration of the Officers employed therein; and whether it is expedient that any, and what, alteration should be made in such matters."

The CHANCELLOR of the EXCHEQUER said, considering the number of hours the House had sat, the lateness of the hour, and the fact that there must be a debate upon this matter, he would move that the debate be adjourned. There was a sort of understanding that matters of this sort should not be taken after midnight.

Debate adjourned till *To-morrow*.

JOINT-STOCK BANKING COMPANIES BILL.

THIRD READING.

Order for Third Reading read.

Mr. HEADLAM moved the third reading of this Bill.

Motion made, and Question proposed, "That the Bill be now read the third time."

Mr. COWAN moved that the Bill be read a third time that day six months.

Amendment proposed, to leave out the word "now," at the end of the Question to add the words "upon this day six months."

Question put, "That the word 'now' stand part of the Question."

The House *divided* :—Ayes 60; Noes 13: Majority 47.

Main Question put, and *agreed to.*

Bill read 3°, and *passed.*

House adjourned at a quarter before One o'clock.

HOUSE OF LORDS,

Wednesday, June 23, 1858.

Their Lordships met, and having gone through the Business on the Paper,

House adjourned at a quarter to One o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Wednesday, June 23, 1858.

MINUTES.] PUBLIC BILLS.—2° Letters of Credit. 2° Piers and Harbours.

REGISTRATION OF PARTNERSHIPS BILL.
SECOND READING.

Order for Second Reading read.

VISCOUNT GODERICH, in moving the second reading of this Bill said, he would state a few reasons to show it was a Bill the principle of which, at all events, ought to receive the sanction of the House. The object was a very simple one: it was merely that any person who entered into partnership or traded under any other name than his own or under the mysterious designation —— and Co., should be required to make known the fact to the world by entering the names in a register which would be open to every person wishing to consult it. The principle of the Bill had received the assent of a large portion of the commercial community. He was sure no one would deny that all parties in trade should have the greatest facilities for knowing who were the parties with whom they had to deal. In the case of joint-stock companies the law already required that this information should be given. He only proposed to apply the same principle to partnerships consisting of a smaller number of persons. If this information was not given, facilities would, in many instances, be afforded to fraud. for at present the public were entirely unable to know who were the component members of a firm, or in how many different undertakings a mercantile man might have a share. A business concern might bear the name of an old and honoured firm, from which all the original partners had long since withdrawn, and their places taken by persons of very different position, who would thus obtain credit which they could never get in their individual capacity. Again, a person trading under the name —— and Co., would induce people to think he was supported by the capital and influence of others. It had been said people could always obtain the requisite information for themselves. But in many cases it was impossible to obtain that information, and in several instances serious loss had resulted from the want of it. Of the cases laid before him he would state two which had recently occurred, and which were brought to light during the commercial crisis of last winter. It was the duty of the House to prevent frauds such as he had to state, which reflected disgrace on the whole commercial community. The first case was a notorious one; it showed how easily a man trading under the name of a company could obtain credit in various branches of business, and at length leave his creditors in the lurch for an amount which he would never have got if the real facts of the partnership were known. The case to which he referred was that of Mr. Stephens, the manager of the Eastern Banking Corporation. From the statement of the case, as it appeared in the papers, Mr. Stephens would seem not to have been a mere manager of a bank—his real capacity was rather that of a "Co." by profession; in 1855 he was a "Co." three times, in conjunction with a clerk of the bank; he was Barwise and Co. He and Colonel Waugh were the Branksea Clay Company. He was constantly starting new firms. If they made any money, as sometimes happened at first, he pocketed it; but if there was a loss, it came out of the funds of the bank. Such schemes would have been impossible if there had been a registration of partnership. That was a case of gross fraud, which they should take steps by Legislation if possible to prevent. The next case was a striking one—it was that of a person holding a high position in Dundee; a firm there suspended payment, and it then turned out he had been a partner in it for many years, and had dealt largely in accommodation bills — in fact, that was the sole business in the partner-

ships. He was, of course, far from saying that all persons trading under other names than their own did so with the intention of fraud, but he contended unless the public had means of knowing who these people were, facilities were given to fraud which the House ought to prevent. Another argument for registration was the difficulty thrown in the way of legal proceedings by the want of some such system ; in an action against a partnership the plaintiff was liable to be met by a plea of abatement, unless he stated the names of all the partners. Parties were thus put to great expense, and very often in spite of the expenditure, defeated in their claims. He had received from a solicitor of the highest standing in Manchester the statement of a case of great hardship arising from the want of registration. He believed the Bill he proposed would meet all the evils complained of, and it had the approval of very high authorities. In bringing it forward he had not acted merely on his own opinion, but with the sanction of the highest commercial authority ; it was approved of by all the Chambers of Commerce of the West Riding of Yorkshire. The history of it was this : In 1856, the Manchester Commercial Association took up the subject, and drew up the heads of a Bill. This draft was submitted to the Mercantile Law Conference held in London in 1857, under the Presidency of Lord Brougham, and a resolution in favour of registration of partnerships was adopted at the conference. The Bill was also approved of at the meeting of the Association for the Advancement of Social Science, held at Birmingham last year. He had taken up the Bill at the request of the Chamber of Commerce of the West Riding. The Chambers of Commerce of Liverpool and Bristol had petitioned in favour of it. A number of other petitions to the same effect had been presented, and only one against it, and two petitions from Scotland had been presented, praying the Bill might be extended to that country. It was stated that the Bill was opposed by several parties in the city of Manchester. He did not deny their opinion was entitled to every respect, but the Commercial Association of Manchester had petitioned in favour of the Bill, and at a meeting of the Chamber of Commerce a resolution proposing a petition to the same effect was only lost by the casting vote of the Chairman. It was stated the Bill was unnecessary, as the information could be easily obtained ; if that was so, why object to make it public ? Another objection was, that the Bill was inquisitorial ; but that epithet was entirely inapplicable. It gave no powers to any persons to make inquiries into private arrangements. It only required that the partners should themselves state their names. It was also objected that the Bill would be vexatious. Bankers were compelled to register the names of their partners, and he would appeal to the hon. Member for Kendal (Mr. Glyn) to say whether he had ever experienced such a registration to be vexatious. He should be the last person to attempt to force the Bill on an unwilling commercial community, but he could not consent to withdraw it on the assertion that the commercial community were opposed to it, so long as he knew that it was approved of by the commercial community of the West Riding and of other places. He did not desire to lay any restrictions on the formation of partnerships, his object being to allow any one to enter into a partnership provided he made it known to the public. He simply asked for publicity, and with publicity he was quite willing that persons should enter into any kind of partnership they pleased. The machinery of the Bill had been approved of by the Associations he had mentioned, but of course he would be ready to consider any suggestion made for its amendment.

Motion made and Question proposed, "That the Bill be now read a second time."

Mr. COLLIER said, he had no doubt the object of his noble Friend was to benefit the commercial classes, but he would, he believed, be able to show, if not to his noble Friend, at least to the House, that it would have a directly contrary effect. The Bill was a retrograde step in legislation. The principle on which Parliament had acted of late years in these matters was non-interference—to allow commercial men to look after their own interests, of which they must be better judges than any department of the State. Registration was demanded from joint-stock companies and bankers in return for the exceptional privileges which were conferred on such associations, but there was no reason why private firms should be called on to furnish this information. The Bill would apply to every joint undertaking, however small in its object, and however temporary in its nature. If two merchants, not connected in business in any other way, joined together in a single speculation they would have to register their partnership, and register its

dissolution. Nay, it would be impossible for two gentlemen to make a joint book on the Derby without going through the ceremony of registration. The pressure, however, of the Bill would be chiefly on the poorer classes ; all the hucksters and greengrocers in the country would have to register their joint undertakings. If two fishwomen in Billingsgate Market joined together in a boat-load of fish, they must register their names and addresses at an expense of *5s.* Until they did so they could not recover the price of any fish sold, and next day they would have to pay *2s. 6d.* for the dissolution of the partnership. How could his noble Friend distintinguish between great and small traders—between the Barings, for instance, and a partnership of costermongers ? His noble Friend did not seem to be aware of the scope of this Bill. A person lending money with a participation in profits would be obliged to register ; he would be obliged to notify his retirement, and he would be obliged to register again if he lent a second sum of money. His noble Friend did not seem to be aware of the difficulty of determining what partnership was. There was no question so difficult to define as where partnership began and ended. Lord Eldon himself never could absolutely make up his mind what a partner was. Lord Eldon said :—

"The cases have gone to this nicety, upon a distinction so thin that I cannot state it as established, upon due consideration, that if a trader agrees to pay another person for his labour in the concern, a sum of money, even in proportion to the profits equal to a certain share, that will not make him a partner ; but if he has a specific interests in the profits, as profits, he is a partner."

Again,—

"It is clearly settled, that if a man stipulates as a reward of his, labour he shall have, not a specific interest in the business, but a given sum of money, even in proportion to a given *quantum* of the profits, that will not make him a partner ; but if he agrees for a part of the profits as such, giving him a right to an account, though he have no property in the capital, he is as to third persons, a partner."

The noble Lord's Bill therefore would open a wide stream of litigation most nourishing to the lawyers, but at the expense of the general public. The noble Lord said the Bill was not inquisitorial, but it must be inquisitorial to be carried into effect. Section twenty-one gave power to the registrars, on application of any persons, to call upon any person supposed to belong to an unregistered partnership to give full information on the subject under a penalty of £10. Such a provision as this might be made the means of endless vexation and annoyance. Then, again, it was provided that if a partnership were not registered it could not sue, and of course this plea of non-registration would be the favourite defence of all dishonest debtors who didn't want to pay their debts. The Bill, therefore, would not simplify but complicate the present state of the law. According to a petition he had presented it was calculated that the first expense of registering partnerships in Manchester alone under this Bill would amount to £1,100, and this would show what a burden would be cast on the trading classes throughout the country. His noble Friend, if he wished the House to assent to his proposal, should have shown that it would remove some serious grievance, or that the trading community generally were anxious for its adoption ; but no evidence had been adduced to establish either of those positions. Men of capital were at present in the habit of lending their money to industrious young traders possessed of little money, on the condition that they should share in the profits of the undertaking which they thus helped to establish. That was a very desirable state of things, and one which ought for the general interests of commerce to be encouraged ; but it would necessarily receive a great check from the passing of that measure, because those capitalists would in numerous cases decline to engage in any transaction which would necessitate the registration of their names as partners. He denied that any serious evil prevailed under the existing system such as would render it desirable that a measure of this kind should be enacted. What possible interest could it be to any one to know who were the sleeping partners in a concern ? The dealings were generally with the ostensible partners ; and, even if anybody should be so curious, the best mode of getting the information would be to go and ask, without having a State machinery set up for the purpose. If the information were not satisfactory, there still remained the alternative of not giving credit; but until an Act of Parliament was passed compelling merchants to give credit, such a Bill as this was entirely useless. The only true basis of credit was the knowledge of the character, habits, and capacities of the persons with whom dealings were carried on. A prudent man did not trust the abstraction "Co.," but the concrete "Jones," whom he saw and talked to. No doubt

in some cases business was carried on under a certain designation when all the original members of the firm had retired from it; but what difference did that make to the public? How could it interest the public to know whether the original "Warren" still sold the famous blacking? or what harm would be done if, when the hon. Member for Derby (Mr. Bass) was matter of history, somebody of a different name should dispense to thirsty generations yet unborn the excellent article known as "Bass's Bitter Ale?" As to frauds, the Bill, instead of preventing them, must inevitably increase them. What was to prevent dishonest traders or speculators — the Montagu Tiggs — from registering Baring or Rothschild as their partners? Such a proceeding would serve the purpose of gaining them credit for a little while, and by the time the fraud was discovered they would have levanted. No great practical inconvenience was experienced under the present system; and as to the difficulty which it threw in the way of legal proceedings, it was well known that the plea of wrong description of partners referred to by the noble Lord was seldom advanced by defendants, because they were obliged to state in it the names and addresses of all their partners, and thus to furnish this very information. He thought, therefore, that the evils which existed were not sufficiently great to justify this measure; and more than that, the Bill would not cure them if they did exist. It would be perfectly impossible to keep up this register; at the best it must necessarily be very imperfect and incorrect, and would rather mislead than inform. The Bill was evidently inspired by the registrars. These gentlemen had a regular organization throughout the country, they kept up a continual agitation of register! register! and would apparently never be contented until they had registered everybody and everything. They were the motive power, and it was to their influence with some portions of the mercantile community that the Bill owed its origin. It was true that some of the Chambers of Commerce had petitioned in favour of the Bill, but these chambers very often contained gentlemen who were more theorists than practical men—and they could not claim to represent exclusively the great body of the trading community. Certainly, if the poorer classes of traders and shopkeepers knew what was in store for them, they would rise and petition *en masse* against the Bill. The Bill would substitute State protection for individual vigilance. It would be inquisitorial in its character, expensive in its operation, give rise to litigation, whilst it would not prevent fraud; and under these circumstances he should move that the Bill be read a second time that day six months.

Amendment proposed to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Question proposed "That the word 'now' stand part of the Question."

MR. MOFFATT seconded the Motion. The mercantile classes were suffering from the law of contracts, the law of debt, and the law of partnership. With regard to the last they did not know what a partnership was, and if his noble Friend brought in a Bill to define what partnership was, he would do a great deal of good; but, as it stood, the Bill was one of pains and penalties upon commercial partnerships, the formation of which on the other hand ought to be encouraged by the Legislature. The Bill contained clauses requiring persons to sign when they retired; but what was to be done if a partner was expelled and refused to sign? No one except those who were practically acquainted with business could say how much mischief would be done by this Bill. He believed it would stop one-fourth of the commercial speculations of the country. He did not think that any serious disadvantage arose from the existing state of the law upon that subject, and he could without any hesitation say that in the conduct of his own commercial business he had never experienced any difficulty in finding out who were the real partners in any firm with which he had to engage in any dealings without the aid of the objectionable process suggested by the noble Lord. Very frequently a person of wealth was the partner of a merchant or a tradesman merely in one transaction, and very great injustice would be inflicted upon creditors by the registration of such person as a partner as it would be presumed that he was a partner in every transaction of the merchant or tradesman. The Bill would merely lay a snare for creditors, and he therefore cordially supported the Amendment.

MR. BAXTER said, the speech of the hon. and learned Member for Plymouth (Mr. Collier) had not convinced him that the House ought not to assent to the second reading of the Bill. He had been

urged by many of his mercantile friends carrying on business in various parts of the country to introduce such a measure as this; and he had, in fact, prepared one and would have introduced it, had he not been anticipated by the noble Lord. The hon. and learned Member for Plymouth had stated no reasons for his assertion that the Bill would deter capitalists from advancing money to young men to carry on trade. The hon. and learned Gentleman had spoken of the facility with which in most instances the names of the partners in a firm could be obtained, but he could not deny that in some instances it was impossible to obtain them. It was said that the names of the partners in a single adventure would have to be registered under this Bill, but the interpretation clause showed that it provided nothing of the kind. It simply provided that the names of persons who carried on business as a firm should be registered. It was also said that the Bill would impose a tax upon the poor class of tradesmen,—such as greengrocers and hucksters. Well, there had been recently many remarkable instances of fraud committed by those people, and a measure of the sort was as necessary with regard to them as to the largest traders in the land. The hon. and learned Member for Plymouth had cautioned the House against passing the Bill, because it was difficult to define who was a partner. But the Bill did not attempt to define who was and who was not a partner; it simply provided that such persons as were partners in the present acceptation of the term should be registered. The Bill had been denounced as inquisitorial, but he (Mr. Baxter) could not conceive why any honest firm should be afraid of the names of the partners being made known to all the world. The Bill would put a check upon dishonest firms who were carrying on business on false pretences. The tax which it would impose upon the commercial community would be infinitesimally small, and could not be for a moment weighed against the advantages of the measure. Most of the objections which had been urged against the Bill were merely against its details, and could be better considered and if need be remedied in Committee. In no other commercial country that he knew of was there the practice which prevailed in this country of retaining the original designation and title of a firm when the old and monied partners had retired. The mercantile crisis of 1857 proved that that practice prevailed in this country to an astounding and ruinous extent, and that it enabled young men who had no capital to carry on vast commercial transactions. Most effectual measures had been taken in the United States to prevent the public from being imposed upon by such men. In that country the title and designation of every firm had to represent faithfully every individual member of the firm, and every change in the partnership had to be advertised in the newspapers. Over the door of every firm were the names of each partner and the title of the firm. The noble Lord did not ask the House to introduce that system into this country, but he (Mr. Baxter) believed that the Americans were acting on a right principle. He believed that the Bill was called for by the great majority of the commercial men, and he would earnestly aid the noble Lord's endeavour to pass it into a law.

MR. WARREN said, that he regretted being unable to give his support to the Bill of his noble Friend the Member for the West Riding, because the more he considered the matter the more objectionable the Bill appeared, as founded on an erroneous and mischievous principle. In the first place, it had not been called for by the mercantile public, who consisted of a class of persons remarkably shrewd and awake to their own interests, and whatever might serve to promote them. He had always considered that there was this signal characteristic of the law merchant of England, that it stood less in need than any other branch of our jurisprudence of legislative interference. The Legislature wisely considered that commercial men were obviously the best judges of their own interests, and it had been content to look on and see them shaping their usages into system according as each successive exigency developed the necessity for altering them. If those whose vital interests required an obvious change did not call for it, what was that but cogent evidence of its inexpediency, in the estimation of those best qualified to determine? It was true that one great department of mercantile jurisprudence, involving most difficult considerations, and which had called forth so much refined and subtle judicial reasoning on the part of Lord Eldon, and indeed the greatest practical jurists of modern times—he meant the law of partnership, had of late years attracted a great deal of attention from the Legisla-

ture, and experienced frequent interference. That, however, was because of the novel requirements arising out of those huge partnerships which had now overspread the country, called joint-stock companies; but would any practical man, whether lawyer or merchant, say that the result had been satisfactory and creditable to the Legislature? Was the law of joint-stock companies at that moment on so very satisfactory a footing? If so, why was Parliament called on year after year to alter and amend its own handywork? And if it had done this in respect of these public partnerships, it was also interfering at last with the law of private partnerships—and here was an attempt, by the uncalled-for Bill before the House, to go infinitely further in the path of interference with the business of traders and merchants than it had hitherto gone, and subject them to a sort of excruciating exposure of private affairs and private resources which would have the most serious effect on commercial credit. His great practical objection to the Bill, on principle, was the strongest that could possibly be urged against a commercial measure—it would drive money out of trade, injuring, to an extent not at present forseen, most especially the shopkeepers of the country. Let the House look at this matter in a business-like way, for it touched the interests of nine-tenths of their constituents. The great proportion of the capital of traders, in London and elsewhere, was not their own, but furnished to them by persons who were not otherwise connected with trade — gentlemen, nay, ladies as well as gentlemen, and often of high station, who were, in doing so, influenced by a double wish—to increase their own income, and at the same time, from kindly motives, assist a particular tradesman in whom they felt interest. There were two ways of doing this. First, if they felt confidence in the character and business abilities of the trader, they shared his profits, in agreed proportions; and thus, the House would observe, constituted themselves either the open or sleeping partners of such trader. But secondly, if they did not choose to encounter the risk of partnership, what did they do? Why, they formed the best estimate they could of the probable profits of the business, and then stipulated that they should receive, in lieu of any portion of such profits, a fixed equivalent rate of interest, making in that case, the advance by way of loan. They did that by means of a bond or a bill, which was made payable, let the House observe, before the trader could touch one farthing of the profits of his own trade; and couldanything be more disheartening to him, and directly calculated to paralyze his energies? This latter method then was one heavily unfavourable to the borrower. And, in a word, any measure calculated to expel the capitalist, or turn him into a hard exacting money-lender, would be destructive to the trader. But this was really the direct effect of the Bill before the House. Gentlemen and ladies—all persons not already known to be connected with trade — would, if this Bill became law, break off all connection with trade. They would have a very intelligible repugnance to its being proclaimed to the world that they had become, as partners and consequently traders, liable to be made bankrupts. Many would think their dignity compromised, if known to be deriving profit directly from trade. But, beyond all this, they would have heavy misgivings as to the effect of the publicity effected by the new law, on the trader himself. For so long as he was supposed by others to be trading on his own capital only, he could not get credit beyond a limited and safe amount; but the moment he was known to be in partnership with a wealthy private gentleman, this sort of natural check on improvidence would disappear; he would succumb to incessant temptations to speculate, and to the importunities of the wholesale houses with whom he dealt. All this would be foreseen and dreaded by the friendly-disposed capitalist, and he would hold off his hand. What could be said in favour of a Bill with such a blot as this? Nothing that could bear the test of argument. Suppose he (Mr. Warren) put £2,000 into a publisher's business, and shared his profits, and by and by the publisher failed. He (Mr. Warren) might have done the trader's creditors much good; but how could he have done them harm? They either would or would not find out that he (Mr. Warren) was a partner. In the former case, he was liable to pay all his partner's debt, and so the creditors escaped all loss. In the latter case, they would be in no worse position than if the £2,000 had been, as they had supposed, the trader's own, and not his (Mr. Warren's). But then it would be said that the lender might collude with a trader, and withdraw his capital just before the trader's failure, at the cost of the other creditors, That, however, was not a probable event; because the withdrawal—especially

the sudden withdrawal — of capital would attract attention, and provoke inquiry ; and what would be the result but the discovery who had been the partner, and who, consequently, was liable for all the debts ? It would, therefore, be the lender's interest to abandon his capital, to escape the discovery of his having been connected with the trader in business ; and it would not be for the trader's interest to give his secret partner an unfair preference, as his character would suffer. If there were really anything solid in these objections, then, the Bill before the House would drive capitalists always to make advances to small traders, if at all, by loans at high interest, on short renewable Bills, enforced on the lender's getting the first glimpse of danger; and the direct result would be that the legitimate trade creditors would find all the assets suddenly swept away and beyond their reach. How could a Bill leading to such mischievous results as these be one worthy of being entertained by the Legislature? Having offered these objections to the principle of the Bill, he was content not then to offer any to the objectionable machinery by which the Bill sought to obtain its object.

Mr. BAINES said, he should support the Bill because he had no doubt as to the excellence of its principle, to which the greater part of the objections of the hon. and learned Member for Plymouth did not apply, but merely to its details. The Birmingham and the Liverpool Chambers of Commerce had petitioned the House, not against its principle, but for an alteration of its details. The chief question to which a commercial firm about to do business with another desired an answer was, "With whom are we about to deal ?" To that inquiry, as the law at present stood, persons in trade were not able to obtain a satisfactory reply — a want that would be supplied by the operation of the Bill. In his opinion one of the effects —and indeed, a leading effect of the proposed Bill—would be to check fictitious trading, by compelling all persons in trade to register their names and residences just as in the case of joint-stock banks and companies. It had not been suggested in the debate that any particular inconvenience or injustice had accrued from the adoption of this system ; and it was especially in order to give to the poor, small, and struggling trader a perfect knowledge of those with whom he was about to enter into a contract, and which he had not the means of ascertaining from the Stock Exchange or other sources, that the Bill now before the House was proposed. The law had already stepped in advantageously to furnish this species of information in other cases. In the case of cognovits, warrants of attorney, and bills of sale, the principle of registration in order to give the public information was strictly recognised. Another important object that would be effected by this Bill would be the prevention of chicanery and litigation. Now, it was said that the plea in abatement already enabled parties to obtain a disclosure as to who were partners, and as to who was the proper party to be sued ; but sometimes, after great inconvenience and cost, the right party was not discovered ; and if the law thus imperfectly furnished the facility, by all means let it do as was now proposed fully and unmistakeably in the first instance. The House was asked to adopt a measure which would give to the entire community of traders the means of ascertaining that which, by proceeding under the plea of abatement, the law of this country held it was not improper but legitimate to obtain. With regard to the authority on which the Bill was brought forward, he could testify to the fact of the existence of a unanimous feeling in its favour in Leeds and the West Riding, and other large commercial communities. He had not received a single communication in deprecation of it, and he believed that traders throughout the country, though they might differ as to the details, were anxious to have the principle of the Bill passed into a law.

Mr. WEGUELIN said, that the principle of the Bill was exactly the opposite of that which, he conceived, should govern all transactions of commercial credit, and that it was an undertaking on the part of the State to do that which individuals alone could satisfactorily perform. In point of fact, in a measure of this kind details could not be separated from the principle of the Bill, and the details were most objectionable. It had been denied that the effect of the Bill would be, that parties could not enter into any transaction or joint account with any other firm or house without registering it as a partnership; but the 4th clause showed that this was really the case, so that if one firm entered into transactions with another on the other side of the street it would by this Bill have to be registered. It was said that the present system of business was carried on very often under false pretences.

Now, he distinctly denied that. The principle on which any person gave credit to a firm was, that they well knew the persons of whom it consisted, and trusted them accordingly. No credit was given to unknown partners, though if there were any, their capital certainly was no disadvantage to the firm of which they were members. Indeed, what the public really wanted to know was, not those who joined the firm so much as those who went out of it, and took their capital with them; and there already existed under the head of dissolution of partnerships in the *Gazette* every information on that subject. But one of the difficulties of the proposed registration of partnerships was that persons might have foisted upon them a partner they never knew. A leading clerk might take upon himself to register himself as a partner of a firm, and obtain credit on the strength of it, and this evil would be inseparable from the measure. He was one of those who thought that the registration of joint-stock banks and companies had been carried to too great a length; and he believed that if the partners of many of them had never been registered, they never would have got credit. With regard to the argument drawn from the registration of the members of banking partnerships, they were called upon to register on account of the restriction as to numbers, and not at all upon the principle of the present Bill, and even in the case of banks registration had been carried too far. So, with respect to what had been said in reference to cognovits and warrants of attorney, the principle of registering them was not analogous to the principle of the Bill, for, in point of fact, that registration bore a much closer resemblance to advertising the dissolution of partnership in the *Gazette*. He had great respect for the bodies calling themselves Chambers of Commerce. They came to conclusions that were sometimes correct and sometimes incorrect; but in some way or other they always wanted to embody their theories in a Bill to be brought before Parliament. He thought that if the Bill were passed there would be a material change in the commercial feeling of the public when it was carried into practice, and that it would prove to be one of the greatest interference with the liberty of commercial transactions that had of late years been proposed. We were continually going too far as regarded registration, and whether we were born, died, got married, or grew a turnip, we must register—register. The class of commercial men most likely to be in favour of this Bill would be bankers, since from the nature of their business they would be anxious to be in a position to form a judgment as to the solvency of the firms attached to bills of exchange; but the general commercial public, in his opinion, would know sufficiently well how to protect themselves. The proposition altogether was a backward step in legislation, and an endeavour to substitute the care of the State for that in which the vigilance of the people should alone be looked for.

MR. SPOONER observed, that the last speaker had drawn off the attention of the House to the mere details of the Bill, whereas the real question was, should the House recognise the principle that persons who gave commercial credit should have full means of ascertaining to whom they gave it? He concurred altogether in the opinions expressed by the learned Member for Leeds, and he believed that the Chamber of Commerce of Birmingham had arrived at the unanimous opinion that the principle of the measure was to be maintained, though the details of the machinery were open to correction. He (Mr. Spooner) should vote for its second reading, but hoped that the noble Lord who had introduced the Bill would not press it forward during the present Session, or call on the House to go into Committee in the present disagreeable condition of the river. They might remain for weeks before obtaining any real practical information.

MR. CARDWELL conceived that the Bill had been proposed on two grounds, one of which appeared to him not to rest on sound or reasonable arguments. It had been said that this was a Bill proposing to do by means of State machinery that which was the duty and the business of private individuals to accomplish for themselves. That was a most captivating argument, and if truly stated it ought to be conclusive; but he did not see in the Bill any proposal that at all interfered with commercial liberty, or restrained the freedom of commercial contracts. On the contrary, the pitfalls and difficulties that prevented people from exercising their volition and freewill with those with whom they dealt, in making contracts, were well known to every lawyer and man of commerce in this country. Now, the principle of the Bill was to remove these difficulties. In one word, publicity was the principle of the

Bill, and not secrecy, which was no part of free trade, and no ornament or element of British commerce. Why should not the principle of registration be equally applicable to a small as to a large number of persons engaged in commerce? At present certain persons were compelled to register, and that must be on grounds of practical expediency. Objections had been made to the details of the Bill, and it had been said that it would fetter private transactions. Now, the Bill was drawn to include all those smaller transactions to which the hon. Member for Plymouth alluded. What the Bill principally aimed at was, that men of straw should not have the power or opportunity of carrying on business with the capital of other and more wealthy people, or under fictitious circumstances. If they could extend to partnerships the laws of sueing and being sued which applied to corporations, they would get rid of many technical difficulties. An important point to be considered was, whether the commercial community itself was not prepared to accept this Bill and adopt its provisions. He thought they ought not summarily to dispose of a Bill backed by such important commercial communities as the West Riding, Leeds and Liverpool; and on the other hand, they ought not to take it for granted that they and others had fully made up their mind upon the matter. It would be a wise course to give time to ascertain, as had been suggested, the well-informed opinion of those commercial communities on the matter. A Committee would be able to consider what fetters, impediments, or grievances the commercial world were subjected to, and whether the provisions of the Bill were the wisest and most judicious that could be adopted as a remedial means. He, therefore, hoped that the details of the Bill would be submitted to a Select Committee; but he concurred in the opinion of the hon. Member for North Warwickshire, that at that period of the Session it would be undesirable to commence the inquiry. He thought that the noble Lord would be acting in accordance with prudence if he withdrew the Bill for the present.

MR. HENLEY said, having listened with great attention to what fell from the noble Lord (Viscount Goderich), and also to what fell from his right hon. Friend opposite (Mr. Baines), he did not think the House would be justified in at once making the important change which was now proposed in the law of partnership. Neither on the other hand could he ask the House to negative the Bill. What was wanted in this case was information, and this could only be obtained through the medium of an inquiry by a Select Committee. The first point which his noble Friend insisted upon was, that if registration were provided for persons who were engaged in a variety of undertakings, they would not be able to obtain credit. This raised the difficult question of the difference between a joint undertaking and a partnership; and he appealed to his right hon. Friend the Member for Oxford whether a man who was engaged in trade was very likely to come to a sound conclusion on that subject. Under this Bill, Tom Smith, who carried on business in Broad Street, might have a notion that because he was engaged with others in other transactions he was a partner with them, and accordingly he might pay the registrar *5s.* to register him. If the registrar were afterwards summoned to declare who were this man's partners, the question would immediately arise whether the fifty undertakings in which he was engaged were partnerships or joint undertakings. His right hon. Friend (Mr. Cardwell) said there ought to be publicity in order that men might know with whom they contracted. The creditors could only contract with those whom they knew; and if they contracted with men of straw, where would be the justice of afterwards bringing in persons whom they did not know? What security would be afforded by the machinery of this Bill? His noble Friend said, A B was trusted at present under the impression that he was simply a respectable baker, whereas in fact he was a tinker and a shoemaker as well. Well, but how would registration help any one? How would registration enable any one to ascertain the identity of A B the baker with A B the tinker and the shoemaker? His noble Friend had mentioned one case as an illustration, which to his mind most strongly showed the difficulty of the subject. He stated the case of a gentleman who, having carried on business very successfully, died leaving a large property, and upon his death a dispute arose as to whether persons calling themselves partners could take a share in his fortune, it having been previously disposed of. Now, these were persons whom the gentleman to whom he had referred would never have dreamt of looking upon as partners, and certainly would never have registered them as such,

so that in a case of that kind the present Bill would be wholly inoperative. It had been said that the mercantile community of Leeds would take the Bill as it stood, but that they would not pledge themselves to details; but did not that rather go to prove that they had not fully or sufficiently considered the subject? There was a very curious provision in the Bill to the effect that anybody who said he was a partner might go and register himself as such, there being no security for the truth of his statement except his own declaration. The result of that would be that A B, a wealthy man, would unexpectedly find that he had been made liable for the debts of C, a poor man, of whom he knew nothing. He knew this was a matter of detail, but in dealing with a measure of this kind they must consider how it could be carried out with safety and advantage to the country. He hoped the noble Lord would assent to the suggestion of the hon. Member for North Warwickshire (Mr. Spooner), and not ask the House to pledge itself then either for or against the Bill. It was not a question that pressed in a great degree; but it was a matter of great importance alike to the large and small tradesman, from the highest to the lowest, that they should proceed upon safe grounds and establish a good measure; and if, on the other hand, they affirmed the principle of the Bill without looking more closely into it, they might possibly take a false step. He (the hon. Member) did not wish to pledge himself either for or against the Bill. What they wanted was information; and he thought, if the noble Lord assented to the course proposed, it would give satisfaction to the trading community at large.

Mr. J. H. GURNEY said, he hoped the House would not deal rashly with so important a subject. The first point to consider was the evil complained of, and the second as to how it should be remedied. No doubt it would be a convenience to creditors to be able to ascertain every circumstance connected with the property, position, and liabilities of their debtors; but it was a convenience which it was not in the province of the Legislature to afford them. It seemed to him that the cases which legitimately came within the reach of legislation were two—one, where firms retained the name of a deceased or retired partner; and the other, where they added to their style the words "and Co." without any partner to represent the Co. He admitted that it was a question whether this practice was sound in principle, although he did not think that the practical evils arising from it were great, and although it had long been followed by many firms of the highest standing and respectability. It was proposed by this Bill to remedy the evil complained of by the general registration of partnerships. But while the number of firms carrying on business in the way he had described was not large, the general mass of firms would thus be subjected to the annoyance of registration in order to guard against the results of the practice of a small proportion. He would much rather see an Act of Parliament passed to prohibit the course or manner of trading to which he had alluded. He could not assent to the second reading, even with a view to the reference of the Bill to a Select Committee; for by permitting it to pass the first stage they would affirm the principle of registration, and the labours of a Select Committee would be limited to the consideration of the mode in which that principle should be applied. It would be far better to withdraw the Bill, and refer the whole subject to a Select Committee next Session.

Mr. HORSFALL said, he would appeal to the noble Lord to adopt the suggestion made to him, and not to press the second reading of this measure. He was himself prepared to affirm the principle of the Bill, but could not accept its details without amendment. He denied that the Chambers of Commerce, in approving this Bill, had acted under the influence of the registrars; in fact, he knew that several of them had objected to many of its provisions.

Colonel WILSON PATTEN said, that as his name was on the back of the Bill he should give its principle his best support; but after the discussion which had taken place, although it was clear that the opinion of the House was generally favourable to the principle, yet it was also clear that great objections were entertained to the details, and that there was little chance of making any progress with it at this late period of the Session. He therefore hoped that the noble Lord would not now press the second reading. It was only after the noble Lord and he (Colonel Patten) had ascertained that, as far as they could judge the feelings of their constituents were in favour of the principle of the Bill, that they had undertaken its charge.

Viscount GODERICH said, he had been much gratified by the tone of the

debate. He thought that the principle of the Bill had been favourably received by the House. He had early in the afternoon resolved to accede to the suggestion that the measure should be referred to a Select Committee, for he quite admitted that previous to legislation on this subject it should be fully considered and discussed, and that every opportunity should be given for ascertaining the opinion of the commercial community upon it. He admitted, however, that, at this late period of the Session, and taking into consideration the state of things outside of the House, it would be vain to attempt now to conduct a satisfactory inquiry by a Select Committee on the subject. And if, therefore, he understood that no opposition would be made to the appointment of a Select Committee to inquire into the whole question next year, he would now withdraw the Bill.

MR. HENLEY said, the noble Lord had correctly understood him to say that he would give him every assistance in obtaining a Select Committee on this question next year.

Amendment and Motion by leave *withdrawn.*

Order for Second Reading *discharged.*

Bill *withdrawn.*

ELECTION COMMITTEES SCRUTINY BILL.

SECOND READING.

Order for Second Reading read.

Motion made and Question proposed—"That the Bill be now read a second time."

MR. WARREN: Mr. Speaker, it is painful to me to rise for the purpose of endeavouring to defeat a Bill bearing on the back of it the names of two hon. Friends of mine on this side of the House; but I trust soon to satisfy it that I, or some other Member, ought to have done so. The Bill appears to me, I must say, a very inconsiderate interference with a carefully-constructed system of election law administration, and the proper dealing with such a Bill becomes, therefore, of great constitutional importance. What will the House think when I tell it that the object of this Bill, of a single clause, is to place our seats at the mercy of every young barrister who has worn wig and gown for barely three years, however gross and grievous the consequence of his blundering—to sweep away at once all that protection which the Legislature has so carefully afforded us by vesting it in a sworn Select Committee of ourselves? I can easily conceive that this is a course very natural in the case of those who have recently smarted under the cruel expense and agonizing anxiety and suspense of a scrutiny; but the question is, shall we get rid of a scrutiny by the means afforded by this Bill? A few words will suffice to place the present position of the law before the House. By the Reform Bill of 1832 the difficult and responsible functions of determining the right to vote, exercised by returning officers, during all the turmoil of protracted and excited election proceedings, were wisely transferred to a new tribunal—that of revising barristers, making a calm annual revision, at stated periods, of the lists of voters. The 60th section of that Act made the register—which he had finally completed, questionable before a Select Committee, in the case of "the decision" of a barrister "improperly" inserting, retaining, or omitting the name of a voter, nothing being said about the case of his improperly expunging one. The continuance of that qualification, down to the moment of polling, could be ascertained by questioning the voter, who must then answer at his peril. These things continued till 1843, when one of the best-drawn Acts on the statute book was placed there under the auspices of the right hon. baronet below me (Sir James Graham), then Home Secretary. It was the statute 6 *Vict.*, c. 18, which effected most important changes in the machinery of election law which were shown by the intervening eleven years' experience to have become necessary; and it is to these changes—as far as effected by this Bill—that I wish to call the serious attention of the House. In order to provide against the miscarriages of these revising barristers—against whom I bring no charge whatever, and utter not a single word of imputation on them—a very bold course was adopted: their decisions on any point of law material to the case, and of law alone—all questions of fact, and as to their admission, or the effect, of evidence offered before them being specially excluded—might be submitted to the decision of the Court of Common Pleas, whose decision would be final and binding on any Committee of the House of Commons. But even this appeal against his own erroneous decision, was dependent altogether on his own discretion in granting or refusing leave to do so. The register thus prepared by him was to be conclusive evidence of the continuance of the qualifica-

tion down to the moment of voting, and the question at the poll relating to that point was abolished; but there were two cases excepted—that a county vote was declared unlawful if the qualification, or a sufficient proportion of it, was not at the moment retained by the voter; and a borough voter was required to have resided within the borough, down to the time of voting. But now came the most important of all the alterations effected by this salutary statute—that of section 98. It placed three limitations, and three only, on the finality and conclusiveness of the register, as left by the revising barrister. It allowed an appeal to a Select Committee;—first, in the case of votes "specially" inserted, retained, omitted, or expunged by his "express decision;" secondly, in the case of a voter labouring under any statutable incapacity at the time of voting; thirdly, in the case of any incapacity which might have arisen subsequently to the revising barrister's completion of the register. Thus stands the law at this moment in England, and that of Ireland was placed on the same footing in 1850, by statute 13 & 14 *Vict.* c. 69. Thus an appeal is most properly granted against the erroneous insertion, retention, omission, or expunging of any name by a revising barrister, after everything has been done which could be done, at the time, to contest the propriety of his ruling, and to prevent the polling-books being crowded by names of those who have, whether challenged or not at the revision, become, since his decision, disqualified from exercising the elective franchise. Well, now, what does this Bill propose? Simply to annihilate the powers of our Select Committees, by declaring that, with the sole exception of "acts done by the voter at the election," the register as it left the revising barrister's hands shall be "final and conclusive, before an Election Committee, to all intents and purposes, as to the right to vote of every person who shall be on such register." No matter how grossly or obstinately wrong the revising barrister may have been in deciding either law or fact, in spite of the clearest proof and most cogent reasoning before him, at the cost of great expense and exertion—though he may have wrongfully omitted from the register large classes of voters whose right to stand there was really as clear as noonday, or swamped the register with those who had no pretension to be there—no matter how many aliens, placemen, paupers, infants, idiots, or convicted felons may have been placed on the register and polled at the election—there is to be no redress; the House of Commons is to look on impotently at such a creditable state of things; matters will of course grow worse and worse every year and with every election, if such a state of things is to be tolerated by the Legislature, and those will sit here who ought never to have entered the House, and those be excluded who are the unquestionable and honoured choice of the people. I am unfeignedly curious to see by what arguments such wild changes as these can be, I will not say justified, but excused. What necessity has called for them? I protest I know of none, and yet I have for years paid great attention to these matters. I know that it is a serious, sometimes a ruinous, misfortune to be the victim of a scrutiny; but at the same time we are not left without redress for actual injury, by the costs which may be inflicted by a Committee, while the dread of them operates as a sort of natural protection against recklessness or malice. I could bring forward other reasons which have occurred to me, but I really think I have satisfied the House that it ought no longer to entertain this Bill, and I therefore have no hesitation in moving that it be read a third time this day six months.

Amendmendment proposed to leave out the word "now" and at the end of the Question to add the word "upon" this day three months.

MR. JOHN LOCKE said, he was at a loss to find in the speech of the hon. and learned Member for Midhurst any argument which could induce him to reject a Bill which had so many merits. In the first place it was very short. In the second it would remove a great grievance, which was severely felt by all persons who contested a scene in that House. He alluded to the expense of a scrutiny. No doubt it would render entirely useless the numerous publications which had appeared of recent years on the subject of election law. It would not, however, as his hon. and learned Friend seemed to imagine, leave the seats of all Members at the mercy of the revising barristers. The register was open to public inspection; and consequently it was perfectly clear that it was just as fair to one candidate as to another, at a county or borough election, to compel both to accept the registry in existence at the time of an election contest as final. Why, then, should the

registry be re-opened by a Committee of that House? Was the decision of a Committee of that House with respect to a vote likely to be better than that of a revising barrister, reviewed as that might be in point of law by the Court of Common Pleas? He thought that the scrutiny obtained through the medium of the revising barristers and the Court of Common Pleas was as good as they could reasonably expect to obtain.

MR. BARROW said, the real question before the House was whether its Members should be elected by real or fictitious voters. A large class of voters duly entitled at the time of making up the registry might have since become disqualified. And the point was, whether a Committee of that House should have the power of striking them off? The Bill answered that question in the negative, and he hoped therefore, it would not be allowed to proceed further.

MR. STEUART said, he would remind the House that in every case there was a cheap and easy appeal from the decision of the revising barrister to the Court of Common Pleas, and that election Committees were not at liberty to review the judgments of that tribunal. The fact was, indeed, that Committees were seldom willing to enter into cases which had been decided by the revising barristers. It was his intention to support the Bill, believing that it was founded upon a right principle, and that all the points which had been raised by its opponents might be satisfactorily discussed in Committee.

MR. WALPOLE said, that before proceeding to consider the merits of the present Bill, it was important to ascertain the state of the existing law, which he thought had been stated not quite correctly. Under the 6 & 7 *Vict.*, c. 18, sec. 79, it was enacted that at a future election of Members to serve in Parliament the registry of voters should be deemed conclusive evidence that the persons therein named continued to have the qualification set opposite to their name. Therefore the registry was conclusive evidence of the possession of qualification; and as to whether a person was properly qualified or not, that question was decided, first by the revising barrister, and afterwards, if a case were granted, by the Court of Common Pleas, so that he thought there was no necessity for an alteration in the law so far as the question of qualification was concerned. But this Bill said that the registry should be conclusive, not only as to the qualification, but to all intents and purposes as to the right to vote of any person who should be on such registry, except so far as the vote of such person may be disputed on the ground of some act done by such person at such election; such, for instance, as bribing and treating. That raised the question whether there might not be some circumstances by which the elector would be disqualified from voting at an election, although duly qualified when the registry was made up. It was certain, at all events, that the 98th section of the Act, 6 & 7 *Vict.*, empowered Election Committees to decide upon the right to vote of any person whose name appeared on the register, so far as it might be disputed on the ground of legal incapacity at the time of the election, or on the ground of any other incapacity which might have arisen subsequent to the expiration of the time allowed for making out the list of voters, Excise and Custom House officers, as well as persons in the receipt of parochial relief, were legally incapacitated from voting; and before altering the existing law, the House were bound to consider what might be the probable consequences of admitting a class of persons upon whom great influence might be exercised by public authorities. He had no objection to make the register as conclusive as was possible, consistently with those grounds which the Legislature had thought right to introduce to protect the independence of the voters; but the present Bill went too far, and if it were to be proceeded with, he hoped considerable alterations would be introduced in Committee. Considering, however, the period of the Session at which we had arrived, he thought the Bill ought to be withdrawn.

MR. COLLINS remarked, that the object of the Bill was merely to extend the application of a principle already in operation, and which was proved to work beneficially, and to remove doubts upon questions of legal incapacity in respect to residence and other matters upon which, as the law now stood, conflicting decisions were frequently come to by Election Committees. The question, after all, was merely one of convenience—voting was the mere creature of statute, for no man had an inherent right to vote; and it was a great question whether it was not more convenient to leave these questions to local tribunals. He did not think that revising barristers always

acted correctly, but neither was he of opinion that the decisions of the Committees of this House could never be impugned. He could quote several instances of mere election law, which were decided by the Committees more according to the party feelings of the Members than according to the law of the case. He also urged the propriety of making the register conclusive on the ground of its making election scrutinies cheaper—a matter of some importance now, when the property qualification was abolished, as there was a probability that they would have a class of Members less able to bear the expense. As to the Bill, he did not think there was much chance of its passing this Session, but he thought the principle it contained ought to be affirmed by a second reading.

Mr. M'MAHON said, he should support the Bill because there was a precedent for it in the Irish Act, where the register was conclusive both as to the qualification and as to the residence. Confined to that object, he thought the measure might be carried through in that Session.

Mr. GREAVES said, he wished to instance a case where a man occupied property of the clear yearly value of £10, but the Common Pleas decided that he had some relation to the property in his corporate capacity as owner, and they held that, in order to have a vote, a man must be either landlord or tenant. He thought, therefore, that the House ought not to give up its right of revising these decisions, which in the case he had named seemed to him to be unfair.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 87; Noes 125: Majority 38.

Words *added*. Main Question, as amended, put, and *agreed to*.

Bill *put off* for Three Months.

PIERS AND HARBOURS BILL.

SECOND READING.

Order for Second Reading read.

Mr. PAULL said, he rose to move the second reading of this Bill, the object of which was to enable persons interested in the improvement or erection of piers and harbours to obtain powers for those purposes at a less cost than by a private Bill. Few private Acts were obtained for a less sum than £500. Indeed, that was a very moderate estimate, for not unfrequently unopposed Bills cost nearly £1,000, and in one instance which he knew of the expense amounted to £1,350. The principal portion of this expense was of a legal character, though he was bound to say that the professional gentlemen employed were all of the highest character. Taking for a model the Act under which the Inclosure Commissioners conducted their business, whose provisional orders cost somewhere about £20, instead of £1,300 or £1,400, as in the case of a private Bill, he proposed that persons desirous of erecting or improving a pier or harbour should apply to the Lords of the Admiralty, who, after receiving all the information now given, either to the Private Bill Office or to the Admiralty, under the Preliminary Inquiries Act, and being satisfied on the subject, should draw up a provisional order, containing all the terms and provisions on which the pier or harbour should be constructed, and the provisional order should be a substitute for an Act of Parliament. An annual Report would be submitted to Parliament, in the schedule of which the names of the different places for which a provisional order had been issued would be contained, and a general public Act would be passed in respect to them all.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Lord LOVAINE said, he almost doubted, considering the enormous power which the Bill would vest in the Admiralty, whether at that time of the Session the House would be quite justified in reading it a second time. The Bill would also entail an immense amount of labour on the office to which he belonged, and he thought the best course to pursue was to allow the Bill to be read a second time now, with the view of afterwards withdrawing it until the next Session, when there would be more time for the consideration of the subject.

Mr. M'MAHON trusted that the Bill would be allowed to pass, as no proposition could be fairer than that which was contained in it. It would be of great advantage to his own country, especially to those parts near the coast.

Mr. LINDSAY said, he thought that, as the Bill would affect the whole of the harbours in the country, full time should be allowed for the consideration of its details.

Mr. RIDLEY said, he would offer no opposition to the Bill, on the understanding that it would not go further this Session, but he was not prepared to transfer those large powers to the Admiralty.

MR. FITZROY remarked, that it was turning legislation into a farce to read important Bills a second time *pro formâ*. It should be remembered that a second reading affirmed the principle of a Bill. He, for one, thought many of the provisions of the Bill were valuable; but as a Committee had been appointed to inquire into the whole system of the private legislation of the House, it would be unwise to withdraw from their consideration so large a portion of the subject as that with which the present Bill dealt. He suggested that the Bill should be withdrawn for the present; and, if the Select Committee should so recommend, the same provisions might be incorporated in their Bill, or passed in a separate measure.

COLONEL WILSON PATTEN observed, that the Select Committee to which the right hon. Gentleman had alluded only took one branch of the private business of the House under consideration, namely, railway legislation. However, though inclined towards the principle of the Bill, he thought thatthere were strong reasons at the present moment for withdrawing the measure. The whole subject of the private business of Parliament was, however, under inquiry by the other House, and he would recommend that the subject of this Bill should be called to the attention of the Committee of the Lords.

ADMIRAL WALCOTT said, he also approved of the principle, but under present circumstances would advise his hon. Friend to withdraw it.

MR. WALPOLE said, he thought that it was quite within the power of the House to read this Bill a second time, as it was intended to affirm the principle, and then to postpone the Bill till another Session. On the general question, however, he would recommend his hon. Friend not to press his Motion.

MR. PAULL said, he was in the hands of the House, and intimated his intention to withdraw it.

Question put. The House *divided*:—Ayes 136; Noes 33: Majority 103.

Bill read 2°.

MR. PAULL said, he was glad that the principle of the Bill had been affirmed by so large a majority, but as he was willing to adhere to the arrangement for the postponement of the measure, he should move that the Bill be committed on that day three months.

Motion *agreed to*.

Bill *committed* for this day three months.

WEEDON ESTABLISHMENT.—ADDRESS MOVED.

ADJOURNED DEBATE.

Order for resuming Adjourned Debate on Motion for an Address thereupon [8th June] read.

COLONEL BOLDERO said, he should move that this Order be discharged. At the same time he wished to give notice that he would bring the subject forward on a Supply night.

MR. NICOLL said, that the subject had been brought on two or three times, and ought not to be again postponed.

MR. WALPOLE remarked, that it was unusual, when any hon. Member, having charge of an Order, moved that it be discharged, to oppose that Motion.

MR. CONINGHAM said, he hoped there would be at some time a searching inquiry into the subject of the alleged defalcations at this establishment.

LORD LOVAINE said, he could assure the hon. Member that there was no disposition on the part of the Government to attempt any concealment. The matter was undergoing investigation before a Committee, in whose hands it had better be left.

MR. COWAN said, he was connected with the British Guarantee Association, most of the London business of which consisted in policies of assurance for the fidelity of persons in Government departments. He was sorry to say that that branch of business had been found to be very unprofitable, from the repeated defalcations occurring in public departments, which the exercise of ordinary prudence on the part of the heads of those departments might have prevented, or at least detected at an earlier period. The directors of the British Guarantee Association had become so disgusted with the utter want of supervision in certain departments that they had determined to abandon that branch of their business unless a more satisfactory management should be introduced.

SIR CHARLES NAPIER said, as a Member of the Committee, he might state that he was determined not to let the matter rest until a full and complete investigation had taken place.

Order *discharged*.

House adjourned at half-after Five o'clock.

HOUSE OF LORDS,

Thursday, June 24, 1858.

MINUTES.] PUBLIC BILLS.—1ª County Management; Joint Stock Banking Companies.

THE CASE OF THE *REGINA CŒLI.*

EXPLANATION.

THE EARL OF MALMESBURY: My Lords, I think I shall only be performing an act of public duty and doing justice to a neighbouring Power, if I make a statement of certain facts which have only recently come to my knowledge. I will remind your Lordships of a conversation which took place in this House on this day week, in consequence of an account which had been received in this country of the capture of a French ship on the coast of Africa. The account was given by my noble and learned Friend (Lord Brougham) and to a certain extent repeated by myself, although I guarded my statement by saying that I had received no official narrative of the matter. The story which had appeared in many of the newspapers, and was repeated in this House, was this,—that a French emigrant ship, going from the African coast to a French colony, had been seized, in the absence of the captain and part of crew, by the emigrants, and eleven Frenchmen had been murdered; that the captain of an English vessel, the *Ethiope*, had taken possession of her, and carried her into Monrovia, the capital of the Liberian republic (the great sanctuary of free Africans, and very much protected by the English Government); that, although the English Consul and the English captain protested, two French men-of-war had come in and taken her off by force.

LORD BROUGHAM: I said nothing about two men-of-war.

THE EARL OF MALMESBURY: It was so stated by some noble Peer in the course of the conversation. Those circumstances, so related, produced considerable excitement, and observations were made not only by the noble and learned Lord, but by myself, condemnatory of the system of emigration recently adopted by the French Government—observations naturally occurring, assuming the circumstances to be true. But, although I have not been asked to do so, I consider it a duty which I owe to the French Government to state what is the French official account of those circumstances. I shall simply read the account of the Minister of Marine to the Minister of Foreign Affairs in France:—

"Paris, June 18,

"My dear Count,—We first heard from newspapers, both French and foreign, of the deplorable scenes which occurred on board the *Regina Cœli*, on the West Coast of Africa. I have just received, and hasten to communicate to you, the report on this affair, which I have received from Lieutenant Pointel, chief of the staff to the captain commanding our naval station in those parts. I annex the letter of Mr. Protet and of the commander of Goree on the subject, in order fully to apprise you of the details of this affair. The facts are briefly these:—The *Regina Cœli*, a vessel sent to the West Coast of Africa, under the Command of Captain Simon, with a view to obtain free labourers for our Colonies, arrived at Cape de Monte on the 29th of October last. The chief of that place strenuously urged Captain Simon to select for his operations that portion of the coast above all others, and they both proceeded to Monrovia, the capital of Liberia, in order to settle the preliminaries of the affair. The President of that republic, on learning Captain Simon's plan, approved it so highly that he persuaded that officer to carry out his operations exclusively in the territory of the Liberian republic. Captain Simon hastened to pay into the hands of the local authorities the sum of 1,564 piastres, as passport duty for the 400 free labourers with whom it had been agreed he should be supplied in the space of forty days. This fact, by the way, conveys a good idea of the value to be attached to the recent protests of the Liberian authorities on the subject of our emigration, and on which the British Ambassador at Paris laid such stress, in opposition to our own convictions. Be this as it may, the enlistment of emigrants was carried on with the greatest facility and the greatest care, under the superintendence of the Liberian authorities, as well as of the agent of the French Government. 271 emigrants had already arrived in the roadstead, and the rest of them were ready to embark, when, on the 9th of April, while the captain and the Government agent were ashore, a quarrel arose on board between a negro cook, and one of the emigrants, which caused a scuffle, and ended in a general fight between the emigrants and the crew, in which the second in command of the ship and eleven of his men were massacred by the emigrants. Captain Simon, who heard this disturbance while on shore, jumped into a canoe, picked up one of his sailors who had been thrown overboard from the *Regina Cœli*, but was obliged to return ashore as his canoe capsized. Upon this Captain Simon, assisted by the local militia and some forty Americans whom he hired by the day, attempted to recapture the vessel, and then cruised about with two boats, so as in a manner to blockade her. Matters stood thus on the 15th of April, when the *Ethiope*, a merchant steamer commanded by Captain Croft, arrived. The *Ethiope* had been sent for by Mr. Newnham, the British Consul, who also fills the office of French Consular agent at Monrovia. When that steam-vessel neared the *Regina Cœli*, Captain Simon, who continued strictly watching his own vessel, went on board the *Ethiope*, declared he was the captain of the *Regina Cœli*, and asked on what terms he might accept of the assistance of the English steamer; for from the very first he had

declared to Mr. Newnham, in concert with the agent of the French Government, that he should reject the assistance of the *Ethiope* unless the conditions on which that assistance was to be given had been previously settled. He received no answer. The Spanish Vice Consul for Acra and a French merchant, who were passengers on board the *Ethiope*, explained to him that his vessel was being taken possession of. Captain Simon then wished to leave the packet and go on board the *Regina Cœli*, but was prevented, seized, and consigned to the charge of two English sailors. Meanwhile the *Ethiope* took the *Regina Cœli* in tow, without encountering the slightest resistance from the emigrants, and proceeded on her voyage. Captain Simon asked the Spanish Vice Consul for Acra to beg for a delay sufficient to collect on land eight of his crew, two of whom were wounded; but Captain Croft peremptorily refused, and continued standing towards Monrovia, where they arrived about eight o'clock at night. The report of Lieutenant Pointel respecting this incident contains the following passage ;—' Mr. Manuel Leira y Daroca, the Spanish Vice Consul, was indignant at the brutal conduct of the captain of the *Ethiope*, and openly protested against abandoning the eight Frenchmen. He moreover furnished Captain Simon with a certificate to the effect that he was present at the time that his ship was captured.' On landing at Monrovia, Captain Simon went to the French consular agent (Mr. Newnham), informed him of what had passed, and delivered to him a protest against the capture of his ship. On the other hand, the captain of the *Ethiope* wrote to Mr. Newnham, pretending to consider the act he had committed as tantamount to the rescue of a vessel abandoned and adrift in the open sea. The weakness or else the complicity, of the Liberian authorities increased the difficulties of the case. The insurgent emigrants finished plundering the cargoe of the *Regina Cœli* in the very roadstead of Monrovia, notwithstanding the presence of the purser of the *Ethiope*, who was left in charge of the ship. They were then permitted to land and disperse, without even an attempt being made to seize those whom their comrades pointed out as the murderers of eleven of our sailors."

There is another account which corroborates this statement. It is remarkable that the Liberian Government should have allowed these men to escape. I was not in possession at the time this matter was mentioned before of the French official account, but I have received a letter from Captain Croft of the *Ethiope* steamer, which I will read to your Lordships :—

"Royal Mail Steamer *Ethiope*, Monrovia, 15th April, 1858.

"Sir,—I have the honour to inform you that, according to your request, dated April 14th, I proceeded, April 14, at 11 p.m., in search of the French Ship *Regina Cœli*, several of the crew of which ship had been barbarously murdered by the emigrants on board, who had afterwards taken possession of the aforesaid ship. 6.30 a.m., April 15. — Arrived at Cape Mount, went on shore, and ascertained from the settlers that the ship *Regina Cœli* had been seen April 14, at 6 p.m., off Galinas. 8 a.m.—Sighted the *Regina Cœli* off Galinas drifting about quite unmanageable, close to the shore. 9 a.m.—Steamed close alongside the *Regina Cœli*, at the same time discovered the master of the aforesaid ship in a small boat without gunshot of the pirates. The captain of the *Regina Cœli* informed me in the presence of several passengers, that he had been watching the aforesaid ship several days, but that the pirates always fired at him when within gunshot, and showed warlike demonstrations to any person or persons attempting to go on board. 9.15 a.m.—Held a parley with the pirates, who finally delivered the aforesaid ship *Regina Cœli* over to my charge; upon which I sent my second officer and several of the crew of the screw steamer *Ethiope* to take charge of the *Regina Cœli* as a prize of the aforesaid *Ethiope*. 9.30 a.m.—Steamed a-head, with the *Regina Cœli* in tow for Monrovia. 9.45 a.m.—When catting the anchor on board (starboard) the prize, the chain of the starboard anchor ran out, which brought the ship up suddenly, carrying away the towing hawser; sent chief officer and several seamen on board to weigh the *Regina Cœli's* anchor. 10.45.—Steamed a-head. 7.30 p.m., April 15.— Arrived at Monrovia all safe with the *Regina Cœli*, and anchored her off Cape Messurado, with officer in charge.

"April 16. — Appointed Mr. Mackelvie my agent, and handed the ship *Regina Cœli* over to him.

"A. J. M. CROFT, Master of the steamship *Ethiope*.

"J. G. C. L. Newnham, Esq."

"Signed before me, in my office at Monrovia, this 16th day of April, 1858.

J. G. C. L. NEWNHAM,
"Her Britannic Majesty's Consul.'

I have looked to the Consul's account, which is almost word for word the same ; and it is quite evident that the *Ethiope* did not take possession of the drifting ship from any sympathy with the negroes—far from it—but because they looked upon the crew as pirates, and that their object was to obtain salvage. The French captain (Simon) declared that he never lost sight of the *Regina Cœli* ; that he was watching his ship until he could make a better bargain for her, and that he protested against Captain Croft seizing his ship. In spite of this protest, however, Captain Croft took the ship in and claimed salvage. The French captain protested against being saved and against paying salvage. The Liberian Government advised him to have recourse to the courts of that country, but they probably felt themselves not strong enough to interfere further. The French men-of-war then came in, who took the part of Captain Simon. They took the ship into their own hands, and sailed away with her. In the meanwhile the emigrants dispersed. This is one of the many proofs we have that the first version of a story is not always to be taken. We have now got the English and the French

accounts. I believe that by international law, the French captain having never lost sight of his ship, having claimed her as his own, and having protested against her seizure, even if she had been a regular slaver and had been full of slaves no one would have had a right to seize her. It is only just to the French Government that their view of this case should be known.

LORD BROUGHAM agreed that their Lordships were not to give implicit belief to the first statement they heard, and he would apply that remark to the statement to which they had just listened; because in one sense this also was a first statement—it was the first they had heard from the French Government. As yet they had only the statement of Captain Simon, though it was certainly in some degree confirmed by the commander of the *Ethiope*. But there was one point on which they had no account whatever. According to the report, as it was first received, and referred to by his noble Friend opposite (the Earl of Hardwicke) it was said that when the vessel was boarded the manacles of these free emigrants were taken off. Manacles! How did they happen to have manacles upon them when they went on board? This was what was called "free emigration," and described as a plan for encouraging Africans to emigrate from their bad country to the good country across the water! There could not be the slightest doubt that those persons who were called free emigrants were really slaves kidnapped by the native princes and brought down to the coast by the slave-dealers in order to be sold; and after the price was paid the process of "liberation" was gone through, that they might be taken on board as "free emigrants." As to what was said that there was no compulsion on board except in the use of manacles, he would say that it was unfortunate that, as there were no means of obtaining unofficial information in France, they were compelled to trust entirely to official accounts; but he, as well as others, had received accounts on this subject, unofficial indeed, but yet they were from persons high in authority—some of them from agents of our own Government—from which it was clear that those persons were not free emigrants, but persons brought down from the interior and sold, to be taken on board ship. If there were in France the same freedom of discussion which existed in the press of this country, the official accounts would be subject to comparison with unofficial statements: but it was enough for him that they carefully avoided the question at issue—they altogether avoided to say that no force was used, no fraud practised, to get them on board. He wished to take that opportunity of correcting a misapprehension which had gone abroad of what a right rev. Prelate (the Bishop of Oxford) and himself had said the other night, as to the transportation of Indian and Chinese coolies. They were represented as objecting to the conveyance of these coolies to British colonies; whereas the fact was that both he and his right rev. Friend approved of the coolies being sent to the Mauritius and other British colonies; what they protested against was their being conveyed to foreign settlements. With regard to the concluding remarks of the noble Earl, he might state that no lawyer could doubt that in the presence of Captain Simon, the captain of the ship, no person but the French authorities had any right to enter on board and take possession of her, however contrary to law her cargo might be. But he might remind their Lordships if the English ship had not interfered the rest of the crew would have been massacred.

THE EARL OF MALMESBURY: The rest of the crew were on shore.

LORD BROUGHAM said, he meant the French crew, not the negroes. He would just say one word as to the allegation that these Africans were going to Cuba of their own free-will. If these 200 or 300 men were really leaving their country under the impression that they were about to better their condition as free labourers in Cuba, was it not a most suspicious circumstance that the first thing they did was to rise upon and murder the sailors who were about to convey them to that land of promise? That was not the way our emigrants acted. When our countrymen were going to Canada or Australia they went on board without manacles, nor was any compulsion used towards them, and when they got on board the ship at Southampton or Liverpool they did not rise on the crew and kill them. He feared further inquiry would prove, in spite of all they had heard, that these persons were not free emigrants at all, but were practically slaves, carried away against their will by force or fraud; and that this was nothing else but an attempt at a renewal of the African slave trade.

EARL GREY said, that having expressed a strong feeling on this subject on a former evening, he now thought it right

to say that he entirely concurred with his noble and learned Friend in thinking that they required further information before they could form a definite opinion on the subject. He was not prepared to assume that the facts of the case as originally related were set aside in consequence of what they had now learned. He, for one, would rejoice, for the honour of the French Government and nation, if it could be proved that these Africans were really put on board the vessel by fair means and of their own free will, and that their rising was only dictated by a desire to take the ship; but, on the other hand, if the original account was confirmed—if it appeared that these men were purchased from African slavedealers, that they were put on board by force, and that they were manacled and treated in the manner in which slaves were ordinarily treated, and had only killed those by whom they had been carried away by force and fraud, then he adhered to the opinion he had formerly expressed, that there could be no circumstances in which men were more justified by the laws of God and man in using force and destroying the lives of their oppressors to procure their own liberty; if these were the real circumstances, he still said he rejoiced that the Africans succeeded. He thought they required further information on the subject, because, in spite of the contradiction now before them, he could not help feeling with his noble and learned Friend that there were circumstances of great suspicion connected with the case. They also knew that it was not now for the first time they had obtained information with regard to the conduct of French vessels on the African coast. For some months back they had concurrent information from many quarters —from British merchants engaged in the trade with Africa, and from officers serving on the coast—that under colour of the contract for supplying free emigrants an internal slave trade was carried on in Africa, that wars were waged for the express purpose of procuring prisoners, who, after going through the form of liberation of which his noble and learned Friend had spoken, were put on board French vessels and carried, against their wills, to Cuba. All this concurrent information, coupled with the experience of our own Government that every attempt to get emigrants by fair means from Africa had failed, led him to regard this matter with the utmost suspicion. With regard to the President of Liberia, he should like to see his own account of the transaction, and to know whether he admitted having sanctioned the embarkation of these men. If it could be proved that the Liberian authorities had done so, that would make a material alteration in the case; but he was informed that the President of that Republic had condemned the proceedings now going on the coast of Africa on the part of the French, and that he had gone to Paris to protest against it. The noble Earl opposite appeared to think that this ship being the property of a French subject, the English captain could have no right to take possession of it; but that depended on the circumstances that had really taken place. If the story as originally told was true, if these negroes were put on board by force and were not free, and had risen and seized the ship in order to effect their own liberation, he held that their rising was a justifiable act, and that when they took possession of the ship they were in lawful possession of it, and it was no longer a French ship. They had hauled down the French colours; they were *de facto* and *de jure* the possessors of the ship, which they had taken from those who had stolen their bodies; and in those circumstances the captain of the English ship was justified in rendering them the assistance they might require. That they required assistance could hardly be doubted, for they were informed that when the Africans saw the English ship they expressed their extreme delight. He hoped the Government would endeavour to procure further information on this subject from the officers on the coast and the consular authorities; for he held that the contradiction given by the French authorities was one so full of suspicious circumstances that further information was loudly called for.

THE EARL OF MALMESBURY said, he did not know where they were to get further information, because they had already received the statement of the English Consul and of Captain Croft; and he might further remark that Captain Croft applied the term pirates not to the Frenchmen, but to the negroes.

OATHS BILL.

CONSIDERATION OF REASONS PUT OFF.

On the Order for Considering the Report of the Reasons to be offered to the Commons for the Lords insisting on their

Amendments to this Bill (which stands appointed for this day) being read,

THE EARL OF MALMESBURY said, that upon further consideration of the matter, and considering the absence of his noble Friend at the head of the Government, who he thought it would be very desirable should have another opportunity of addressing their Lordships upon the subject, the more advisable course to be pursued on the present occasion would be to postpone the Motion he had intended to make this evening for considering the Report of the Reasons to be offered to the Commons for the Lords insisting upon their Amendments until this day week, the day on which the other two Bills would come to be discussed before their Lordships.

LORD CAMPBELL said, he would not object to the course proposed to be taken by the noble Earl, but he could not help again expressing his regret that the purpose seemed still to be entertained of sending the Bill back to the House of Commons with their Lordships' Reasons for insisting upon their Amendments. He had most willingly withdrawn all opposition upon the statement made on a former evening by his noble and learned Friend (Lord Lyndhurst) that there was an understanding with regard to a compromise, although he confessed he had a foreboding that there might be disappointment; and he now most earnestly implored those who wished to see an accommodation of this long-vexed question to consider whether it would not be better to retain the Bill which was now before them instead of sending it back to the House of Commons — a course from which he saw nothing to hope, but rather anticipated difficulty.

THE EARL OF DESART regretted much the necessity for postponement, but contended that their Lordships ought to send their Reasons back to the House of Commons, lest it should appear that their Lordships were prepared rather for a concession than a compromise. If a compromise should ever be agreed upon, it would more correctly come from the House of Commons than from their Lordships. When the Reasons for insisting upon their Amendments reached the other House, it would then be for that House to propose such arrangements as it thought proper with regard to omitting the words "on the true faith of a Christian" in certain cases; but he looked forward with hope, he might say with confidence, to their Lordships continuing to maintain and enforce the principle they had always upheld, that it was not expedient that the enemies of Christianity should be admitted to assist in the legislation of a country whose laws, ordinances, and institutions were essentially based upon Christianity.

Consideration of Report of Reasons to be offered to the Commons for the Lords insisting on their Amendments *put off* to *Thursday* next.

TRANSFER OF REAL ESTATE BILL.

ORDER FOR SECOND READING DISCHARGED.

LORD BROUGHAM said, there was no subject on which the profession of the law and the country generally were more completely agreed, than that something must be done to facilitate the transfer of real property. Some years ago a Committee sat on this subject, under the presidency of his noble and lamented Friend the late Lord Beaumont, and it came to the conclusion that the most grievous burden upon land was the costliness of its transfer. The labours of that Committee had not been without result, as several of its recommendations had been adopted, which he (Lord Brougham) was anxious to see still further extended. He had himself introduced a Bill founded in some degree on its recommendations; and the Law Amendment Society had been assured by the agent of a noble Duke on the cross bench (the Duke of Cleveland) that that measure had effected a saving in one year of between £6,000 and £7,000 in the management of the Duke's estate. This was stated by the agent in the Duke's presence. Last year he (Lord Brougham) presented a petition from a gentleman who had been for many years the steward of a manor, in which five hundred copyhold tenements could be passed by the plan of describing each by means of a number in the books. During the last thirty years every one of those properties had been sold, mortgaged, or exchanged, and the average length of the conveyances employed was one hundred and ninety words, and no more than a few shillings was the cost of the conveyance; nor had a single dispute ever arisen out of the transfer of these estates in the manner he had described. He (Lord Brougham) wished to see a similar plan take the place of laws which appeared to have been devised for the express purpose of making land as little a merchantable commodity as was possible. In Ireland, the Incumbered Estates Court had had

no fewer than 2,400 petitions presented to it in the four years ending with 1855. It had effected 1,448 sales, and the money received had been no less than £14,155,000. So great was the anxiety both of buyers and sellers to obtain the intervention of the Court—of sellers, because they obtained a better price for their land, and of buyers, because they received the inestimable advantage of a Parliamentary title—so great was the anxiety to obtain the intervention of the Court; that all kinds of contrivances were resorted to with that view. Fictitious debts were actually created in order to give the parties a right to petition the Court. The Bill which he had been about to ask their Lordships to read a second time applied to that subject, but, considering the period of the Session and that a measure of that kind must necessarily be referred to a Select Committee, he suspected it would be better to allow the Bill to stand over until next Session, when he hoped some legislation would take place.

LORD CAMPBELL approved of the course proposed to be adopted by his noble and learned Friend; but he adhered to the opinion which he had long entertained, that the only mode of improving the law of real property was to establish a general registration for all deeds affecting real property, and enacting that no deeds which were not registered should in the slightest degree vitiate or prejudice the claim of a purchaser.

LORD CRANWORTH said, the object of his noble and learned Friend's Bill was a good one; but considering the late period of the Session, he thought it had better be withdrawn, and the matter left to be considered by the Lord Chancellor in the recess.

Order of the day for the Second Reading, read and *discharged*; and Bill, (by Leave of the House) *withdrawn*.

House adjourned at half-past Six o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, June 24, 1858.

MINUTES.] PUBLIC BILLS.—1° Probates and Letters of Administration; Divorce and Matrimonial Causes Act Amendment; Herring Fisheries (Scotland).

2° Government of India (No. 3); Administration of Justice; Chief Justice of Bombay; Legitimacy Declaration.

3° Nisi Prius Court (Ireland).

LONDON CORPORATION REGULATION BILL.—COMMITTEE.

Order for Committee read.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. ROLT: Sir, it is with much reluctance that I obtrude myself on the attention of the House for the purpose of objecting to your leaving the Chair, and of moving that this Bill be referred back to the Select Committee, who have reported it to the House, and that the Petition recently presented by the Corporation of London on this subject be referred to the same Committee, with instructions for them to hear the Corporation by their counsel and witnesses thereon. Sir, my reasons for making this Motion are founded on a conviction that the House is about to establish a dangerous precedent, without having before it all those facts which, are necessary to enable the House to come to a proper decision. The Bill purports to be a Bill "for the better regulation of the Corporation of the City of London." It may be, for the purpose of my argument, divided into two parts, the one political and the other financial. With the former I do not propose to deal, nor will I enter in any way into the consideration of those provisions of the Bill which purport to alter or amend the constitution of the Corporation. I propose only to call the attention of the House to the way in which the property of the Corporation is dealt with by the Bill; and, if I understand its provisions on this subject rightly, the Bill simply takes away from the Corporation a considerable portion of its property without compensation, and without hearing the parties who are to be so deprived of their property. The 55th section of the Bill provides:—

"All such rights of Metage of any Grain, Fruit, Wares, or Merchandise as the Corporation is entitled to by custom, charter, or otherwise, and all exclusive right of Porterage of any Grain, Fruit, Wares, or Merchandise which any Porters of the City of London have, or claim, under any such custom or charter, or otherwise, shall cease after the 31st day of December, 1858."

These rights, therefore, whether acquired by charter, or by custom, or by purchase from the Crown, or howsoever acquired, are simply abolished. The 71st section gives compensation to every officer of the City whose office may be abolished by the Act, and as the Bill was originally framed the City was left to pay this compensation

out of its remaining property not taken away by the Bill; but the Select Committee appear to have thought this rather too severe, and have consequently provided, by the 74th and following sections of the Bill, as amended, a fund for this compensation to officers by continuing a small metage due for a short period, and expressly limited in amount to this purpose; but there is not in the Bill a single provision for giving compensation to the Corporation itself. Now, Sir, we naturally turn to the Preamble of the Bill for some reason that should justify so novel an enactment, but we find there nothing relating to this subject but this, "that it is expedient that provision should be made for the abolition of such customs and privileges of the City as injuriously affect trade and industry." What is proposed, therefore, by the Preamble, is not the reconstitution of a charitable or public trust, because it is effete —it is not restoring a corporation or trust to its original bounds or character, leaving its property untouched; nor is it a Bill of Pains and Penalties, working a forfeiture of property, because of the malfeasances or misdemeanours of the owner. The Preamble does not even venture to assert that it would be expedient that provision should be made for the abolition of such rights of property of the City as injuriously affect trade. It asserts only that it is expedient to abolish customs and privileges of this character. Now, it is my intention to demonstrate — I use the word advisedly — that you propose by this Bill to abolish rights of property; and I would suggest that if you do so, at least it should be done openly and avowedly, and that the preamble should assert that it is just to abolish rights of property when they injuriously affect trade and commerce. Sir, the moment that is done, the moment you put that in the preamble, the Bill is lost, because I am satisfied the House will not consent to the abolition of rights of property on any such grounds, or indeed on any grounds without providing some compensation for those whom you propose to deprive of those rights. It is in reference to this Bill that the Corporation of the City of London have presented a Petition, and I think it material to call the attention of the House to the allegations of that Petition. It begins by informing the House, that the Petitioners did, upon a former occasion when the Bill was first introduced, petition to be heard by their counsel, agents, and witnesses, against its several clauses, and it then states—

> "That by divers clauses of the said Bill, it is proposed to deprive your Petitioners without giving them any compensation of various sources of revenue of which they have been possessed for a period extending beyond the time of legal memory, and their right to which has been repeatedly confirmed by charter, statute, and judicial decision, and by divers other clauses of the said Bill, the rights, interests, and privileges of your Petitioners are prejudicially affected. That large sums of money have been borrowed by your Petitioners for public improvements on the credit of these and other revenues of your Petitioners and are still charged thereon."

The Petitioners then proceed to state that they were heard before the Committee upon one clause, and one only of the Bill, and were not permitted to be heard upon other clauses prejudicial to their interests by some of which it was sought to deprive them of their property, and that they consider it unjust that their revenues should be confiscated without any malversation being proved or alleged against them, and without their being heard in support of their rights and property; and after further stating that the Petitioners view with alarm the establishment of a precedent which may be pleaded to justify an arbitrary interference with rights of property which have hitherto been held sacred, the Petitioners pray that the Bill may be referred back to the Select Committee, and that they may be heard upon the allegations of their Petition. From this statement the House will gather that my main objection to this Bill in the form in which it now stands, is that it is an interference with the rights of property. Sir, that is my case. I do not say it is the only case of the Corporation, but it is my only case, and I do not intend to present to the House a rag of a case beyond. I intend to stand upon that ground alone—I shall not attempt to make more of the case, but I will defy ingenuity or sophistry to make less of it. Stale pretext of the rights of property! some friends of this measure may perhaps exclaim. Sir, I admit the antiquity of the argument, and upon its antiquity and upon the benefits we have so long and so uninterruptedly received from the maintenance of those rights I greatly rely. It will be expedient to define in the outset in what sense I use the words "rights of property." By that expression I mean rights established by the positive and arbitrary law of the country—rights of ownership to or in

anything which can be enforced in a court of justice—rights of ownership in respect of which, if any wrong be done to them, redress may be had in the legal tribunals of the country. In this sense one man may have a right of property in or against that which in other respects is the property of another. This is my definition, and I trust that those who object to it will, when dealing with the rights which they propose by this Bill to abolish, at least give their own definition of the expression. These, then, being the rights of property, what, I would next ask, are those metage and other dues which the Bill proposes simply to abolish? This will necessarily depend upon a statement of facts which will require to be proved by evidence—by oral or documentary testimony. At this sitting, of course, I am not in a position to prove them. I state them as facts, which the Corporation is ready to prove; and in this argument you must accept them as facts if you refuse to hear those who pledge themselves to their truth. These facts are, that these dues were originally a portion of the hereditary revenues of the Crown, and from time immemorial—from a time lost in antiquity so entirely that we cannot trace its origin, these dues have been in possession of the City of London. After their original acquisition, but still at a time we may deem very remote—at a time with respect to which we should say we had gone very far back, if any other person or body of persons than the Corporation of London were concerned, that is, in the reign of King John—these rights, or a portion of them, were seized and taken from the Corporation by the Crown. At the time when this attempt—which is sought to be repeated to-day—was thus first made, the power employed was, of course, the military power of the Crown. These revenues were then seized into the hands of the Crown, upon the pretence that they had formed part of the revenues of the Queen Dowager; and being so seized, they were afterwards granted to the King's brother, the Earl of Cornwall. The City submitted to the seizure to the extent of re-purchasing them from the Earl of Cornwall, and they paid the sum of 20,000 marks—in those days a very large sum—for what had been so seized. But in the interval the Earl of Cornwall had granted a rent-charge of fifty marks per annum upon the property. For six centuries that rent-charge has travelled from hand to hand, and there is to this day an owner of that rent-charge, not now before the House, but whose rights must be affected by this Bill, who receives the amount annually from the Corporation, and the Corporation are bound at present by law to pay it. These rights so acquired and so re-purchased were afterwards confirmed by Parliament, and from that time the Corporation remained in undisturbed possession till we come to the reign of James I. Arbitrary power now played its fantastic tricks in another shape. It was not now military force that was to be applied, but it was hoped to find subservient Judges and unprincipled law officers. The hope, however, was not at this time realized. But the attempt was made to seize the property through a court of law. An information was brought in the Court of Exchequer, inquiring by what warrant the City of London claimed their rights. The record is somewhat musty, no doubt—perhaps that may be an objection—but it is both legible and intelligible. I have here a copy of the record: it states that the City of London claims (amongst other things) to have the office of Meter of all coals and grain of whatever kind, and of all other merchandises, goods and things whatsoever sold by measure, and the metage of the same whatsoever, in or to the port of the said City of London, coming, brought, or carried on the water of Thames, in any ship, boat, barge, or any other vessel whatsoever, and also to have and take to their own proper use, the wages, rewards, and fees, to the same office of Meter appertaining and belonging; and the City is then called upon by the Attorney General to answer by what warrant they claim to have use and enjoy these liberties, privileges, and franchises; and thereupon there is a plea that the City of London is, and from the time beyond the memory of man hath been, an ancient city, and that the Mayor and Commonalty and Citizens of the said City from the whole time aforesaid, whereof the memory of man is not to the contrary, have had and exercised and have been accustomed and ought to have and exercise the said office of Meter and the other privileges and dues before mentioned; and that all the customs, liberties, privileges, and franchises of the City aforesaid were by the authority of the Parliament of the late King Richard the Second, after the Conquest holden at Westminster in the seventh year of his reign, ratified and confirmed to the then Mayor and Commonalty and Ci-

tizens of the City aforesaid and their successors and by that warrant they claimed. The Attorney General admitted the facts as stated; the City prayed judgment, and the judgment of the Court was that "the aforesaid Mayor and Commonalty and Citizens of the aforesaid City of London and their successors should have, perceive, enjoy, and use all and all manner the offices, privileges, liberties, franchises, wages, rewards, and fees aforesaid, and other the premises in their plea claimed." After this the City remained safe until the time of Charles the Second, when by the well-known *quo warranto* proceedings all these dues and tolls were again seized into the hands of the Crown, and so they continued in the possession of the Crown until the accession of William and Mary, when one of the first Acts of the Parliament was to reverse the judgment in the *quo warranto*, and to restore these dues and all other rights and privileges to the Corporation. I cannot think that the Parliament of Victoria will destroy and take away without compensation these rights which the first Parliament of William and Mary, in vindication of the rights of the people and of property, restored to the City of London. Having thus defined the rights of property, as I understand them, and having explained the history of those dues and rights which this Bill proposes to take away, I think it sufficiently appears that these rights of the City of London are held as rights of property upon the strongest and clearest of titles, a title acquired or confirmed by purchase and payment of the price, a title supported by prescription, immemorial possession, charters, decrees of Courts, and Acts of Parliament. Each and all of these are elements of their title, and such rights founded upon such a title are undoubtedly, as I insist, entitled to protection as rights of property. I do not intend to assume that the argument is exhausted when it is proved that these are rights of property which you are abolishing without compensation. It may not be exhausted in the minds of some, but I trust and believe that in the minds of a large majority in this House, when they are satisfied that that is the effect of this Bill, the argument will be at an end. There may be some individuals whose views are, as they say, more advanced, and who will tell us they are not to be frightened by such stale pretexts, and they would probably admit that the right in question is a right of property without argument. The contest with them would probably only be as to the expediency of interfering with the right, but it will be useful to clear the way by showing distinctly what we are about to do; for as far as the progress of this Bill is concerned with this 55th clause as a part of it, there is, as I believe, an end of the matter, if the House shall be satisfied that that clause will simply confiscate a right to property legally vested in the Corporation. Now, there are but two grounds on which any objection can, as it appears to me, be raised to the position that these metage and other dues of the City are entitled to protection as rights of property; the first, the nature and character of the alleged owner of the property—namely, that it is a Corporation; and second, the nature of the property itself,—namely, that it is a toll, or tax if you please, on the goods or property of others. It is said that it is not an individual being who is the owner of this property, but a Corporation, a thing created by the law; and then that the property itself is not land or goods and chattels, but dues and tolls; in short, property in the property of another. Let us consider these arguments separately. In order to ascertain the value of the objection that the owner of property is not an individual, but a corporation, let me ask the House to consider what is the position of a corporation with respect to the ownership of lands and goods or chattels. I ask upon what principle can you draw a distinction between lands or goods and chattels in the hands of a corporation, and lands or goods and chattels in the hands of an individual? Is not the one property as well as the other? Is it not so in the very nature of things, and is it not so in the positive or arbitrary law of the country by which all questions of property are to be determined? That there is a distinction between individuals and Corporations I admit, but that has nothing whatever to do with the question. God, it is true, made the one, and man the other: one is the individual element of which society in the aggregate is composed; the other is the creature of and creation of society. But that is not the question we are dealing with. We are dealing with the question of the constitution of rights of property in either. The same power creates and regulates the rights of property in each case. There is no distinction in that. The same power which gave the right of property to individuals gave it also to Corporations. It is true that we

Mr. Rolt

create Corporations, but we also create and regulate the rights of property in individuals just the same as we do in Corporations. We are not satisfied with—

> "The good old rule, the simple plan,
> That they should take who have the power,
> And they should keep who can."

Such a rule would not suit us in the present day, any more than it did when law and order first prevailed. Some of us under such a rule might, perhaps, get more than we now have, but some would certainly get a great deal less; and the same laws which create and regulate, as a substitute for this rule, the rights of property in individuals also create and regulate them in the case of corporations. In creating the corporation we endow it with the faculty of enjoying property, and give it the right to this enjoyment. Why cannot an aggregate of individuals (and a Corporation is nothing more) have as substantial or beneficial an enjoyment of property as a single individual?—and in creating the corporation we have given it this right. In the case of the individual also, the right is his only by our gift, though the faculty of enjoying the gift may be from a higher source. If we were dealing, then, with tangible property, the right to lands and tenements, or goods and chattels in a corporation, the right would be as clearly a right of property as would a corresponding right in individuals. Now let us look next at the particular nature of the property in question, and consider these metage tolls and dues as though they were in the hands of an individual. The right of property may exist in an absolute, unqualified, and unconditional manner, as in the case we have been considering, of property in lands or in goods and chattels. But with equal certainty from the nature and necessity of the case, and also from the positive law of the country, a right may exist in my favour against the right of property in another. It is a most crude and undigested proposition to say that I cannot have a right of toll or right to other benefit in the property of another. Is not my right of way over the land of my neighbour a right of property in and against his property Is the parson's right to tithes, payable out of the property of his parishioners, not as good a right of property as that out of which it is payable? Is not the right to a rent charge upon the property of another as much property as any property that can exist? It is idle to go back into the origin of property or to inquire into the reasons of its institution in the form in which it now exists, or to discuss whether this or that species of property is unjust, or whether any particular lawful tenure of property is inconvenient, with the view of deriving from that discussion an argument for its confiscation. The mode of enjoyment, if the present mode of enjoyment be prejudicial to the public interests, may no doubt be modified. We do that every day. I have the property in a piece of land or a house. My property in it is inconvenient—it stands in the way of some public improvement. I must give it up for making a railway, or carrying out some other work which is supposed to be conducive to the public good. But upon what terms? You must pay me for it, compensate me for taking it from me. In precisely the same manner, if these tolls and dues were the property of an individual, and were inconvenient and prejudicial to the public interests, would their abolition be effected. And the right to such or similar dues and tolls is asserted by individuals every day. It is a peculiar kind of property no doubt. It originally existed in the Crown. The Crown granted rights of this kind sometimes to individuals, sometimes to corporations. There is no question that from the first institution of the rights of property in this country, such rights have been recognized as existing in the Crown, and as having been granted to others by the Crown, and there is scarcely a year passes in which such rights are not insisted upon in courts of justice on behalf of individuals. In their hands these rights are rights of property, and that which is simple property in the hands of individuals is, I contend, equally property when in the hands of corporations. I must leave to the ingenuity of others to point out how it is possible, when you combine the two considerations upon which I have dwelt, that there should be a difference between individual and corporate rights of property. I am not able to suggest a difference. If you are satisfied that lands and goods and chattels are entitled to protection, as property in the hands of a corporation, and that tolls and dues in the hands of an individual are also entitled to the same protection, why such tolls and dues are not equally property in the hands of a corporation I must, I say, leave to others to point out. It being then established that these tolls and dues are undoubtedly entitled to protection as property in the hands of the corporation, I

say that this right is a different thing from the customs or privileges to which the preamble refers. The objections to this Bill is not that you are abolishing some inconvenient custom or usage of trade, or that you are destroying some claim to precedence or priority, or that you are removing some feudal privilege inconsistent with the freedom or the liberty of the people ; but that you are taking away, without compensation, property which (wisely or not is immaterial) has been legally granted to, and has been for centuries enjoyed, and now is enjoyed by the corporation. This right is something very different from anything like a custom or privilege. It is therefore untrue to say that you are merely abolishing customs or privileges. If that be so, let me invite the House to add in the preamble of the Bill the words—

"Whereas, it is expedient that provision should be made for the abolition of such rights of property in the Corporation as are injurious to trade and industry."

It is a question of fact. Does this Bill propose to abolish these rights of property or not? I ask that the truth should be told in the preamble, and that it should go forth to the world openly, that the British Parliament is willing, without hearing the parties and without compensation, thus to take away such rights. I say, that if you do so decide, you should let it be simply asserted in the preamble, and the moment you come to insert that in the preamble, I think there will be an end of the Bill. But, Sir, the question may still remain in the minds of some, whether interference with the rights of property in a Corporation may not be justified upon principles short of those which will justify interference with the right of property in individuals. I feel satisfied that there are many in this House who would not desire to discuss that question, and who would say, that when put upon such grounds the question was really at an end; but there are, no doubt, others who take a different view of the subject. Sir, the right of property can only be successfully and permanently maintained by maintaining it in its universality. There is no right of property which does not press hard in some direction or another. The whole value of the principle is endangered if you break in upon it, or if you allow yourself to speculate upon its utility in some particular instance. In some point of view or other, the right of property which is in me will press hard upon some other portion of the public, or the right that is in others, will press hard upon me; and it is only when I reflect on the necessity of maintaining for the whole community the right of property, that I am content to bear the burdens this right in others imposes upon me, and am driven to insist that the right is one which shall not be touched. It is only, I repeat, by its universality that you can maintain this right of property. I do not propose to discuss with the House its right to deal or interfere with property; for the purpose of this argument I am content to say, that its might shall be the measure of its right. I only ask the House to consider whether it is either just, wise, or expedient to interfere with the right of property in the Corporation in the mode and manner proposed by this Bill. What are the arguments hitherto brought forward to show that you may interfere with the rights of property in Corporations and not in individuals? As far as I can understand them, they are something to this effect—that there is no individual who has a vested interest in such rights—it is a question of public concern only. You cannot point to any member of the community who is immediately concerned—no individual has any right of disposition or of transmission to his heirs — the rights may be taken away without injuring individuals, as no one can claim a particular interest in the specific property. I am putting the argument as strongly as I am able to understand it against myself. But has this argument any just foundation ? Are there not elements of vested interests in common in the two cases ? The aggregate body of individuals forming a Corporation can enjoy property and can transmit it to their successors equally with individuals, though the mode and course of transmission may be different. The faculty of enjoyment and the right to the enjoyment by the rules of law apply in either case. A Corporation does not always make a wise use of its property. Do individuals always do so ? A municipal Corporation is but an aggregate of people living in the same locality and possessing property in common, and enjoying the benefits of that property in common in such modes as are consistent with law, and as are open to such a community. What is there (if we but generalize justly and sufficiently) in the way of enjoyment of the rights of property open to individuals, which does not also apply to such communities of individuals ? That the inci-

dents of the right of property are different in the two cases has nothing whatever to do in the matter. The law imposes certain fetters on the enjoyment of the right in the case of the individual, as in the case of the Corporation, though the fetters may not be the same in specie. To the individual it is of the essence of the case, with small exceptions, that the enjoyment of the right of disposition of property by each succeeding individual shall be open, and you shall not make the right inalienable. With the Corporation there is also a fetter imposed, though different in character. The law prescribes the quantity and description of property it shall hold and sometimes makes it inalienable ; but subject to such fetters as the law has imposed, the right is complete in each case. Is the right or faculty of geting into debt limited to individuals ? Cannot a Corporation get into debt equally? If so, ought not the first enjoyment as well as the first duty of property in each case be the payment of your debts? This Corporation, of the City of London, owes a million of money. Are we to trust ourselves with the question, was it wisely incurred ? or any question but this. Has it been legally incurred ? If we do, it so happens that in this particular case the answer will be satisfactory. Half a million is charged upon (amongst other property) the property which you now propose to take away from the Corporation, and you propose to do this without hearing the creditor, and without telling the debtor how he is to discharge his obligations to the creditor. But what is the next enjoyment of the right of property possible to a Corporation? The Corporation must maintain its roads and its public buildings, and provide for its administration of justice, and may it not also provide for the rites of hospitality or festivity, if you please ? I want to know, if we come to that, why a Corporation or community of individuals, an aggregate body which has accumulated property, if the law has allowed them to accumulate and transmit their property from one time to another continuously—why, I want to know, even with respect to a surplus available for the luxuries of life, there should be any difference between the right of an individual and of an aggregate number of individuals ? It is untrue to say that you cannot point to an individual who has any personal vested interest in the property. Each corporator has a vested interest in having the property applied (subject only to such fetters as the law may have imposed on its enjoyment) in saving him from the county, parochial, or other rate which must otherwise be personally levied upon him for the public objects of the locality, and in such other purposes of enjoyment as are open to the aggregate community. When you consider the various modes in which Corporations can and do enjoy property, how can we propose to deal with their property in the mode proposed by this Bill ? First, there is the payment of debts already incurred, then the many great and much-needed improvements, the necessity for which is constantly arising, additions to the luxury and splendour of your public buildings and streets, and the various other provisions for all the requisitions of communities living in large numbers together, all tending ultimately to the general good as the community may think fit. A Corporation may become effete and extinct, or an individual may die without heirs, and in either case the state may step in and claim the property. But, I want to know why, while both exist, there should be any distinctions between individual and corporate rights, when the law allows to each substantially the same enjoyment of them. I think it is clear that there can be no such distinction made as has been attemped to be set up. The law has given to Corporations as well as to individuals the right of the enjoyment of property, and, so far as I can judge, you cannot assert that it is wise, just, or expedient to do in the one case that which is not equally so in the other. The case may be put of a Corporation not extinct—not effete—having a sufficient number of corporators, but practically not adequate for the purposes for which it was originally designed, and for which it was originally endowed with the power of possessing, and with the actual possession of the property it claims. But should such a case arise, the remedy is not by forfeiting its property. With a municipal corporation the purposes for which it was called into existence must continue so long as the community of the locality hold together for any municipal or common purposes, and the remedy, if any, must be found in regulations for the Corporation adapted to the present exigencies of the community. Or, again, the question may be asked, what, if a Corporation should become possessed of an estate beyond all manageable bounds, and beyond anything which is required for public purposes, or that any aggregate body of individuals can properly expend—what, then,

could you do? I would answer the question by another. What will you do, in the like case, if a private individual were to accumulate and obtain possession of such an amount of property as he could not, with any safety to the State, be left in the enjoyment of? Suppose one individual to hold two or three counties, and to make it his business to go on adding estate to estate till he became a landed proprietor too powerful for the State. To speculate on what is enough for the owner is dangerous in any case; but this I know, that the time has not yet arrived for putting such a question with respect to the Corporation of London. There are here no such considerations. The Corporation is lawfully in debt, and is still bound to borrow, or, at least, will be justified in borrowing money from time to time to provide for the convenience and advantage not only of the Corporation, but also of the public at large. There is no surplus whatever which has to be dealt with in the present case. I submit, then, that this is undoubtedly property in the hands of the Corporation, the right to which is established and regulated by the law precisely as property in the hands of private individuals, and that it would be unjust and inexpedient in the extreme to deal with it in the manner proposed by this Bill. It will not, perhaps, be useless upon this part of the case to call the attention of the House to the finances of the City of London. I have had put into my hands this morning a Return, for which we are indebted to a Member of the Select Committee; but it is greatly to be regretted that this Return, which contains some most valuable and important information, was not moved for before the Committee closed its labours. Upon examining the Return, it will be found that there is no surplus or unnecessary income in this case. Speaking in round numbers the property of the Corporation may be stated to yield £100,000 annually from the income of land, houses, and funded property, and £100,000 annually derived from market and metage and other dues and tolls. With respect, however, to the £100,000 annually from realized property, there is to be borne in mind the fact that a very large portion of that income will expire in a few years by the falling in, or expiring of a lease held by the Corporation, and the Corporation have very prudently put by for many years, and are still putting by annually, a sum of £20,000, in order to meet this contemplated falling off of revenue. The collection of the market dues and tolls is attended with great expense. There are also large sums, as much in the aggregate as £10,000 a year, paid in drawbacks in cases where, upon exportation, the tolls and dues are liable to be returned, and this with the charges of collection and the like on this portion of the revenue, amounts to a sum of £30,000—so that the revenue of the year is not really more than £70,000 from one source, and £80,000 from the other. There is a debt of £1,000,000 upon these, the revenues proper of the Corporation. I am not including here the whole of the coal dues, by far the greater part of which is levied and raised by authority of Parliament for specific purposes, and does not belong to the City. A portion only of the coal dues belongs to the Corporation, and is included in the revenue I have stated. Upon this—the proper revenue of the Corporation—they have borrowed upwards of a million of money, and I believe I am accurate in saying that half of this sum has been devoted to the improvement of the streets and thoroughfares of the Metropolis, in paying for the land dedicated to the public in making these improvements. Every stride you take in these new streets costs a large sum of money, and this half million has been devoted entirely to the benefit of the public in these improvements, and the other half of the debt, if this were the occasion for going into details, could be shown to have been incurred on equally sufficient grounds. At any rate a legal debt to this extent exists in fact, and you have the interest of this debt to provide for; one item for interest alone, therefore, amounts to £50,000 per annum or thereabouts. Next, with respect to a great portion of this property, it was obtained by the City originally upon the terms of supplying the cost, and is consequently subject to the charge of a portion of the police and administration of justice in Middlesex, as well as the police and the administration of justice in the City itself. The citizens of London are, therefore, saved from any county rate, and each citizen has here a definite and specific vested interest in the corporate property. This forms a charge of £50,000. You have thus £100,000 disposed of out of £150,000 of revenue I have spoken of. Then there are various incidental charges; there is a Metropolitan improvement fund, there are charities and pensions, and extraordinary and incidental

expenses annually occurring, which together absorb considerably more than £20,000 of income. If you ask the character of these extraordinary charges, the answer will be, that in one year they have some hero to honour; in another, a foreign prince to entertain; in another, their own Sovereign to entertain; and sometimes a monument to erect to a great public man. Items of this character will show that the Corporation believes that it has public duties to the country to discharge in the expenditure of its income, and that it does attempt at least to discharge those duties. These charges exhaust so much of the revenue of the Corporation as not to leave so much as £30,000 for the civil government of the City. That is not a sum, surely, too large for such a Corporation as this. But if it were, the remedy is not to deprive them of their property. If their expenditure is inordinate under any of these heads, any saving that might be effected is undoubtedly wanted for other most legitimate corporate purposes. There are yet many new streets and public buildings wanted—many large improvements are required, but the City has not the revenue necessary for their execution. You who attempt to judge what is necessary for the citizens to possess, by determining what is proper for them to expend, may say there will be enough for feasting and hospitality when the dues dealt with by this Bill are abolished. I am not of that opinion. I doubt whether more is expended even in luxury than is due to the splendour and position of the City. It is possible, nay probable, that some of their expenditure may be injudicious. Where is the large expenditure of which the same may not be said? But, be this as it may, there are undoubtedly many purposes for which, if their revenues were larger, they could be most beneficially and legitimately employed; and even the lowest grounds of expediency are wanting to justify you in depriving the City of any of its rights of property. But, again, I appeal to this House to take up the question on higher grounds, and to look upon these rights of property as sacred, and to believe that the value and importance of the principle requires that it should be universally maintained. But, Sir, I would ask what precedents have you for the course which is thus proposed? Has it ever been attempted before? Can anybody pretend that anything of the kind has been done since law and order were supreme in the land? In early times, no doubt, the strong hand of power has attempted to deprive us of our most sacred rights, and in later times similar attempts have been made through the instrumentality of corrupt and servile lawyers; but now, in the reign of Victoria, we have to meet for the first time the danger threatening us from a House of Commons. I have referred to the military instances of early times, and to the instance of the time of Charles II. I now turn to the history of the Municipal Corporation Reform Act, in the time of William IV. What was done upon the occasion of passing that Bill when dealing with rights of property identical with those of the Corporation of London? The word "dues" was not originally introduced into the Bill, in the description of the property which was to constitute the Borough Fund, but was added in Committee expressly and in order that there should be no doubt upon the subject. It was in substance enacted that the tolls and dues of Corporations should be preserved. The 92nd clause of the Municipal Corporations Act provides that the rents and profits of all corporate hereditaments, and the interest, dividends, and annual proceeds of all corporate monies, dues, chattels, and valuable securities, should be paid to the treasurer of each borough, and should be carried by him to the account of a fund to be called "The Borough Fund," and such fund, subject to the payment of debts contracted before the passing of the Act, should be applied towards the payment of the salaries of the mayor and of other city authorities and officers, and also towards the payment of various expenses connected with corporate elections, and with the administration of justice; "and in case the borough fund should be more than sufficient for the purposes aforesaid, the surplus thereof should be applied under the direction of the council for the public benefit of the inhabitants and improvement of the borough." The surplus revenue, if any, is to be applied for the public benefit of the inhabitants and improvement of the borough. Here is the true definition of the beneficial ownership in the view of the legislature of that day. Will anybody assert that the money expended by the Corporation of London, borrowed upon security (amongst other property) of these dues and tolls, has not been for the benefit of the inhabitants? Will anybody say that there is no scheme for the benefit of the inhabitants

of London, for which the proceeds of these dues can be laid out? Will anybody say that the individuals who form the aggregate of that community can receive no benefit from these revenues or have no vested interest in them? I challenge inquiry upon that point, and I ask that before you pronounce on the wisdom and expediency of abolishing this property, you should inquire in the words of the Municipal Corporation Reform Act, whether after the payment of all ordinary municipal expenses, there is no purpose for the benefit of the inhabitants to which the surplus revenues, if any, can be applied. The property exists at present in the Corporation; it belongs to them, by purchase, by prescription, by charter and by statute. Is it not capable of being applied for the purposes contemplated by the Municipal Corporation Reform Act? It may be inconvenient in its character; if so, alter its character or abolish the tolls or dues, if necessary, but compensate the owner. Let simple abolition or deprivation proceed only for legitimate cause, or, at least, on proof that there is no purpose remaining for the public benefit of the inhabitants of London, to which the property can be applied. Let that be asserted openly and clearly, and you will find that you will have difficulties of fact to contend with that are insuperable. I ask hon. Members who contend for the simple abolition of these dues to assert and to prove that there is no public benefit for the citizens of London to which the surplus can be applied; for if there be, then, I say, the course you propose is one of spoliation. But this clause in the Municipal Corporation Act contains other most instructive matter. It was a fact then, as now, that Corporations were capable of getting into debt, and it was well known that some of the Corporations dealt with by that Act were in debt. What was done in that case? The debtor was left by that Act in the full enjoyment of his property, but fearing he might, perhaps, be too liberal with his property to the prejudice of his creditor, there was introduced into the Act a proviso to the effect, that it should not be lawful for the town council, in any borough in which the body corporate before the passing of the Act should have contracted any lawful debt chargeable on any corporate tolls or dues, to alter or reduce the amount of such tolls or dues, or to grant for any consideration any remission of, or exemption from such tolls or dues, or any part thereof, unless with the consent of the creditors, until after such debt, and all interest due thereon, should have been fully paid and satisfied. So that in that case, Parliament, instead of abolishing rights of property of this character, thought it wise to enact that Corporations being indebted should not be at liberty to surrender their tolls in order that the rights of the creditors might be protected. The Act recognized the principle that even Corporations themselves, being indebted upon security of their tolls, should not be at liberty to surrender or reduce them, however objectionable their character. If there had been no such proviso, Corporations within that Act, like other owners of property might have abandoned any toll or due deemed objectionable. But in giving to Municipal Corporations the more popular constitution then provided, it was deemed expedient to enact that they should be just before they were generous with their property, and that their creditors having a charge on such tolls should be paid or should be called on to consent before the Corporations could themselves exercise their right of remitting them; while in the present case the singular inconsistency is proposed that the Legislature shall ignore the existing claims of creditors, and shall abolish the tolls and dues of the City of London under circumstances identical with those which induced the Legislature in 1835 to say that the Corporations then dealt with—the actual owners of the tolls—should themselves be deprived of the power of surrendering them while such circumstances existed. Sir, the next legislative proceeding, bearing upon this question to which I shall refer, was the proposal to abolish local dues on shipping. That attempt proceeded no doubt upon very much the same principle as that contained in the 55th clause of this Bill. It was an attempt to take away from numerous Corporations property to which they had a legal right on the ground that its existence was inconvenient to commerce. The attempt was an entire failure. It is right, however, to say that one important circumstance of difference exists between that case and the present. It was there contended that it was at least highly probable that these local dues on shipping had originally some trust or duty connected with them, which was no longer discharged, and that the levying of the dues was therefore no longer just. That argument, however, does not apply in this case, because this property has always been held in the same manner by the Corporation of London as it is now held, and it is

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certain that the produce of the toll was never subject to any special trust or duty whatever. It was in vain that the Government of the day endeavoured to press the Bill for the abolition of the local dues on shipping upon the attention of the House. It is true it addressed itself to very many of the Corporations in the country who had property of that nature, but I do not think the House will be disposed to permit one Corporation to be singled out for the purpose of establishing, as against it, that which you could not establish as against many Corporations combined. Look again at the way in which this attempt was followed by the Act for the regulation of the Mersey Docks and Harbour. The material part of that measure as applicable to the present discussion will be found in the preamble and 40th section of the Act. The preamble, shows that the Corporation of Liverpool possessed (amongst other property), 1st, shipping dues ; 2nd, harbour and light dues ; and 3rd, town and anchorage dues. With respect to the first and second, they were held not for the benefit of the Corporation at all, but upon trust for certain specific purposes ; the third was the property of the Corporation in the same manner as the metage dues are the property of the Corporation of London. The House reconstructed the trusts to which the first and second properties or dues were subject. There can be no objection to that ; if there be an old and effete trust you can re-construct it ; a Court of Equity will do it in certain cases, and this was what the House did in reference to the shipping dues and the harbour and light dues in the case of the Corporation of Liverpool. If the trust is no longer a trust capable of being executed—no longer capable of answering the ends for which it was originally constituted—a Court of Equity will remodel the trust, or the Legislature, if the case be of sufficient importance, will do so. But a distinction was, in the case of Liverpool, drawn between the Trust estates and the absolute property of the Corporation ; and, by the 40th clause of the Liverpool Act, the rights of property of the Corporation in the town and anchorage dues were recognized, and compensation was secured, and Parliament thereby declared the rights of property in corporations to be as sacred as in individuals, and that, when found inconsistent with the public good, such rights could only be abolished upon granting compensation. I will not fatigue the House with precedents for compensation. The House has, up to the present time, gone to the extreme in making compensation, rather than in falling short of the necessities of the case. When dealing with legal rights, you proceed to compensate even for offices of all descriptions—first for freehold offices, and then for those short of freehold, but which have some analogy to it. For any interference with property you always amply compensate, but here you are proceeding, without a single precedent in your favour, to interfere without compensation. In the case of these metage dues, the sums received by the Corporation are not the ordinary rights of payment for work, if, and when, done. It is the right to attach a certain toll, on goods sold, by measure in a certain locality. The decree of the Court of Exchequer, which I have read, is conclusive upon that point. You may call it unjust in its origin, and inconvenient in its present consequences, if you please, but that will not affect the force of the argument. The decree of the Court of Exchequer is this—"Bring your corn and grain by water of the Thames to London, to sell by measure, and a toll shall be paid." Then arises the legal obligation on the one side, and the legal right on the other. I believe that the argument in this particular case is not open to the objection that the right is inconvenient in its nature, or that it was originally founded in injustice. But that is a question of evidence upon which I will not enter. What, I will ask, was the origin of many of our established rights of property. What is the present nature of some of our tenures ? Test the argument by a case in which the tenure or right is now most inconvenient and unjust, and let the same principle be applied to this case. This is not, I say, a right of payment for work if and when done, with a right to the person against whom the claim is made to employ the officers of the Corporation or not, as he thinks fit. He has no such right. If he brings his goods for sale by measure into that locality, he is bound, by law, to pay the Corporation. It is not for him to choose to have the work done or not by the Corporation, and so to escape the payment if he pleases. This condition of things may or may not be very inconvenient. Let that, if necessary, be ascertained, and if it be found to militate against the public weal, abolish the right, but compensate the owner. Upon these considerations, the sound con-

clusion is, that according to reason, law, and precedent, it is not wise, just, or expedient, to interfere with these rights thus vested in the citizens of London. But even if this be doubtful, ought they not to be heard? They, at least, claim these dues as a right of property, and they have not been heard in defence of that right. On the 10th of April last there was a Motion made in the Select Committee that the Corporation should be heard by their counsel and witnesses against this clause. The application was refused. The Committee said to them, "You shall not be heard; true, you say it is a right of property, but we say it is not, and we won't hear your reasons; we decide on a question of property without evidence, and without hearing the party conceiving himself to be aggrieved." I say on the contrary, "Strike, but hear." Do not establish a precedent which will disregard a claim to property, presenting at least a *prima facie* case of right without hearing the persons who assert the claim. The House may be strong enough to do what this Bill proposes, but the thing has never yet been thought of by any Parliament, except in the memorable case of the threatened abolition of the local dues on shipping, and I do not know that even then it was proposed to decide without hearing the parties. It is said that the course I propose would lead to delay which would be fatal to the passing of the measure this Session, and that the object of the opponents of the Bill is delay. There are three simple answers to that objection, each of which will be found very sufficient. First, the reconsideration of the metage tolls and dues need not delay the passing of the general measure for one moment; next, the opponents of the measure are not responsible for such delay, if any, as may arise; and lastly, the consequences of delay are not to be compared with the risk involved in hasty legislation on the question at issue. If I am at all right in my notion of the importance of the question, delay, as compared with the importance of interfering with rights of property only after you have heard the parties claiming to be owners, is nothing. The measure before the House contains, no doubt, many useful regulations for the Corporation of London, and that part of the Bill is unquestionably important. Still let us not affect to act as if we thought there existed some gross abuses in the constitution of the City of London, some feudal rights and privileges in the hands of the few which were pressing heavily upon the mass of the people, and which could not brook a moment's delay. There is really nothing of the kind here. The thing had better be done if it can be done this year, but it is not an affair of overwhelming consequence for which everything else must be sacrificed. The consequences and conveniences of immediate and of deferred action may here safely be balanced and considered. Again—delay of the more important parts of this measure is not necessary at all, as a consequence of sending back to the Committee the question I have discussed. Carry the rest of the Bill in its integrity if you please, and enlarge or amend the political constitution of the City at your discretion, but reserve the financial part, or that portion of it which is connected with these metage tolls and dues, for further consideration. If you say this is a wise and just measure—so important for the City of London that you cannot postpone the political regulations for twelve months, I will yield to the suggestion; but then, I say, let this part be considered separately and no delay will arise. But is it not fair, also, to inquire who has occasioned the delay that is now sought for? Upon whom rests the responsibility of that delay? Has the City of London occasioned it? Did they not come here the first moment that they saw this clause was in the Bill, and ask to be heard? They were referred by the House to the Committee, and there they again asked to be heard, but were refused a hearing. I believe that if the Committee had condescended to hear them, the Bill would not have contained the clauses now objected to. They have now again come here, and they will by every constitutional means insist on their rights, and I believe in so doing they will receive the aid of every one who is interested in the preservation of the rights of property. Grant them a hearing. If you had let them be heard in the first instance, there would have been no delay. The Bill is, in my opinion, fraught with injustice to the individual members of the Corporation and with danger to the general interests of the community, even greater than its particular injustice, and it is the duty of those who agree with me in that opinion to oppose its progress by every constitutional means. Delay is of secondary importance; but delay is not the necessary result of yielding to the substance of my Amend-

Mr. Rolt

ment, and I am not responsible for the delay, even should it arise. Sir, I submit that I have made out my case. This Bill proposes to interfere with the rights of property; those rights in a Corporation are created and regulated by the same legislative authority which creates and regulates the rights of property in individuals, and are held as sacred by the law. You cannot interfere arbitrarily with rights of this kind in Corporations aggregate without endangering the security of property in Corporations sole, and in individuals. You cannot safely trust yourselves to inquire into the wisdom, justice, or expediency of transferring property in municipal Corporations from one hand to another; if you do so, you will first peril the rights of property in Corporations sole, and next, similar rights vested in individuals. The moment you begin to speculate upon the abstract justice of the rights of property, in particular instances, separately and apart from the wisdom of maintaining the right as extensively and universally as the law recognises it, the universal right is in peril. I entreat you, therefore, not to go into this speculation; but if you do, I believe that if you will hear the Corporation they could make out a better case for their particular claim than could be made out by many individuals; and I have confidence enough in their case and in the wisdom and justice of the House, to believe that the House would not, after hearing the citizens of London, deprive them of that property which, for six centuries, has been devoted to their common benefit. There is no ground whatever for saying that the property cannot still be usefully devoted to their common benefit, and to deprive them of it under such circumstances is confiscation. For these reasons, I move the Amendment of which I have given notice, that this Bill be referred back to the Select Committee, that the Petition of the Corporation of London against the Bill, which was presented on the 28th of May last, be referred to the same Committee, and that the Corporation of London be heard by their counsel, agents, and witnesses, before the Committee, on the allegations of their Petition.

MR. CRAWFORD said, that in seconding the Amendment, it was not his intention to throw any obstacle in the way of the passing of the measure. He wished to see whatever anomalies that might exist, with regard to the Corporation, removed, and the Corporation itself placed on a footing more consonant to the spirit of modern times than that on which it at present, in some respects, stood. The hon. and learned Gentleman on the other side had so fully and so truly stated the case that it would be idle for him to discuss it at any length. He had risen to direct attention to one statement which was contained in the petition of the Corporation, and which he thought was very material in considering the Amendment which had just been moved. That statement was that an understanding had been arrived at between the right hon. Gentleman who had charge of the Bill under the late Government and the officers of the Corporation to the effect, that the Bill should be read a second time on the understanding that the Corporation should be heard against it before the Committee. He believed that the right hon. Gentleman did not admit that there had been any such understanding. But when it was stated, on the part of the Corporation, that such an understanding had been arrived at, it was only reasonable to suppose that the Corporation had some grounds for the view which they had taken of it. Speaking for himself, he might state that when the second reading was proposed he had asked what course was proposed to be taken with the Bill. He was told that the Bill was to be referred to a Select Committee. The meaning of that could not be that those who were entitled to be heard against it were willing to allow it to be sent to a Committee sitting with closed doors. Hon. Members were quite justified in supposing that in agreeing to refer the Bill to a Select Committee they were giving the Corporation an opportunity of being heard before it. The merits of the case had been so fully stated by the hon. and learned Member for West Gloucestershire, that he should not enter further upon them, but content himself with seconding the Amendment.

SIR GEORGE GREY said, that on the part of the late Government, who originated the Bill, and before the House was addressed by the right hon. Gentleman opposite on the part of the present Government, who had adopted it, he wished to make a few observations on the Motion before the House. He was ready to admit the ability with which the hon. and learned Member for West Gloucestershire had argued this question; but he could not help being forcibly reminded by his speech of the arguments which had been addressed to the House many years ago, when the Municipal Cor-

porations Act was under discussion, by hon. and learned Gentlemen of equal learning and reputation, who had endeavoured to induce the House to reject that measure on the same grounds that the hon. and learned Gentleman now asked them to agree to his Amendment. Those hon. and learned Gentlemen, however, failed to convince the House in that day that that Act ought not to pass, and he believed that there was no one now who would contend that that was not a most important measure of municipal reform, or that it was one which ought to be repealed. He thought that it was quite unnecessary to follow the hon. and learned Gentleman through all his arguments as to whether these rights of metage were or were not property which could be dealt with by the House, without any compensation in the event of its being taken from the Corporation for the benefit of the public; because it appeared to him that those arguments were wholly out of place on the present occasion, especially considering the Amendment with which the hon. and learned Gentleman had concluded his speech. The hon. and learned Gentleman did not want any inquiry to satisfy his own mind. He stated his opinion as a lawyer that the House had no right to deal with these metage dues, which the City of London levied for its own benefit, and yet he asked the House to refer this Bill back for the consideration of fifteen hon. Gentlemen sitting upstairs in order to settle the question. But the question of whether those dues were property or not was one which the House, being in possession of all the facts to enable it to form a judgment, was alone capable of deciding. It was impossible that a Select Committee should have that principle referred to them, or that the House should consent to be bound by their decision if it were, and he ventured to say that, in the event of their opinion being that Parliament could touch those rights without compensation, the hon. and learned Gentleman himself would be among the first to repudiate their decision. There were, however, two courses open to the hon. and learned Gentleman, neither of which he had adopted. He might either have moved that the Bill be committed that day three months, thinking that it contained principles so objectionable that it ought not to be agreed to; or, approving a certain portion of the Bill, he might have consented to go into a Committee of the whole House, and when they arrived at Clause 55 he might have addressed to them the arguments which he had just submitted to the House. In the latter case he (Sir George Grey) should have been prepared to justify the Bill as it stood; but he hoped that the House would not agree to be led prematurely into a discussion upon an issue which could decide nothing, that issue simply being whether the Bill should or should not be referred back to a Select Committee. The Motion was in fact one for postponing the Bill to a future Session. He admitted that on the 24th of June—and especially in the present state of the Thames, of which the City had been so long the conservators—much might be said in favour of delay; and he agreed also that no great injury to the public might arise from such a course. But it must be remembered that great concessions had been made to the City, in the hope and expectation that the questions which had been raised by the hon. and learned Gentleman would not be again raised; and considering those concessions, and the departure made in the Bill from many of the important suggestions of the Commissioners, he doubted whether the result of delay might not be to produce a better Bill—not in the sense in which the Corporation of London wished to see it amended, but in the sense in which the public wished to see it improved. He should have been prepared to stand by the Bill in all its main features as it had come down from the Committee, but if it should be put off for another Session he should hold himself absolved from any such obligation. The police, the coal duties, and other important questions were not settled in the Bill in the manner that many ardent reformers wished, and if the Bill were postponed in the hope of further concessions he should consider himself quite at liberty to support on another occasion those more advanced views which he believed to be most in accordance with the public interest. With respect to the statement of the hon. Member for the City (Mr. Crawford), which was contained also in a petition which had been presented in favour of the Amendment of the hon. and learned Gentleman, that there was an understanding between him and the officers of the Corporation that the Bill should be read a second time, without opposition, and that the Corporation should be fully heard before the Select Committee, he must give to it a most unqualified contradiction. Not one word had fallen from him which could by

possibility lead to that construction being placed upon his intentions; and that he had never consented to such an arrangement was best proved by the fact that the question of allowing the Corporation to appear by counsel and to call witnesses was raised and discussed in the Committee itself, when, with the exception of two worthy aldermen, every Member of the Committee, including the noble Lord the Member for the City of London, voted against that proposition. The Committee, in deciding not to allow the Corporation to appear by counsel, were very much influenced by the consideration that the House had obtained all the information that was necessary in order to enlighten them and to lead them to a right conclusion, and that the Corporation had been fully heard before a tribunal at least as competent as that Select Committee. The hon. and learned Gentleman said, "Strike, but hear;" implying, of course, that the Corporation had not been heard; but the hon. and learned Gentleman appeared to be totally ignorant of the fact that in 1853 a Commission had been appointed to inquire into all those very questions which had formed the staple of the hon. and learned Gentleman's speech. The Commission consisted of Mr. Justice Patteson, a sound constitutional lawyer, his right hon. Friend the Member for Radnor (Sir G. C. Lewis), and his right hon. Friend the Member for Taunton (Mr. Labouchere), and they were directed to collect information respecting the rights, privileges, duties, jurisdiction, civil and criminal, and generally to inquire into everything which could affect in any degree the rights or constitution of the Corporation. They discharged those duties in the most careful and conscientious manner; they examined first witnesses who complained of the constitution or impugned the administration of the Corporation; and they then examined every officer of the Corporation with respect to those complaints. Reporters of the public press were admitted, and copies of the evidence taken were supplied to the City officials, so that there could be no pretence for saying that the inquiry had not been of the fairest and most ample description. This being so the Committee felt that they were in possession of sufficient information to guide their decision and to influence their judgment, and they therefore refused to hear counsel on the part of the Corporation. For the same reason he trusted that his hon. Friend the Member for West Kent (Mr. W. Martin) would not propose his Amendment with respect to the coal duties. That was not a subject which a Select Committee could decide, and besides the House possessed already all the requisite information on the subject. He trusted that this discussion would not be prolonged, but that they might be allowed to go into a Committee of the whole House upon it without delay, and then, when they reached the 55th clause, let them determine whether there were sufficient grounds for maintaining in the City of London a tax upon corn for the benefit of that Corporation, when it had been abolished universally elsewhere. That was the question which they would then have to decide. It was a mere waste of time to enter into a discussion respecting the difference between private property and Corporation property, and he therefore trusted that the House would at once decide whether any advantage was to be gained from sending this Bill back to a Select Committee. He believed that no possible advantage would result from such a course, and he should therefore vote against the Amendment.

MR. W. WILLIAMS said, that the reason why the hon. and learned Member for West Gloucestershire (Mr. Rolt) had been requested to propose the Amendment, instead of some hon. Member connected with the Corporation, was evident. No one connected with the Corporation would have ventured to bring forward as facts the statements with which the hon. and learned Gentleman, who could not be supposed to know the facts, had been furnished. The hon. and learned Gentleman said that the Corporation had enjoyed the right of this metage tax upon corn from time immemorial, but Messrs. Combe and Delafield, the well-known brewers, had many years ago refused to pay that charge; and although the Corporation had taken proceedings against that firm, they had abstained from going on with the case, and had never attempted to produce any charter giving them a right to make such a demand. Surely this circumstance showed that they had no such right. Again, the hon. and learned Gentleman said that the Corporation had borrowed large sums of money upon their right to this property; but with the exception of £92,000 expended in the building of Holloway Prison he denied that the Corporation had borrowed a shilling without their having either the most ample means of

paying good interest for it, or of liquidating the whole of the debt by means of taxes on the metropolis at large. To talk of the poverty of the Corporation, as the hon. and learned Gentlemen had done, was really a farce. The only true document with respect to the financial condition of the City that had ever been published was one that was obtained by a Committee of the Common Council in 1835, which showed that the officers of the Corporation absolutely received, in the shape of fees and other emoluments, upwards of £74,000 in one year, which did not appear at all in their accounts. It also appeared that in the year 1833 twelve officers of the Corporation —one of them being a corn meter he believed—actually received a larger amount than the twelve Cabinet Ministers, the former receiving £48,435, and the latter £45,480. In that same year the administrative cost of the Corporation amounted to £2 12*s.* 6*d.* per head for every inhabitant of the city; while the whole of the administrative cost of the Government of the country, including its armies and navies, its permanent debt, and its great colonial and other expenditure, amounted only to £1 17*s.* per head of the population. With respect to the precise question before the House, he should have no great objection to the measure being delayed, if the effect should be, as he believed it would, to produce another Bill more in conformity with the recommendations of the Commissioners; but as he did not see any great prospect of that, he should support the Motion for going into Committee.

Mr. STUART WORTLEY said, he had a suggestion to offer to the House, which perhaps might shorten their discussion of this question. He was quite aware that there were opinions current in these days that property, or rather hereditaments of this description, such as rights of metage and the like, were not to be regarded strictly as property, more especially when they were in the hands of public corporations; and he remembered that it was contended, with great force in the Liverpool case, by the right hon. Member for Kidderminster (Mr. Lowe), that all that kind of property was held in trust for public purposes, and was at the disposal of Parliament. That doctrine was strongly combated at the time, and some hon. Members went so far as to characterise it as revolutionary. He (Mr. Wortley) did not at all shrink from avowing that there was a distinction between property of this description in the hands of corporations and in the hands of individuals. He admitted that Parliament had the power to deal with such property in the hands of corporations, but at the same time they must do it tenderly and with the greatest caution. The hon. Member for Lambeth (Mr. W. Williams) who took a great interest in financial matters, was quite wrong in his figures upon this occasion, because, instead of the £92,000 expended upon Holloway Prison being the only sum that had been borrowed upon the general revenues of the City, of which the corn metage formed a part, there had been £450,000 borrowed and expended upon the new cattle market. The majority of the members of the Corporation were of opinion, when the option of undertaking or of declining that work had been left to them, that if they were to engage in it, it must entail upon them a loss, but the actual loss in the case had been greater than they had anticipated. He had himself, as the law adviser of the Corporation at the time, told them that if they wished to maintain their station and their influence, they ought not to decline that task; and upon that view of the matter they had acted. The work was a magnificent one, and his only objection to it was that it had been executed on too costly a scale. He had certainly not expected at the period when he had given his advice upon the subject, that it would entail, as it had done, an expenditure of upwards of £450,000. Another debt charged on the corporation property was the cost of erecting New Cannon Street, amounting to £540,000. He believed that that thoroughfare, when completed, would be one of the finest in Europe, and that even Paris itself presented no work of the kind calculated to reflect more credit on the energy and the capacity of its originators. There were, then, these enormous sums charged upon the revenues of the City, of which the metage dues in question formed a part. He thought, however, that it was very desirable that this discussion should cease, and if any arrangement could be made by which compensation should be given—not to the Corporation but to the creditors—he should advise the Corporation at once to accept it. He would suggest, then, that these metage clauses should stand over for the present, and that in the meantime the Corporation should be communicated with to see whether some understanding might not be come to. Or another course would be, inasmuch as these clauses had nothing

to do with the constitution of the Corporation, to put them in the same category with the coal duties, and to deal separately by Act of Parliament with all the financial part of the case. If this were done he was sure it would be found that there was every disposition on the part of the City to treat the House fairly. With respect to the coal duties he could not help saying that he thought that any Government which parted with those duties would be guilty of a gross error, and would be really betraying their duty to the Metropolis. Out of the 1*s.* 1*d.* per ton charged upon coal, only 4*d.* went to the Corporation, the other 9*d.* going to the Government, which represented the whole nation. The tax really was very trifling and was scarcely felt. It was only 1*s.* 1*d.* per ton, and the price of coals now was not above 17*s.* or 18*s.* as compared with 56*s.* a ton, which it used to be when he was a student in the Temple. Notwithstanding the great activity of the hon. Members for Westminster and Lambeth, and Marylebone, and their efforts to persuade people that this tax was a great hardship, so little was it felt that not a petitition from the Metropolis had been presented for its repeal. He admitted that it was a hardship upon the inhabitants of Kent and Hertfordshire, who were no more interested in improving the Metropolis than the inhabitants of more distant counties; but the tax might very well be modified in that respect without being abandoned altogether. He was satisfied that the Metropolitan Board of Works never would be able to raise a rate sufficient to carry out the great works intrusted to it, and he suggested that the 9*d.* a ton on coals which now went to the Government should be transferred to that Board. As for the 4*d.*, it clearly belonged to the City, and as an evidence of the way in which they expended it, he appealed to Cannon Street—a more important street improvement even than had been undertaken by the vigour and taste of the French Emperor; to Holloway Prison, which was only too handsome and too fine; and to the New Cattle Market, the only objection to which was that the expenditure upon it had been too extravagant. But, if extravagance had been a sin of the Corporation, this Bill which reformed the constitution of that body would remedy it, and under a freely and popularly elected corporation there would be no chance of the recurrence of such a fault. If the right hon. Gentleman the Secretary of State for the Home Department would hold out any hope that some arrangement could be come to with regard to these duties, which at the same time would respect the rights of property, and would advance the public interests, he thought that this discussion might very well be shortened, and that they might at once proceed to consider what should be the future constitution of the Corporation.

Mr. C. W. MARTIN said, that if the Amendment of the hon. and learned Member for West Gloucestershire (Mr. Rolt) were adopted, he should move,

"That the manufacturers of the Metropolis and the adjoining districts be also heard by their counsel, agents, and witnesses, before the said Committee, with reference to the metage of coals;"

and if, on the other hand, the Amendment should be negatived, he should feel it his duty to avail himself of some other opportunity of pointing out the injustice to which his constituents in West Kent and the people of other districts were subjected under that corn metage system.

MR. WALPOLE said, that filling the office which he held, he was bound to express his opinion upon the Bill, and also to state the course which he meant to take after having given the greatest consideration to the Bill. He must say that no Committee could have acted more fairly or dispassionately, or have given more ample consideration to the subject before it than the Committee which sat upon this Bill. They had taken every pains to sift every question and to arrive at a just conclusion. As to the coal dues, he thought they had better be left out of the present discussion; they formed no part of the present Bill, and were indeed purposely excluded from it. This was a question which ought to be dealt with independently and separately. His hon. and learned Friend who brought forward this Amendment said this was a question affecting the rights of property belonging to the Corporation of London, and that the rights of property, as regarded corporations, were the same, or nearly the same, as those which regarded individuals; that we were not entitled to take any of those rights of property in the manner proposed, and that we should reconsider the whole question up stairs before asking the House to come to a decision upon it. Now, he must say he entirely agreed with the observations of the right hon. Baronet the Member for Morpeth (Sir G. Grey), that no Select Committee could determine such an issue as that which his hon. and learned Friend proposed. It

must be determined, if at all, not by a Committee up stairs, but by the House itself. Now, if that were so, would it not be a mere loss of time not to go into Committee on the Bill at once? As to the question raised by his hon. and learned Friend, in reference to the right of property, he agreed with him that it was of immense importance, nor would he shrink from discussing that question when they came to discuss in Committee that clause upon which the question fairly arose. At the same time allowing the full force of the argument that corporate property ought to be protected almost in the same way and to the same extent as private property, it would not be difficult to show that this principle did not arise in the case of these metage dues. Not one tittle of evidence had been adduced to show that they had been granted to the Corporation as their absolute property for the purpose of raising a revenue for themselves. In the evidence taken before the Commissioners it was shown that the Lord Mayor, as representing the City, had been in negotiation with the corn-factors on this very point, and was prepared to make considerable concession, which he would not have done if the right of the Corporation had been clear and undoubted. He agreed with his right hon. and learned Friend the Member for Bute (Mr. S. Wortley) in most of the principles he had laid down, and thought there was much force in what his right hon. and learned Friend had said. He agreed that this was a matter in which they ought to deal leniently and liberally with the Corporation. The charges upon the Corporation were heavy, and they ought to satisfy themselves that the revenues of the Corporation were not unduly impaired to the injury of their creditors. Probably it would be worth consideration whether a certain revenue from metage ought not to be continued to the Corporation for a specified purpose and for a limited period. His hon. and learned Friend the Member for West Gloucestershire had accused the Committee of having dealt rather hastily in that case with the question of property. But, in reply to that charge, he (Mr. Walpole) should observe, that the Committee had reserved the coal dues as a matter for separate consideration, and that they had carefully inquired into the question of the claim to compensation which might be put forward on behalf of those officers of the Corporation whose present offices should be abolished. Still he must admit there was one point which, in his opinion, they had not fully considered, and that was a paper laid before them on the last day they sat relating to the question of corn metage—[Sir J. SHELLEY: That was the last day, they say.] Yes; he had said so, and must repeat that this paper had not received the consideration it demanded. When they came to Clause 55 they might consider what would be fair and just to be done—at all events, he trusted they would address themselves to it in an impartial frame of mind, whether it would not be better to increase the amount of metage now allowed so as to enable the Corporation to pass with safety through their transition state. This he was prepared to consider in Committee; but on all the other clauses of the Bill, he thought the Committee had arrived at a sound conclusion and he should be prepared to support it, at the same time reserving to himself the fullest privilege of deciding as to whether they might award a fuller measure of justice in reference to the compensation which the Corporation should receive in consequence of the abolition of the corn metage. This, however, was a mere question of amount. For these reasons he was of opinion that the Speaker ought now to leave the Chair, and the House to go into Committee on this Bill. He wished to see justice done to the Corporation as well as to the country, but he had great doubts whether the predictions of his right hon. Friend the Member for Morpeth (Sir G. Grey) would not prove true as regarded this question, that if this Bill were not passed, there might be a pressure brought upon them which might perhaps lead to the introduction of a measure less favourable to the Corporation of London than that now before them. He thought the House was quite prepared to come to an immediate decision upon the question before them.

MR. STUART WORTLEY explained, and reiterated his opinion that he thought it was better to postpone the question of compensation.

SIR BENJAMIN HALL said, he wished to ask the hon. and learned Gentleman who moved the Amendment whether upon the whole he did not think it would be more desirable to allow the House to go into Committee on the Bill, and there deal with his proposition when the proper time arrived for its consideration?

MR. ROLT said, he felt so satisfied that the matters he had stated could be estab-

lished by evidence, that unless it was understood that the clause depriving the Corporation of its property be withdrawn, or sufficient compensation made — [*Cries of* No!] Well, then, he felt bound to press his Amendment.

SIR BENJAMIN HALL was in hopes the hon. and learned Gentleman would have acceded to the suggestion put to him; but as he did not he would offer a few observations. His right hon. Friend (Sir G. Grey) had alluded to what took place on the Municipal Corporation Bill, and he (Sir B. Hall) quite agreed in those observations. The remarks made many years ago by Sir C. Wetherall as to the Municipal Corporations Act were exactly those which had been reiterated to-day by the hon. and learned Gentleman opposite. The only ground upon which he could wish to see the measure rejected was that a larger and more comprehensive one might be adopted—one founded strictly upon the provisions and recommendations of the Committee of 1853. The Corporation of London had up to the present moment resisted in every manner every attempt made in Parliament to reform it. Looking at the constitution of the Commission, and the Report which was laid upon the table of the House in 1854, he felt no doubt that if the Bill were rejected the provisions and recommendations of the Commission must be adopted. He regretted that many most useful suggestions in the Report of the Commission were overlooked or materially modified in this Bill. The right hon Baronet then entered at some length into the recommendations of the Commission of 1853, and compared or contrasted them with the provisions of the measure before the House. As to the tax which was levied for the exclusive use of the Corporation by a metage on corn, Messrs. Combe and Delafield had successfully resisted it, for the Corporation were afraid, as his hon. Friend stated, to proceed in Court. And with regard to the improvements in the City in Cannon Street, to which his hon. and learned Friend (Mr. Wortley) referred, those improvements were carried out by duties levied on the whole kingdom, by duties on corn and coal imported into London. He thought the coal duty was not abolished, it ought to be handed over to the Metropolitan Board of Works in aid of the rates that must be levied for carrying out Metropolitan improvements. He again regretted the measure was so small in the way of reform. What fell from the right hon. Gentleman (the Home Secretary) rather alarmed him, and he hoped the right hon. Gentleman would not consent to the imposition of a larger amount of compensation in the loss of the metage dues than was suggested by the Select Committee on this Bill. He hoped the right hon. Gentleman would consider this most carefully before making any such concession. He was exceedingly sorry the hon. and learned Gentleman had not allowed them to go into Committee on the Bill, where the principle of his Amendment could be quite as well discussed on the 55th clause. But he was quite sure that if the opposition was persisted in the Corporation would regret that they had not accepted the present Bill, which, after all, was a poor measure of a much-needed reform.

MR. WARREN: It is with great pain that I find myself obliged to differ, on the present occasion, from my right hon. Friend (Mr. Walpole), but I cannot resist the arguments so ably and powerfully urged by my hon. and learned Friend the Member for West Gloucester. I am perfectly satisfied that the matter before us is not ripe for legislation, at all events, during the present Session. My hon. and learned Friend to my right (Mr. Rolt) insists on the Bill being sent back again to a Select Committee, in order that the Corporation of London may be fairly and fully heard again, and with the assistance of counsel, in defence of their rights to the large property now enjoyed by them, and offer evidence, if necessary, to serve as premises from which this House may safely draw a sound conclusion. I think this the course which, in common justice, ought to be taken. Sir, my hon. and learned Friend the Mem- for West Gloucester says that the Bill, in its present form, rests on a principle of undisguised confiscation; and I, too, am of that opinion, and do not hesitate to say so. The Bill strikes at the very root and foundation of the tenure of property; it menaces the sanctity of that right everywhere, and in whatever shape and for whatever length of time it may have existed, whether in the hands of a private individual, a corporation sole, or a corporation aggregate. Now, Sir, some of the leading members of the present Government happen to have given expression in this House, on an occasion which we have not quite forgotten, to opinions slightly at variance with those which they must act upon, if they persist in supporting this Bill in its present form. I allude to the debate which arose not long after I had

the honour of a seat in this House, on the second reading of the Bill introduced by my right hon. Friend opposite (Mr. Lowe), for abolishing passing tolls and local dues on shipping. Several leading Members of the present Government spoke on that occasion, and strenuously protested against the extraordinary doctrines then advocated by my right hon. Friend (Mr. Lowe). He had quoted a passage from Mr. Hallam's *Constitutional History*, for the purpose of establishing the distinction he tried to draw between the right of property in the case of individuals and in that of corporations, and spoke contemptuously of "the musty charters" by which corporations held their property. Now, what was said to that, first of all, by my noble and learned Friend, then Sir Frederick Thesiger, now Lord Chancellor?

MR. LOWE: Read the passage from my speech.

MR. WARREN: I really have not got it.

MR. LOWE: If you will refer to it you will find that you are mistaken.

MR. WARREN: I did not expect to be challenged in this way, or I should have been prepared to verify my statement. I should be exceedingly sorry to misrepresent my right hon. Friend in any, the slightest particular, but I heard him deliver the speech, I heard him quote Hallam for the purpose I have mentioned, and am under the strongest possible conviction that I also heard my right hon. Friend use the two words "musty charters," and in the manner I have stated; for I distinctly recollect, besides, a succeeding speaker catching hold of the expression, and commenting on it long and forcibly. Surely this cannot be all a dream of mine. Well, what said, on that occasion, the present Lord Chancellor? Thus he spoke of a Bill founded on exactly the same principles as the present. He said:—

"It is a measure which I believe to be fraught with the greatest injustice, and to be founded on principles which, if sanctioned by this House, would tend to shake the security of all corporate property throughout the kingdom. The right hon. Gentleman has based the measure which he has proposed to the House upon the principle, that the corporate towns of this kingdom have no property which they can call their own; that they hold all they possess at the will of the public, and that they may be stripped of their possessions at its pleasure. And upon these principles, and without condescending to assign any other reason, he proceeds to his work of confiscation. When, Sir, I heard such doctrines propounded, and saw them illustrated so strongly by the measure before the House, I was forcibly reminded of those disgraceful periods in the history of our country, when assaults were made on the charters of corporations, and their forfeitures obtained as a ready means of extortion. I recognize a great difference between public Corporations, and a Corporation composed of an aggregate of individuals, associated for their individual benefit under a common name. This latter class of Corporations may be considered as public bodies, with reference to the individuals of whom they are composed; but with respect to the public at large, they are merely separate communities, having separate rights, and interests, and properties, which they are entitled to maintain as exclusively as individuals are to maintain inviolate the property which they possess. So far from its being true, in the unqualified manner in which the Vice President of the Board of Trade asserted it,—that there is a distinction between the property of Corporations and that of individuals, I contend, on the contrary, that where individual Corporations possess rights which belong to the whole body, and to each individual as a part of that body, no distinction can be made between their property and the property of individuals."

Thus much for the present Lord Chancellor; but he was not the only eminent Member of the present Government who expressed similar opinions. The present Chancellor of the Exchequer thus characterized the speech of my right hon. Friend, the then Vice President of the Board of Trade: he said—

"It was a speech more calculated than any to which I have ever listened in this House, to disturb and alarm the public mind and to unsettle that deep-rooted confidence in prescriptive right which has hitherto been one of the most considerable sources of the stability and security of property and order in this country."

But two other members of the present Government, my hon. and learned Friends the Attorney and Solicitor General also took part in that debate. The former (Sir F. Kelly) began his speech by saying:—

"I am satisfied that Her Majesty's Government are not aware of the real principle which the Bill involves, and which is neither more nor less than one which would take away from any Corporation in the kingdom all the property which they possessed of this description—property which belonged to them in trust for the inhabitants of the towns, and which was to be taken away without any charge of maladministration on the part of the Corporation which would entitle the Legislature to confiscate their property."

The Solicitor General (Sir Hugh Cairns) made a vigorous and able speech on that occasion, foreshadowing the still greater ability which he has since displayed in this House, and he said:—

"To the second part of this Bill, which deals with local dues, I object altogether, as I believe it to be wholly unjust. There is no doubt that these dues were originally granted by those who had a right to grant, and that their grants had been confirmed by charters, by Acts of Parliament, and in every way by which it was possible to give them

a solemn sanction. 'But,' says the right hon. Getleman, 'what matters your musty charters?'"

And here, Sir, I must pause for one moment to point out to the House how completely I am confirmed by this reference of my hon. and learned Friend at the time to the remarkable expression of my right hon. Friend, which I vouched for having heard myself.

"The right hon. Gentleman the Vice President of the Board of Trade," the Solicitor General went on to say, "is accustomed to the habits of a country not quite so old as ours; but I beg to tell him that the tenure of the property of every hon. Gentleman in this House depends upon 'musty charters.' If he rails at 'musty charters,' he rails at the tenure of all the property in the kingdom."

Well, Sir, thus much for the Lord Chancellor, the Chancellor of the Exchequer, and the two law officers of the present Government, and the opinions which they deliberately expressed in this House, on a feature of the Bill then before it exactly corresponding with the one under consideration in the Bill now before us. I am confident that the members of the present Government are incapable of expressing one set of opinions in office, and a different set out of office—

MR. WALPOLE: We don't intend to do so; we have not thought of such a thing, as my hon. and learned Friend well knows.

MR. WARREN: Well, I say so. I believe my right hon. Friend, as everybody does, implicitly; I believe that the opinions which I have just read to the House, expressed by so many leading members of the Government when out of office, are their opinions at the present moment, on which they are prepared to act.

MR. WALPOLE: To be sure we are.

MR. WARREN: But let me point out to my right hon. Friend that, in taking up and supporting this Bill, not their own, but of the late Government—or at least this particular important clause in it—they will, in fact, be giving effect to opinions of a diametrically opposite character; and to such a grave charge of inconsistency I cannot and do not believe my right hon. Friend and the other members of the Government liable. Sir, other eminent Members of the House, belonging to the Liberal party—I allude particularly to the right hon. Baronet the Member for Portsmouth (Sir F. Baring)—expressed opinions entirely in unison with those which I have quoted. He said, among other things,—

"I recognize throughout this Bill what is even more important—I mean a carelessness of private rights, and a sacrifice of public and Parliamentary faith, which it would be most mischievous for the House of Commons to sanction."

Well, Sir, what have we at this moment before us? Here is a Bill dealing with the Corporation of London, that ancient and magnificent Corporation, in itself one of the prominent institutions of the country, one no doubt possessed of great resources, but subject at the same time to commensurate liabilities and responsibilities. Now, the object of the Bill is to place this Corporation on an entirely new footing; and the first thing done is, to strip it of its property in the most arbitrary and undistinguishing manner, regardless of protecting those who may have claims on that property, or the rights of any one who may be injured by this summary and sweeping procedure. And more than that, Sir, without the preamble containing the faintest hint of any such intention—a circumstance which had not escaped my notice, any more than that of my hon. and learned Friend the Member for West Gloucestershire, and who dwelt on it so forcibly in the early part of his speech. Sir, common candour requires that we ought to insert words into the preamble indicating this purpose of the Legislature—what it is, in fact, that we are going to do. There is another point to which I cannot refrain from adverting, and with some concern. The right hon. Baronet the Member for Morpeth (Sir G. Grey) warned the Corporation that if they did not like this Bill, it might be followed by one which they might like still less; and my regret is that this warning was re-echoed, as it appeared to me, by my right hon. Friend below me, the Home Secretary. Now, Sir, I must be permitted to deprecate this appearance of holding out a threat—for such it was—to coerce the Corporation into accepting this Bill. I do not think that the great Corporation of the City of London is a body which deserves to be dragooned in this way. For aught I know, this House may deem it a proper and legitimate course thus to proceed by way of threat—that if they won't take this, the Corporation shall get something much worse next year; but if that sort of argument is to be made use of on such an occasion, do not let the House forget that it may be made use of on other occasions, and that not long hence either, and in a way not dreamed of by those who now use it. I do hope, therefore, Sir, that we shall hear no more

of such threats during this discussion? Sir, I have ventured to occupy the attention of the House, on this occasion, solely because I do believe that in the decision of this question is involved the maintenance or subversion of the great principle lying at the foundation of social order — the sanctity of the right of property. Give your sanction to the Bill as it now stands, and you will, I maintain, give your sanction to confiscation and spoliation. Accede to the Motion of my hon. and learned Friend the Member for West Gloucestershire, and the House will escape from a position of great difficulty, and, at the same time, be under no necessity of retarding legislation. Sir, if I thought this latter the object of the Corporation, I would not give them my support. I have no connection whatever with the Corporation of London, either directly or indirectly, any more than my hon. and learned Friend, who made, as I do, a disclaimer I feel to be so unnecessary. I stand here solely on the ground of strict justice. The rights for which the Corporation of London are at this moment contending are identical with those of every other corporation, be it great or small, and of every individual proprietor in the kingdom, whether within this House or without it. What is the real question at this moment before us? This Bill proposes to strip the Corporation of a vast amount of its property, without even a shadow of compensation, and we are asked to go at once into Committee—to affirm the principle, and proceed to the work of spoliation, before hearing those so seriously affected, and hearing them by their counsel and witnesses. Leaving out of sight the vastness of the interests involved, such a course is utterly subversive of the plainest principles of legislation, of jurisprudence, and the ordinary administration of justice. My right hon. Friend the Home Secretary, with that candour which illuminates everything he says and does in this House or out of it, has just acknowledged that the Select Committee to which this Bill had been referred, and which has sent it down to us in its present form, did not deal with it—I am far from saying, not with perfect fairness, but—in his own words, if I recollect them—with sufficient attention and consideration, in respect of the petition presented to them on the last day of the Committee's sitting, by the hon. Alderman near me, the Member for Andover, (Alderman Cubitt) setting forth, as my right hon. Friend admits, their claims in respect of the corn-metage dues, and of the compensation of those whose offices were to be abolished, with greater distinctness and fulness than the Committee had before had an opportunity of seeing set forth. Why, Sir, how strong a reason that is in favour of the course now recommended to the House. The practical question is — whether, supposing we now go into Committee on the Bill, and get as far as Clause 55, at the present period of the Session—I should rather have said the present state of the sewer which runs by our walls—we shall really be able to enter on these elaborate and protracted discussions which must then take place—into all those details from which we cannot escape, if we would arrive at a safe and just conclusion on this most important question—important in itself, and important as a precedent. This is all that I understand the Corporation to ask at our hands. Sir, as I said before, if I thought their object was merely to "Burke" the discussion—merely to put off the evil day, and procrastinate an equitable adjustment of the matters at issue between them and the Legislature, I should be ashamed of them, and of myself for supporting them; I repeat that I should scorn to support them in such a course, and I believe they would scorn it themselves. They ask, on the contrary, only what they have a right to have — a fair deliberate hearing; they say the interests involved are vast, and the exigency is not pressing. Why are we to be influenced by the conclusions of a Select Committee which it is now admitted has not had sufficient materials before them for drawing those conclusions? Why is the Corporation required thus suddenly to encounter an attack, the time and manner of which they had no opportunity of considering and preparing against? Their title to their dues as corn-metage is attacked. Well, they say that title has never yet been tried before any tribunal competent to form a judgment on the subject; and is this House to tell them that one of its own Select Committees is not competent for that purpose, assisted, too, by council, and enlightened by all necessary evidence? Oh, it is answered — a Committee of the whole House will answer the purpose, and gain every end that could be attained by a Select Committee up stairs. Sir, I beg to deny that. A Committee of the whole

Mr. Warren

House would not have sufficient time, nor patience, nor temper, nor is it armed with the necessary machinery. I was almost going to say that it had not adequate powers—but, at all events, it could not perform the duty half so satisfactorily. Suppose the House resolved itself into Committee, we all know how quickly matters could be forced to a close—how impatient of delay and intolerant of perplexing detail hon. Members would become — they could then say, what the Corporation now says, those details ought to have been referred to the only suitable tribunal, a Select Committee—and a division would be clamoured for. Again therefore, and most earnestly, I urge on my right hon. Friend the Home Secretary, who has chosen to take charge of this Bill, to reconsider the course he proposes. The Corporation of the City of London has deserved far too well of this House, and of this country, to admit of being treated in the old *quo warranto* spirit of the lawless days of King Charles the Second. Never let it be truly said hereafter, that when this great Corporation sued to this House for justice, it was treated without due respect and consideration. Rather let it be said that this House refused to legislate against any body whatever, behind its back, unheard—and above all in the case of this famous corporation, proceeded with fitting and special caution. Acting in that spirit, we may fairly hope to produce a Bill which will satisfy both the Corporation of London and the country at large—and which will form a creditable incident to be recorded in the annals of the City of London and of this Parliament. Sir, if my hon. Friend the Member for West Gloucester presses his Motion to a division, I shall go into the same lobby with him.

MR. LABOUCHERE said, he did not quite understand the right hon. Gentleman the Secretary of State for the Home Department in the same sense as his noble Friend seemed to have done. He should regret if the right hon. Gentleman had so far departed from the views of the Committee. But if it be really the opinion of the Government that the metage dues involved the rights of property to such an extent as to debar the House from abolishing them without providing compensation, he feared that the Bill must be altered, not only to meet that case, but to meet the case of the "city toll" also. [An hon. MEMBER: That has been abolished.] No doubt it had been abolished by the City authorities themselves; but at present there was nothing to prevent them re-imposing it to-morrow if they pleased. He trusted that the House would bear in mind that all these rights of property, as they were termed, were given, not to the City of London as it now was, but to the City of London as the metropolis of England; not to the 200,000 inhabitants who lived within the city walls, but were given as an important trust to the great emporium of British trade—the great metropolis of the British empire. Both as a Commissioner and as a Member of Parliament he had never had any other desire than to deal liberally and generously with the City of London; but to ask Parliament to consider this vast property as if it had been given for the individual benefit of those men who lived within the precincts of the City was a proposition so monstrous that he was sure the House never would entertain it. It was quite absurd to say that rights which were granted for general purposes of utility stood on the same foundation as the right of private property. To adopt such a doctrine would be to work out the maxim of *summum jus summa injuria* to its full extent. He trusted the House would not act on the principle laid down by the hon. and learned Member. He was afraid from the disposition which had been shown to throw obstacles in the way of the Bill —a very ill-judged disposition on the part of those who professed to be the friends of the Corporation—that there was very little hope of the measure becoming law in this Session. He owned that he regretted such a result, and he could only be reconciled to it by the reflection that the longer the public dwelt upon this question, and the more they considered it, the more disposed they would be to exact more stringent terms from the Corporation than were contained in the present Bill.

MR. NORRIS said, he was anxious that a Bill should pass for the better regulation of the City of London, but he was not prepared to purchase that benefit by accepting the confiscation clauses which this Bill contained. The House could not without injustice, and abandoning the rights of property generally, take away from the Corporation of London those duties on which they raised £1,250,000. It was most unjust to deal with such a vast amount of property in the manner proposed, and abstract from the security of

creditors for the payment of their debts without investigation and without even hearing the parties most concerned. This was not a time hastily to go into questions for the taking away of the power of local taxation for local purposes. They had beneath their own noses a most offensive proof of the absolute necessity of fixing the power of taxation somewhere, and having it clearly defined. The Metropolitan Board of Works was crippled for want of means to carry on the necessary works of the Metropolis; and did they want to see the City in the same condition?

Debate *adjourned* till *this day*.

ALLOWANCES TO WITNESSES AT SESSIONS AND ASSIZES—QUESTION.

MR. COLLINS (in the absence of Mr. Powell) said, he would beg to ask the Secretary of State for the Home Department whether Government intend to publish a new and more liberal Table of Allowances to Witnesses at Sessions and Assizes, and whether such Table will be published so early as to be made use of at the approaching Assizes and Sessions; also whether Government intend to propose a more liberal Scale of Fees for Solicitors who are engaged in conducting prosecutions?

MR. WALPOLE replied, that the present scale of allowances would be adhered to until the Commissioners reported, or some reasons were laid before the Government sufficiently strong to induce them to alter it.

JUDGMENTS ON MORTGAGES (IRELAND). QUESTION.

MR. S. B. MILLER said, he wished to ask the Attorney General for Ireland whether his attention has been called to the recent decisions in the Courts of Queen's Bench and Common Pleas in Ireland with respect to the defects in the form of the Affidavits generally adopted for registering Judgments on Mortgages in Ireland, and whether it is his intention to bring forward any legislative measure during the present Session in consequence of such decisions?

MR. WHITESIDE said, he was aware of the decisions referred to; but as they involved a delicate and difficult question, affecting property to the value of more than £1,000,000, the matter would require deliberate consideration. He would, if possible, in the present Session introduce a measure to obviate any inconvenience that might arise.

COMMISSIONERS FOR EXHIBITION 1851 BILL.—CONSIDERATION.

Order for Consideration read.

MR. WILSON said, he hoped the Chancellor of the Exchequer would not object to an alteration in the Bill which he now intended to propose. The object of the Bill was to transfer the whole of the site at Kensington Gore to the Commissioners of 1851, with the exception of twelve acres, which Government was to retain for a specific purpose. The land to be retained was a small outlying corner at the south-east, towards Brompton, which in no way interfered with the projects of the Commissioners. According to the Bill, it was provided that it should be retained for the sole and specific purpose of science and art. Now, he agreed with what had been said the other night by the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone), that it was highly improvident to tie up the hands of Government in regard to the future disposal of this land. The effect of his Amendment would be that so long as they might retain the land, the sum supposed to represent its value should be kept back. He knew that many hon. Members entertained a strong opinion that it should be made the site of a new barracks. It was quite clear that ere long they would want ground on which to erect three barracks; but he did not wish to close the question of how the land should be applied, but would leave it with the Government of the day to decide. All, in fact, that he asked was that the House should not bind the hands of Government in the matter, as it might hereafter be found convenient to remove the Department of Science and Art to some more central situation—and the ground might be required for other public purposes. When he remembered the jealousy which Parliament had always shown in not tying the hands of the Government with respect to the disposal of similar purchases, he thought it would be acting inconsistently if it were in this case to make an exception. With this view he should move the omission of the words, "in the occupation of the said Department," and the insertion of "for the use of Her Majesty's Government," the effect of which would be to allow the Government to dispose of the land for any public purpose.

Amendment proposed, in page 3, line 1, to leave out the words, "in the occupation and."

THE CHANCELLOR OF THE EXCHEQUER said, that this ground had been purchased with a distinct understanding that it should be applied alone to science and art. On no other terms could they have obtained it, and it would be a gross breach of faith to apply it to any other purpose, such as that which had been suggested the other night, of erecting barracks on it. He would, however, meet the hon. Gentleman so far as to enable the Government, if the Department of Science and Art was removed, to use the land for some other purpose connected with science and art. Therefore, if the hon. Member would consent to add the words "for the purposes of science and art," he would consent to the Amendment; otherwise he must oppose it.

SIR HENRY WILLOUGHBY asked, if the Commissioners were under any special covenant on this point, from which they could not free themselves?

MR. LABOUCHERE said, the case stood exactly as had been stated by the Chancellor of the Exchequer. The Commissioners were under no legal obligation to the original vendors, but from the correspondence between the two parties it was clear that the moral obligation upon the Commissioners, not to apply the site to any purpose unconnected with science and art, was as strict as possible, for they had given the vendors the strongest assurance to that effect.

MR. CONINGHAM said, he had anticipated that the Amendment of the right hon. Gentleman (Mr. Disraeli) would open the question of the National Gallery. He trusted that a distinct intimation would be given by the Government that they did not intend to devote the ground to the purpose of a National Gallery by removing the pictures from Trafalgar Square.

MR. GLADSTONE said, he thought his hon. Friend's Amendment a very reasonable one, and upon this ground. There appeared to have been an understanding between the Commissioners and the parties from whom they purchased the land. Into the precise nature of that understanding he would not enter; but it clearly appeared that it originally sprung out of the voluntary consent of the Commissioners on the one hand and the vendors on the other. Now, although that understanding might and ought to continue, he could not see the necessity for making it the subject of statutory restrictions, and that more particularly as regarded a mere outlying part of the property. It appeared to him that it would be both objectionable in principle and inconvenient in practice if this honourable understanding were thus made the subject of restrictive legislation. The effect of the Amendment would be to leave that understanding upon the footing upon which it was originally placed.

MR. T. BARING said, he thought it was due to the vendors and incumbent upon Parliament to recognize in the Bill the undertaking given by the Commissioners. When the land was purchased the question of the erection of barracks had been raised, but it had been clearly understood that no building should be erected upon the land except for purposes connected with science and art, and it was only upon that understanding that the vendors consented to sell the land.

MR. SIDNEY HERBERT said, he should support the Amendment. The House was perhaps not aware that at present the barrack accommodation was 1,000 short of the number of men actually in London. The question of the Amendment, however, did not depend merely on the barracks. The partnership was now about to be dissolved; and ought the Government to preclude themselves from using the land for any public purpose unconnected with science on art? It was said that they were under a moral engagement to do so; but he should like to know if there was any such legal specific engagement, for he could not quite understand the meaning of a moral engagement in such matters. He apprehended that the object of the vendors was not so much to provide for an establishment connected with science and art as to put money in their own pockets, because, if they were merely desirous of disposing of it for purposes of science and art, they might have given it instead of selling it.

MR. KINNAIRD said, he entirely concurred in what had fallen from the right hon. Gentleman (Mr. S. Herbert), and he thought that if the Commissioners were about to enter upon building speculations on the land in question, which could not but prove advantageous, he was of opinion that the arrangement was extremely improvident with reference to our national interests. He still adhered to his opinion that they ought to retain a portion of the land for national purposes, as they would never again have an opportunity of holding land on terms so advantageous. He hoped his

hon. Friend would take the sense of the House on the subject.

MR. COWPER said, he did not consider that the question had been fairly stated to the Committee. Twelve acres were given up to the Government for the specific purpose of erecting a certain class of edifices —namely, museums and schools. It would not be fair to give the Government power to employ the land for a different purpose. That would be a breach of the understanding which had been come to with the Commissioners, and would give one party to the agreement an unfair advantage over the other. He should therefore prefer the modifications of the hon. Gentleman's Amendment, suggested by the Chancellor of the Exchequer.

LORD ELCHO said, that on the second reading of the Bill he had expressed an opinion that the clause was too restrictive, and that the Government ought to be allowed to retain the land for any national purpose whatever. Subsequent reflection, however, had led him to think that such an application of the land could not be made, and he now thought that if the Government were allowed to keep the land for any purposes connected with science and art, it would meet all the expectations of the country. For these reasons he should oppose the Motion of the hon. Gentleman opposite.

MR. HOPE said, he thought that it would be carrying a tacit understanding very far indeed if they consented to put the land in mortmain ever after. At the same time he could see nothing to prevent the Government from endowing schools and museums for the purposes of science and art with the rents of the premises, and thus they might, if the proceeds were so applied, let the land to the War Department.

MR. SLANEY said, that such a proceeding would be a breach of faith, because the understanding was distinctly that the land was to be devoted to the purposes of science and art.

Question put, "That the words proposed to be left out stand part of the Bill."

The House *divided*:—Ayes 126 ; Noes 81 : Majority 45.

Bill to be read 3° *To-morrow.*

THE GOVERNMENT OF INDIA.
(No. 3) BILL.

Order for Second Reading read.

LORD STANLEY: Sir, considering that this House has been engaged from the beginning of February up to the present time, though not quite without interruption, in discussing, not indeed an India Bill, but all the leading questions which are involved in any measure for the future government of India, I think it will as gladly dispense with hearing as I shall with offering any protracted comment upon the measure which I now bring under its notice. I entertain that opinion the more confidently because, although it is impossible to hope or even to desire that any measure involving interests of such vast importance should pass through this House without ample discussion and full inquiry, I think it will be conceded that most of the points upon which difference of opinion is likely to arise can be more properly discussed when the Bill is in Committee than now upon the second reading. The details are for consideration in Committee ; the principle of this Bill is that which the House has already on several occasions agreed to, and from affirming which I think it is not likely to recede, notwithstanding that appeal against the danger of legislation at a critical period, and in favour of the postponement of any permanent measure, which we have just heard urged by one who has so much right to speak on this question. The principle of this Bill I understand to be the transfer of the Government of India from the East India Company to the Crown, the administration of Indian affairs by a responsible Minister, with a proviso that that Minister shall be assisted by a Council. As to the details of the plan by which this transfer is to be effected, it seems to me that I had better go through them very briefly, and in so doing I shall simply explain what it is that we propose, and shall not stop to vindicate it by any long or elaborate arguments.

The point on which it is likely that the discussion will mainly turn is the constitution and functions of the Council. In this Bill we propose to adopt the number of members which was the other day approved by the Committee, namely, fifteen. Besides the fact of that number having met the approval of the Committee there are various reasons why it should be sanctioned by the House. The number of those who at present discharge somewhat analogous functions—I mean the Court of Directors—is eighteen. We propose in some degree to reduce that number. If at any future time it should be deemed fitting to reduce it still further—if it should be found that the business which devolves upon these gentlemen can be

qually well performed by a smaller number, it will be easy to come to Parliament for a further limitation, and to carry it out by the simple expedient of declining to fill up the next few vacancies which may occur in the Council. It would not, however, be so easy, and would certainly not improve our reputation for consistency if, after having reduced the number from eighteen to twelve, or even a fewer, we were afterwards to find that the business was too heavy for them to get through, and were to be compelled to retrace our steps, to reverse our decision, and to revert to a number which we had previously declared to be unnecessarily large. There is also a circumstance connected with the tenure of office by these gentlemen which renders it desirable not to keep the number down to the lowest point. On considerations which have already been partly discussed, and which it will be my duty again to submit to the House to-night, the Government has decided to propose that the members of Council shall hold their offices for life. Now, it is clear that under those circumstances you must make provision for the possible event of a small proportion of them being at some future time no longer as well fitted for the active performance of their duty as they were at the time of their appointment. Further, I conceive that if the independence of the Council be, as this House has hitherto during these discussions held it to be, a matter of no slight moment, that independence will be more effectually secured when the Council is so extended that even of those members nominated by the Crown no Minister can probably have recommended the appointment of a majority, or of more than a small portion. Therefore, in order to secure efficiency and an additional guarantee for independence, and in consequence of the vote of the Committee the other night, we propose that the number of Members of which the Council shall consist shall be fifteen.

To the manner of their choice, which was explained on a former occasion, I will now only briefly revert. We propose that in the first instance seven out of the fifteen shall be elected by the Court of Directors from those who are or have been members of their own body. In adopting that course we are following, or rather extending, a precedent which was set in the Act of 1853; and, considering the inconvenience which arises in the conduct of any business, more especially in the conduct of business so important and so extensive as will devolve on the future Governors of India, from any break or defect of continuity in official tradition, considering the difficulty which must arise if there be new machinery to be worked, and new men to work it, at the same time, I think that the House will feel that on that ground, as well as on account of their personal ability and efficiency, it is desirable that in any Council to be constituted hereafter there should be included a considerable portion of those who now form the Court of Directors. In the clause which deals with this part of the subject there is a provision that the process of election shall precede that of nomination; that the election of these seven members by the Court of Directors should take place within fourteen, and the nomination of the remainder within thirty days after the passing of the Act; so that it may rest with the Crown to decide whether, after the election has been made, there remain any other members of the Court of Directors who ought to be selected as its nominees. There is another reason why it seems convenient to take that course. I think the House is inclined, and justly so, to share in that jealousy of the power and patronage of the Crown which has been expressed by the right hon. Member for Oxford University. I can well understand an objection being entertained by many persons to the creation by the Crown alone of fifteen officers of high dignity and considerable emolument. Now, if the election of half of the Council is left in the hands of the Directors, the amount of patronage at the disposal of the Crown is so far limited, and the danger to which I have referred is avoided. With regard to the manner in which vacancies should be filled up, or, in other words, the permanent constitution of the Council, we propose to adhere to the proposition which we laid last week before the Committee—namely, that of nomination by the Crown and election by the Council for alternate vacancies. I have heard that described as a complicated mode of proceeding. I cannot presume to judge what is considered to be complicated by some hon. Gentlemen, but it appears to me that a more simple mode, or one more free from that complication and embarrassment which certainly would arise if there were what I may call a double election—a submitting of names by one authority and an acceptance of them by another,—could

hardly be conceived. Although my object at present is, as I have already intimated, rather to explain than to vindicate the propositions which we have ventured to submit to the House, yet we have heard so much of the danger of self-election, and of the abuses which have arisen from it in former times and under different circumstances, that I think it right to state that every argument to which I have listened upon that subject has borne a reference not to the principle of self-election as applied to the constitution of some one part of a particular body, but to the principle of self-election when regarded as the only means by which entrance into such a body could be obtained. If you were to open only one door into the Council—if you were to say that no person could enter it except by the pleasure of a majority of that body as it was already constituted, and consequently that no person could enter it who did not share the opinions of that majority—I could well understand that under such a system the grossest abuses would be likely to arise, and that the opinion which once gained the upperhand would be likely permanently to retain its predominance. But in the present case we propose a mutual check, a mutual control; we propose that the Indian knowledge and experience of those who constitute a majority of the Council should be brought to bear in the selection of new members, while at the same time, the Crown will exercise that check which it ought to possess upon the inconvenience which would arise if every vacancy were filled up according to the principle of self-election. It is said, again, that what we call election is really nomination in disguise. If I entertained that view, the present is not a scheme which I would propose to the House. Let me say, however, in the first place, that I do not think because men are themselves nominees, therefore they are to be taken as having no will, no judgment, no independence of their own, but as willing, whatever their term of office, whatever their personal eminence or character, to fulfil the pleasure of the Minister by whom they were first appointed. I do not think that is a danger likely to arise in any case, but it is a danger still less likely to arise when, as in the present instance, even the nominated members of the Council will be the creation, not of one, but of many successive Ministries. If I am told that the proposed self-election is virtually an abandonment of that elective principle which the House has sanctioned, my answer is, that we were willing—we are willing—to introduce the elective principle upon a wider scale if it were only possible to find a fitting and satisfactory constituency. I believe that recourse to the method of election as a way of appointment to the Indian Council is the first idea which has entered the mind of every person who has considered the subject. The difficulty which all persons on further consideration have felt is that of constituting a constituency which would answer the purpose. We have been told that we might have retained matters as they are, and gone back to the Court of Proprietors. I have nothing to say against the ladies and gentlemen who constitute that proprietary body; but I do say that they do not possess any special Indian knowledge, and that even their interest in the good conduct of Indian affairs is indirect and remote. Although it might possibly be expedient to continue them when they were found in existence as part of a system which you wished to modify by degrees, yet it is a different thing to say, when you are recasting the system altogether, that you will reintroduce into it that which has always been considered, and justly considered, as one of its most anomalous elements. We take the Resolution to which the Committee came the other night as conveying the sense in which it was undoubtedly understood by many of those who voted for it. We believed that those who supported the Resolution did so, not having reference to any special constituency which was in their minds, but from a desire to protest by their votes against the exclusive and uncontrolled right of appointment being vested in the Crown. I was always of opinion that if the Court of Proprietors were to be retained at all, it should be so with large additions and extensions. I am free to confess, however, that every day's experience in the business of a large department has convinced me more and more that the creation of a constituency composed of those who are connected with works of an industrial character in India—for example, the shareholders in railways and other undertakings of a similar character—would be to introduce into the Council an element which would be liable to great objections. I say so upon this ground, that whereas a constituency for the election of an Indian Council should in its essence be an elective body only, and should not involve any idea of repre-

sentation, there is a danger that persons connected with particular undertakings in India would bind those whom they elected to act as the representatives, not of India or of England, but of the particular concerns in which they were interested, and to push forward those undertakings often, no doubt, to the disadvantage of other works equally pressing and important, but by which the Natives of India alone would benefit, and in which no European interest was immediately concerned. Such, Sir, are the reasons which have induced us, objecting to the principle of exclusive nomination, and desiring to carry out the Resolution to which the Committee came the other night, to do so by the particular machinery which we now propose.

With respect to the proposal of ten years' service or residence in India as a qualification for a majority of the Council, I have heard it objected to upon two grounds. In the first place, the complaint has been made frequently and publicly, but by those who cannot have read the Bill, that the practical effect of it will be to limit the Council to the Indian civil and military services. Now, that is obviously not the case. Opposite, on the other hand, I have heard the objection raised, that to introduce into the Council to the extent of nearly a half, men who have no special Indian knowledge or experience, would be to turn it to purposes for which it was not intended. My reply is, that in stating that a majority of the Council ought to be men having Indian experience, our object is, in the first place, to lay down a general principle, and then to establish a *maximum* beyond which the number of members not connected with India should not in any case extend. We have no objection to the introduction of even a larger proportion of those who have special Indian experience. I have received a communication from the Chairman and Deputy Chairman of the Court of Directors, stating that if the principle of self-election be approved of by the House, the number of those qualified by service or residence in India should be two-thirds instead of one-half. We are ready to entertain that proposition, and to discuss it fairly in Committee; and my own belief is that, whether it be expedient to embody such a proviso into the Act or not, an Indian Council, to be properly constituted, ought to contain that proportion of men having Indian experience and knowledge. There is one provision which has been much canvassed, and on which, no doubt, there is room for great difference of opinion—I mean the prohibition against Members of the Council serving in Parliament. No doubt it may be to many men an object of ambition to fill at the same time the position of a Member of Parliament and that of a Member of the Council, and there may ever be some who will, if the two be incompatible, prefer the former occupation to the latter. So far I admit that the rule is open to objection. Nor do I think that the plea that the whole time of a Member of the Council is required is one which ought to weigh with us in deciding that point; because, if it applies to a Member of the Council, it ought, *a fortiori*, to apply to a Secretary of State and to all those who are carrying on, with much more labour to themselves, the administrative business of the country. That is not the argument, therefore, upon which I shall rely in defending the prohibition to which I have alluded. But it seems to us, considering the close and confidential relation in which these gentlemen will be placed to the Minister of the day, considering also the frequency of Indian discussions in this House, that any Gentleman who by his office was a colleague and councillor of the Minister in the Council, who in that capacity was conversant with all the secrets of Indian affairs, and who might at the same time be an opponent of the Minister in Parliament, would stand in two situations inconsistent one with the other, and singularly unsatisfactory as regards himself. The exclusion from Parliament, moreover, will in some degree check that tendency on the part of all Governments to use these appointments for political or electioneering purposes, which is almost a necessary evil of our Parliamentary system.

The tenure of office we propose is a tenure for life. We have considered what inconveniences might arise from various kinds of tenure. I do not deny that all are liable to some objections. If a short term were proposed, with the power of re-election, then the independence of at least the nominated Members would be entirely destroyed; and if the Members were appointed for a long term without being re-eligible, then, though the difficulty I have just mentioned would be got rid of, another would arise, for men advanced in years and infirm in health would be retained too long, while others, their juniors,

would be dismissed from office without power to re-employ them, just when their services were becoming most vauable. On the whole I think that the objections against a tenure for life are less considerable than against any other tenure. We propose, with a view of facilitating retirement, that retiring pensions shall be allowed on a large and liberal scale. The salaries of the Members of Council will be £1,200 a year each, and we propose that after ten years' service the retiring pension shall be £500 a year, and after fifteen years' service £800, or two-thirds of the whole salary; after which no further increase will take place. In the matter of a retiring pension it is clear that there are two opposite dangers against which it is necessary to guard. If retiring pensions are granted after a short term of years, then you run the risk of what may be called jobbing—namely, of Members being induced to retire after a very short service to make room for others. If, on the other hand, the retirement is only to take place after long service, then you induce men to hold on when no longer fit for official duty. It is necessary to strike the balance, and we propose to strike it in the manner I have explained. Again, whatever retiring allowances should be allotted to the Members of the Council, it is desirable that they should be entitled to claim them as a matter of right, and not as a matter of favour. With respect to the salaries, we do not desire to measure the importance of the office by the amount of salary assigned to it. Most of those who serve in India and retire from that service, retire upon an allowance calculated upon a liberal scale; and the amount of the salary assigned to the Members of Council is intended much more as a compensation to those gentlemen for the additional expense consequent on the necessity of permanently residing in London, than as an equivalent in money for the services they are asked to render.

In the clauses which follow, questions arising out of the amalgamation of the two offices in Cannon Row and Leadenhall Street are dealt with. It may be convenient to mention, though it could not well be inserted in the Bill, what is the course of proceeding we intend to adopt with respect to the transaction of business. We think that the whole Indian business may be divided among six Committees with two Members of Council serving in each, assisted by a head clerk and the establishment. We propose that all correspondence, with an exception hereafter to be named, shall originate in these Committees, and be sent up to the Secretary of State. If the correspondence is judged by the Committee, in the first instance, or subsequently by the Secretary of State, to be of sufficient importance to be laid before the whole Council, it will be in the power either of the Committee, or of the Secretary of State so to submit it to the whole Council; which, we think, ought not to be encumbered with a mass of routine details, as it would be if all business, important or unimportant, were brought before it. I have heard a complaint that no provision is made for the meeting of the Council at regular and stated periods. I think that that is a reasonable objection, and therefore, when the Bill goes into Committee, I propose to insert a clause to the effect that the Council shall meet once a week, unless prevented by urgent necessity.

That is to say, we intend that the rule shall be that the Council shall meet at least once a week; and the only reason why I did not at first put this provision in the Bill was, that it appeared to me, that by attempting to settle matters of detail by Act of Parliament we run the risk of tying ourselves down to minute arrangements, which practical experience might afterwards show the convenience of altering.

The question has been put, how far and in what sense is it intended that this Council shall act as a check on the Minister? I think that on that point the debates which have taken place in this House sufficiently show the intention and desire of the Government. The object is, that the Council should have a moral influence and control; that the Minister's decision should be, as it is practically now, final on all matters, but that all the Members of Council should be empowered to publicly and formally protest, and if they disapprove of the course taken by the Minister they may compel him to record his reasons in writing. But I am convinced that there is much more danger of a Minister leaning too much on his Council than of his neglecting their advice. All the habits, tendencies, and ideas of English public life are such as utterly to restrain public men from desiring to assume to themselves authority and responsibility beyond that which is imposed on them by the law. A far more probable danger is that of their desiring to shift responsibility

and to throw it on others. And this is the more likely to happen, where by the nature of the case, the advisers of the Minister are possessed of departmental knowledge, in which he will almost certainly be deficient. I do not therefore admit the necessity of providing machinery by which he shall be compelled to consult his council on all occasions. I believe that he will in general be willing to do; and if willing, that no administrative arrangements can compel him to do so, without destroying his responsibility.

I have referred to a single exception, which, after much doubt and hesitation, we thought it necessary to make, and it consists in that which relates to the business now nominally transacted by the Secret Committee. I say "nominally," because we have heard it again and again publicly asserted that the Secret Committee is a delusion, and that the real power is vested in the President of the Board of Control. As regards this part of the question there were three courses which might have been adopted—either to throw open the whole business, without exception, to the whole Council, or to elect two or three members to constitute a Secret Committee, or to vest a power in the Minister to deal with certain matters on his own responsibility. The difficulty attendant on the first course is, I think, obvious. The practical effect of throwing open all the business to the Council would be to produce considerable delay in cases of emergency; to diminish the chance of secrecy, and, in fact, to create a double Cabinet. The second course, that of creating a Secret Committee, who, without the power of controlling, should have the right of being consulted by the Minister, appears very objectionable. If the Minister were to choose the members of the Secret Committee, then the check on him would be practically illusory; and if the Secret Committee were to be appointed by the Council, then there would be this inconsistency—that the Minister would be compelled to accept as colleagues those with whose selection he has nothing to do. The plan we propose is to vest the right in the Minister, in case of necessity, to deal with a certain class of business on his own authority. This is really a continuance, with little modification, of that which has for two generations past been the state of things. It seems to be an anomaly and something worse, if you greatly increase the responsibility of the Minister, at the same time greatly to diminish his power. Though the Bill does not make it compulsory on the Minister to create a Secret Committee, it is optional for him to do so; the Bill leaves him the power to trust those in whom he has confidence, though it does not compel him to trust any one against his will; and surely any man, however reckless and rash, would shrink from that vast increase of responsibility which would necessarily devolve upon him, if, knowing that he is provided with councillors in whom he might confide, he in any great emergency acted without reference to them. In one word, though we think there may be occasions when it may be necessary for a Minister to act on his own authority, and though, therefore, we have thought it right to provide for such occasions, yet, in my judgment, they ought to be rare and exceptional. Undoubtedly if a Minister were habitually, and in cases not urgently requiring secrecy, to act upon his own authority, and without consulting his Council—that is to say, if he were to extend his authority beyond what it is at present, as exercised through the Secret Committee—that would be not only a gross abuse of his power, but a violation of the spirit and meaning of the Act.

With regard to the question of finance, it was provided in the Bill of the noble Lord (Viscount Palmerston) that no increase of expenditure should take place without the consent of four members of the Council. In omitting that provision we certainly did not do so from ignorance of the perils which may arise if an uncontrolled discretion of increasing expenditure be conferred upon a Minister, nor from any desire to assume that power to ourselves. But it appeared to us that such a provision was totally inadequate for the purpose aimed at. We thought a check of that nature would be illusory rather than real, and that, being illusory, it would only serve as a screen, and would prevent the application of that other and more efficient kind of control upon which we rely. It seemed to us that the object would be better attained by that on which I think Parliament has a right to insist, and which Parliament has it in its own hands to secure—namely, the regular, the periodical, and the minute publication of Indian accounts, and the submission of them to this House. Moreover, it will be borne in mind that both by the Bill of the noble Lord and by that the contents of which I am now stating, any Member of the Council has the power of protesting formally against any measure to which he

is opposed—unless it be a "secret" one. Now, undoubtedly, finance would never be comprised in the class of business which would require secrecy. The Council must be consulted upon it; any Member, as I have said, has the power of protesting; if Parliament chooses to call for such protest, it may easily be made public; and in that manner there is, as it seems to me, a far more real and effectual control than could be given by a mere provision in a Bill that no increase of expenditure shall take place unless the Minister has the support of four Members of a Council, some of whom are named by himself.

With regard to those important provisions in the Bill which deal with the Indian army, there is one point on which I think it right to make a clear statement, because I am afraid it is not clearly set forth in the Bill. I noticed only to-day that one of the clauses relating to this subject was drawn in rather an obscure manner. We propose that the civil service of India shall, as before, remain open to competition; and in addition to that we propose wholly and unreservedly to open to competition what are called the scientific branches of the military service. As to the other cadetships—those in the non-scientific branch of the service—we propose that a small proportion, one-tenth, should go to the sons of civil or military servants in India who may be considered deserving of that privilege. To the remaining military patronage we have applied as nearly as possible the precedent of the state of things which now prevails. In dealing with this branch of the subject our general wish was to continue for the present, with as few modifications as possible, the system which now exists. I say "for the present," because it appears to us, as it has probably appeared to all who are interested in Indian affairs, that circumstances wholly independent of those measures which are before the House—wholly independent of the course of legislation which we have been pursuing during the present Session—independent, I may almost say, of the question of the continuance of the Company—may require an entire reorganization of the Indian army, or at all events of the Native portion of it. Now, any attempt to deal in the Bill with this military reorganization would be for the present premature; and we therefore propose that the whole subject shall be investigated by means of a Commission, to consist of twelve members—three of these members to be officers of the Indian army, three of them officers of the Queen's army who shall have served in India, three to be civilian gentlemen of eminence, and the remaining three official personages who are principally concerned in this matter—namely, the Commander in Chief, the Secretary of State for War, and the President of the Board of Control. To that Commission, so constituted, we intend to refer an inquiry, the heads of which include the relative proportions of the European and the Native force; the question whether the European army in India should be a local army or one for general service; whether exchanges from one branch to another are possible; and generally on what terms the transfer of the Company's army to the Crown should take place. Pending that inquiry it is not our wish to anticipate the result which may flow from it; but this I say plainly and earnestly, that I am certain Parliament will consent to no arrangement—and I can answer for the Government that they will consent to none—which, however, plausible or convenient it might appear, should have the effect of rendering entrance into, or promotion in, the Indian army more difficult than it now is to talent and to merit unaided by patronage, or which should introduce into that army Parliamentary or other influences injurious in its efficiency. The whole question, however, must necessarily come before Parliament again, until it does, our object is to maintain things nearly as they are at present, with such modifications only as may relieve us from the necessity of making further changes without full and ample time for consideration.

There is one clause in the Bill, the 29th, which we find both in the noble Lord's Bill and in that which was introduced by the present Government at the beginning of the Session. I refer especially to the provision in that clause which vests in the Governor General the appointment of the Members of Council in India. I cannot but admit that that proposition, although capable of defence, and not lightly put forth, has been received with apprehension and alarm by many persons whose opinions on such a subject are entitled to the highest consideration. They argue that a Governor General or the Governor of a Presidency even at present has a very large power in his hands, and that it would be dangerous to increase that power by making his colleagues in the Council dependent on his will. I do not propose to abandon the

clause; but I wish to say distinctly that I have retained it in the Bill only in order that it may receive a full and fair discussion, we holding ourselves at liberty, if the sense of the House and the judgment of those best conversant with the subject should be adverse to our proposal, to reconsider, and, if necessary, to alter or omit it.

With respect to the question of finance, as I apprehend that will be fully discussed in Committee, I shall say nothing more at present than that I have heard and read nothing which has led me to believe that those whose fortunes depend upon the security of Indian finance will have that security in any the slightest degree diminished. There is a provision in the Bill for sending out a Commission to investigate the financial state of India. Now, I believe that such an inquiry is expedient and even necessary; but it has been urged with great force that any investigation of that kind ought to come through the Governor General; that it ought to take place with his sanction, to be conducted under his authority, and not to be, as it were, a power set up to check and control him. On that ground I shall withdraw the clause in which it is proposed to appoint this Commission, and communicate with the Indian Government as to the best method by which the same end may be attained.

These, Sir, are the provisions of the Bill. I will only say in conclusion, that I think we run some risk of exaggerating and overrating the importance for good or for evil of legislation of this kind carried on in this House. What we call a Bill for the future Government of India is really only a Bill to provide what we believe will be an effective supervision and control of the Government of India. No doubt effective supervision and control are valuable and even indispensable; but, do what you will here, the real stress, the real pressure will be upon the Government in India; and even there, where the pressure is greatest, I believe the government of India must depend, not upon any ingenious machinery which you can contrive for its working, but upon the living energy of able and well-chosen men whom you must, to meet the varying and unforeseen circumstances which will from time to time arise, invest with large authority, and to whom you must give an ample and a generous confidence. I do not propose this Bill as a measure to remedy all the abuses and grievances of which complaints have been made with regard to our Indian administration. I propose it simply for what it is—as a reform which, I believe, will lead to other reforms, and without which those other reforms could not be so easily or conveniently carried out. I propose it as a necessary and desirable simplification of a system of government which all persons acknowledge to be complicated and cumbrous, as the rectification of an anomaly which has endured too long, and which at the present day can serve no useful purpose. I propose it as the substitution for a provisional form of government—for surely the government of a commercial company, which has ceased to carry on commerce must be provisional—of a more permanent, and, I believe, more salutary form of administration, by which the government of the greatest dependency of England will be vested directly in the English Crown, and will be conducted by a Minister responsible to this House and to the public opinion of England. I now move that the Bill be read a second time.

*MR. BRIGHT: I do not rise for the purpose of opposing the second reading of this Bill—on the contrary, if any hon. Member thinks proper to divide the House upon it, I shall vote with the noble Lord. I must say, however, that there are many clauses in the Bill to which I entertain serious objections. Some of them will, I hope, be amended as the Bill passes through Committee; but if that is not the case, I can only hope that, as the Bill of 1853 is abandoned in 1858, within the next five years the House of Commons will take some further steps with regard to this question, with the view of simplifying the Government of India as carried on in England. I wish to take this opportunity of making some observations upon the general question of Indian government, which it might have been out of place to have made during the discussion of the various Resolutions which have been agreed to by the House. I think it must have struck every hon. Member that, while two Governments have proposed great changes with regard to the Government of India, no good case has really been made out for such changes in the speeches of the noble Lord and the right hon. Gentleman by whom the two India Bills have been introduced. That opinion, I know, will meet with a response from two or three hon. Gentlemen on this (the Opposition)

side of the House. It occurred to me when the noble Lord at the head of the late Government (Viscount Palmerston) introduced his Bill—and I made the observation when the present Chancellor of the Exchequer brought forward his measure—that if the House knew no more of the question than they learned from the speeches of the Ministers they could not form any clear notion why it was proposed to overthrow the East India Company. The hon. Member for Guildford (Mr. Mangles) has expressed a similar opinion several times during the progress of these discussions. The right hon. Member for Carlisle (Sir James Graham) has also said that the East India Company was being dealt with in a manner in which animals intended for sacrifice were treated in Eastern countries and in ancient times,—they were decked with garlands when they were led out for immolation. That is true; but it does not therefore follow that the House is not quite right in the course it is taking. It must be clear that the moment the House of Commons met this Session there was only one course which the then Government could adopt with reference to this question. A feeling existed throughout the country —I believe I may say it was universal —that for a long time past the Governmen of India had not been a good Government; that grave errors—if not grievous crimes—had been committed in that country. I think the conscience of the nation had been touched on this question, and they came by a leap, as it were—by an irrepressible instinct—to the conclusion that the East India Company must be abolished, and that another and, as the nation hoped, a better Government should be established for that country. There was a general impression, arising from past discussion in Parliament, that the industry of the people of India had been grievously neglected; that there was great reason for complaint with respect to the administration of justice; and that with regard to the wars entered into by the Indian Government, there was much of which the people of England had reason to be ashamed. It has been said by some that these faults are to be attributed to the Board of Control; but I have never defended the Board of Control. I believe everything the East India Company has said of the Board of Control—to its discredit; and I believe that everything the Board of Control has said to the discredit of the East India Company is perfectly true.

Mr. Bright

There was also a general impression that the expenditure of the East India Government was excessive; and that it had been proved before more than one Committee that the taxes imposed upon the people of India were onerous to the last degree. These subjects were discussed in 1853, at which time, in my opinion, the change now proposed ought to have been effected. Subsequently the calamitous events of 1857 and 1858 occurred; and the nation came at once to the conclusion—a conclusion which I think no disinterested person could resist—that it was impossible that India and its vast population could any longer be retained under the form of government which has existed up to this period. If, then, a change was inevitable, the question was how it should be accomplished and what should be done. I think it is quite clear that the course the noble Lord has pursued is right — namely, that of insisting that during this present Session, and without delay, the foundation of all reform in the government of India should be commenced at home, because we cannot take a single step with regard to any real and permanent improvement in the Indian government until we have reformed what I may call the basis of that government by changes to be effected in this country. What, then, is the change which is proposed, and which ought to be made? For my own part, in considering these questions, I cannot altogether approve the Bill now before the House. What we want with regard to the government of India is that which in common conversation is called "a little more daylight." We want more simplicity and more responsibility. I objected to the scheme originally proposed by the Chancellor of the Exchequer because it did not provide these requisites; that scheme so closely resembled the system we were about to overthrow that I could not bring myself to regard it favourably. In considering the subject before Parliament met, I asked myself this question: — "Suppose there had never been an East India Company or any such corporation,—suppose India had been conquered by the forces of the Crown, commanded by generals acting under the authority of the Crown,—how should we then have proposed to govern distant dominions of vast extent, and with a population that could scarcely be counted?" I believe such a system of government as has hitherto existed would never have

been established; and if such a system had not existed I am convinced that no Minister would have proposed the plan now submitted to the House. I think the government would have been placed in the hands of a Secretary of State, with his secretaries, clerks, and staff of officers, or of a small Board, so small as to prevent responsibility from being diffused and divided, if not actually destroyed. I suspect that the only reason why the country or Parliament can be disposed to approve the large Council now proposed is, that they have seen something like a Council heretofore, formerly of twenty-four, and subsequently of eighteen members, and I believe there is something like timidity on the part of the House, and probably on the part of the Government, which hinders them from making so great a change as I have suggested to the simple plan which would probably have existed had no such body as the East India Company ever been established. I am willing to admit candidly that if the government of India at home should be so greatly simplified it will be necessary that very important changes should be made in the government in India. I agree with the noble Lord (Lord Stanley) that the representatives of the Crown in India must have power as well as responsibility; that they should be enabled to deal with emergencies, and to settle the hundred or the thousand questions that must arise among 100,000,000 of people, without sending 10,000 miles to this country to ask questions which ought to be settled at once by some competent authority on the spot. There are two modes of governing India, and the hon. Member for Leominster (Mr. Willoughby), who has been a very distinguished servant of the East India Company, has publicly expressed his views upon this question. I have been very much struck with a note attached to the published report of his speech, referring to the multifarious duties discharged by the Directors of the East India Company. That note states that—

"A despatch may be received containing 60, or 100, or 200 cases; and the despatch, in itself voluminous, is rendered more so by collections attached to it, containing copies of all former correspondence on the subject or subjects, and of all letters written thereon by various local officers, and all papers relating thereto. There has not long since been in the Revenue Department a despatch with 16,263 pages of collections. In 1845 there was one in the same Department with 46,000 pages, and it was stated that Mr. Canning, some years since in the House of Commons, mentioned a military despatch to which were attached 13,511 pages of collections."

The hon. Gentleman did not say in his speech that anybody at the India House ever read all these things. It was quite clear that if the Directors were to pretend to go through a waggon-load of documents coming to Leadenhall Street every year it must be only a pretence, and if they want to persuade the House that they give attention to only one-tenth part of these papers they must think the House more credulous than it is in matters of this kind. That is one mode of governing India. It is the mode which has been adopted and the mode which has failed. If we are to have the details settled here I am perfectly certain we can have no good government in India. I have alluded on a former occasion to a matter which occurred in a Committee upstairs. A gentleman who was examined stated that he had undertaken to brew a wholesome beer, and quite as good as that exported for the supply of the troops, somewhere in the Presidency of Madras, for one-sixth of the price paid by Government for that exported to India from England; that the experiment was completely successful; that the memorandum or record with regard to it was sent home, no doubt forming part of the thousands of pages to which reference has been made; and that it was buried in the heap in which it came, because for years nothing was heard of a proposition which would have saved the Government a very large amount annually and opened a new industry to the population and capital of India. I believe this system of government is one of delay and disappointment—one, actually, of impossibility—one which can by no means form a complete theory of government as held by any persons in the House; and that the other, the simpler system, which I wish the House to undertake, would be one of action, progress, aad results, with regard to India, such as we have never yet seen and never can see until there is a complete simplification of the Indian government in this country.

I come now to the question — and it is for this question that I have wished principally to address the House—if at any time we obtain the simplicity which I contend for with regard to the government at home, what changes will it be desirable to make in the government in India? And

I would make one observation at this point, that in all the statements and arguments which I hope to use, I beg the House to believe that I use them with the greatest possible deference, with the feeling that this is a question upon which no man is at all entitled to dogmatize, that it is a vast question which we all look at as one we are scarcely capable of handling and determining. I submit my views to the House because I have considered the subject more or less for many years, and I believe I am actuated by the simple and honest desire of contributing something to the information and knowledge of Parliament with regard to its duty upon this great question. What is it we have to complain of in India? What is it that the people of India, if they spoke by my mouth, have to complain of? They would tell the House that, as a rule, throughout almost all the Presidencies, and throughout those Presidencies most which had been longest under British rule, the cultivators of the soil, the great body of the population of India, are in a condition of great impoverishment, of great dejection, and of great suffering. I have, on former occasions, quoted to the House the Report of a Committee which I obtained ten years ago, upon which sat several members of the Court of Directors; and they all agreed to report as much as I have now stated to the House—the Report being confined chiefly to the Presidencies of Bombay and Madras. If I were now submitting the case of the population of India I would say that the taxes of India are more onerous and oppressive than the taxes of any other country in the world. I think I could demonstrate that proposition to the House. I would show that industry is neglected by the Government to a greater extent probably than is the case in any other country in the world which has been for any length of time under what is termed a civilized and Christian Government. I should be able to show from the notes and memoranda of eminent men in India, of the Governor of Bengal, Mr. Halliday, for example, that there is not and never has been in any country pretending to be civilized a condition of things to be compared with that which exists under the police administration of the province of Bengal. With regard to the Courts of justice I may say the same thing. I could quote passages from books written in favour of the Company with all the bias which the strongest friends of the Company could have, in which the writers declare that, precisely in proportion as English courts of justice have extended, have perjury and all the evils which perjury introduced into the administration of justice prevailed throughout the Presidencies of India. With regard to public works, if I were speaking for the Natives of India, I would state this fact, that in a single English county there are more roads—more travelable roads—than are to be found in the whole of India; and I would say also that the single city of Manchester, in the supply of its inhabitants with the single article of water, has spent a larger sum of money than the East India Company had spent in the fourteen years from 1834 to 1848 in public works of every kind throughout the whole of its vast dominions. I would say that the real activity of the Indian Government has been an activity of conquest and annexation— of conquest and annexation which after a time has led to a fearful catastrophe which has enforced on the House an attention to the question of India, which but for that catastrophe I fear the House would not have given it. If there were another charge to be made against the past Government of India, it would be with regard to the state of its finances. Where was there a bad Government whose finances were in good order? Where was there a really good Government whose finances were in bad order? Is there a better test in the long run of the condition of a people and the merits of a Government than the state of the finances? And yet not in our own time, but going back through all the pages of Mill or of any other history of India we find the normal condition of the finances of India has been that of deficit and bankruptcy. I maintain that if that be so, the Government is a bad Government. It has cost more to govern India than the Government has been able to extract from the population of India. The Government has not been scrupulous as to the amount of taxes or the mode in which they have been levied; but still, to carry on the Government of India according to the system which has heretofore prevailed, more has been required than the Government has been able to extract by any system of taxation known to them from the population over which they have ruled. It has cost more than £30,000,000 a year to govern India, and the gross revenue being somewhere about £30,000,000, and there

being a deficit, the deficit had to be made up by loans. The Government has obtained all they could from the population; it is not enough, and they have had to borrow from the population and from Europeans at a high rate of interest to make up the sum which has been found to be necessary. They have a debt of £60,000,000; and it is continually increasing; they always have a loan open; and while their debt is increasing their credit has been falling, because they have not treated their creditors very honourably on one or two occasions, and chiefly, of course, on account of the calamities which have recently happened in India. There is one point with regard to taxation which I wish to explain to the House, and I hope that, in the reforms to which the noble Lord is looking forward, it will not be overlooked. I have said that the gross revenue is £30,000,000. Exclusive of the opium revenue, which is not, strictly speaking, and hardly at all, a tax upon the people, I set down the taxation of the country at something like £25,000,000. Hon. Gentlemen must not compare £25,000,000 taxation in India with £60,000,000 taxation in England. They must bear in mind that in India they could have twelve days' labour of a man for the same sum in silver or gold which they had to pay for one day's labour of a man in England; that if, for example, these £25,000,000 were expended in purchasing labour, that sum would purchase twelve times as much in India as in England—that is to say, that the £25,000,000 would purchase as many days' labour in India as £300,000,000 would purchase in England. [An Hon. MEMBER: How much is the labour worth?] That is precisely what I am coming to. If the labour of a man is only worth 2*d.* a day, they could not expect as much revenue from him as if it were 2*s.* a day. That is just the point to which I wish the hon. Gentleman would turn his attention. We have in England a population which, for the sake of argument, I will call 30,000,000. We have in India a population of 150,000,000. Therefore, the population of India is five times as great as the population of England. We raise £60,000,000 taxation in England. We raise in India, arguing by the value of labour, taxation equivalent to £300,000,000, which is five times the English revenue. Some one may probably say, therefore, that the taxation in India and in England, appears to be about the same, and no great injury is done. But it must be borne in mind that in England we have an incalculable power of steam, of machinery, of modes of transit, roads, canals, railways, and everything which capital and human invention can bring to help the industry of the people; while in India there is nothing of the kind. In India there is scarcely a decent road, the rivers are not bridged, there are comparatively no steam-engines, and none of those aids to industry that meet us at every step in Great Britain and Ireland. Suppose steam-engines, machinery, and modes of transit abolished in England, how much revenue would the Chancellor of the Exchequer obtain from the people of England? Instead of £60,000,000 a year, would he get £10,000,000? I doubt it very much. If the House will follow out the argument, they will come to the conclusion that the taxes of the people of India are oppressive to the last degree, and that the Government which has thus taxed them can be tolerated no longer, and must be put an end to at once and for ever. I wish to say something about the manner in which these great expenses are incurred. The extravagance of the East India Government is notorious to all. I believe there never was any other service under the sun paid at so high a rate as the exclusive civil service of the East India Company. Clergymen and missionaries can be got to go out to India for a moderate sum—private soldiers and officers of the army go out for a moderate remuneration—merchants are content to live in the cities of India for a per centage or profit not greatly exceeding the ordinary profits of commerce. But the civil service, because it is bound up with those who were raised by it and who dispense the patronage of India, receive a rate of payment which would be incredible if we did not know it to be true, and which, knowing it to be true, we must admit to be monstrous. The East Indian Government scatters salaries about at Bombay, Calcutta, Madras, Agra, Lahore, and half a dozen other cities, which are up to the mark of those of the Prime Minister and Secretaries of State in this country. These salaries are framed upon the theory that India is a mine of unexhaustible wealth, although no one has found it to be so but the members of the civil service of the East India Company. The policy of the Government is at the bottom of the constant deficit. The Chancellor

of the Exchequer has twice recently declared that expenditure depends upon policy. That is as true in India as in England, and it is the policy that has been pursued there which renders the revenue liable to this constantly recurring deficit.

I have come to the conclusion, which many hon. Members probably share with me, that the edifice we have reared in India is too vast. There are few men now, and least of all those connected with the East India Company, who, looking back to the policy that has been pursued, will not be willing to admit that it has not been judicious but hazardous—that territories have been annexed that had better have been left independent, and that wars have been undertaken which were as needless as they were altogether unjustifiable. The immense empire that has been conquered is too vast for management, its base is in decay, and during the last twelve months it has appeared to be tottering to its fall. Who or what is the instrument—the Cabinet, the Government, or the person—by whom this evil policy is carried on? The greatest officer in India is the Governor General. He is the ruler of about one-fifth—certainly more than one-sixth—of the human race. The Emperors of France and Russia are but the governors of provinces compared with the power, the dignity, and the high estate of the Governor General of India. Now, over this officer, almost no real control is exercised. If I were to appeal to the two hon. Gentlemen who have frequently addressed the House during these debates, (Colonel Sykes and Mr. Willoughby), they would probably admit that the Governor General of India is an officer of such high position that scarcely any control can be exercised over him, either in India or in England. Take the case of the Marquess of Dalhousie for example. I am not about to make an attack upon him, for the occasion is too solemn for personal controversies. But the annexation of Sattara, of the Punjab, of Nagpore, and of Oude occurred under his rule. I will not go into the case of Sattara; but one of its Princes, and one of the most magnanimous Princes that India ever produced, suffered and died most unjustly in exile, either through the mistakes or the crimes of the Government of India. This, however, was not done under the Government of Lord Dalhousie. As to the annexation of Nagpore, the House has never heard anything about it to this hour. There has been no message from the Crown or statement of the Government relative to that annexation. Hon. Members have indeed heard from India that the dresses and wardrobes of the ladies of its Court have been exposed to sale, like a bankrupt's stock, in the haberdashers' shops of Calcutta—a thing likely to incense and horrify the people of India who witnessed it. Take, again, the case of the Burmese war. The Governor General entered into it, and annexed the province of Pegu, and to this day there has been no treaty with the King of Burmah. If that case had been brought before the House, it is impossible that the war with Burmah could have been entered upon. I do not believe that there is one man in England who, knowing the facts, would say that this war was just or necessary in any sense. The Governor General has an army of 300,000 men under his command; he is a long way from home; he is highly connected with the governing classes at home; there are certain reasons that made war palatable to large classes in India; and, he is so powerful that he enters into these great military operations almost uncontrolled by the opinion of the Parliament and people of England. He may commit any amount of blunders or crimes against the moral law, and he will still come home loaded with dignities and in the enjoyment of pensions. Does it not become the power and character of this House to examine narrowly the origin and the misfortunes and disgraces of the grave catastrophe which has just occurred? The place of the Governor General is too high—his power is too great—and I believe that this particular office and officer are very much responsible—of course under the Government at home—for the misfortunes that have taken place. Only think of a Governor General of India writing to an Indian Prince, the ruler over many millions of men in the heart of India, "Remember you are but as the dust under my feet." Passages like these are left out of despatches, when laid on the table of the House of Commons:—it would not do for the Parliament or the Crown, or the people of England to know that their officer addressed language like this to a Native Prince. The fact is that a Governor General of India, unless he be such a man as is not found more than once in a century, is very liable to have his head turned, and to form ambitious views, which are

mainly to be gratified by successful wars and the annexation of province after province during the period of his rule. "The services" are always ready to help him in these plans. I am not sure that the President of the Board of Control could not give evidence on this subject, for I have heard something of what happened when the noble Lord was in India. When the Burmese war broke out, the noble Lord could no doubt tell the House that, without inquiring into the quarrel or its causes, the press of India, which was devoted "to the services," and the services themselves, united in universal approbation of the course taken by the Governor General. Justice to Pegu and Burmah, and the taxes to be raised for the support of the war were forgotten, and nothing but visions of more territory, and more patronage floated before the eyes of the official English in India. I contend that the power of the Governor General is too great and the office too high to be held by the subject of any Power whatsoever, and especially by any subject of the Queen of England. I should propose, if I were in a position to offer a scheme in the shape of a Bill to the House, as an indispensable preliminary to the sound government of India in future, such as would be creditable to Parliament and advantageous to the people of India, that the office of Governor General should be abolished. Perhaps some hon. Gentlemen may think this a very unreasonable proposition. Many people thought it unreasonable in 1853 when it was proposed to abolish the East India Company; but now Parliament and the country believe it to be highly reasonable and proper; and I am not sure that I could not bring before the House reasons to convince them that the abolition of the office of Governor General is one of the most sensible and one of the most Conservative proposals ever brought forward in connection with the Government of India. I believe the duties of the Governor General are far greater than any human being can adequately fulfil. He has a power omnipotent to crush anything that is good. If he so wished he can overbear and overrule whatever is proposed for the welfare of India, while, as to doing anything that is good, I could show that with regard to the vast countries over which he rules, he is really almost powerless to effect anything that those countries require. The hon. Gentleman behind me (Colonel Sykes) has told us there are twenty nations in India, and that there are twenty languages. Has it ever happened before that any one man governed twenty nations, speaking twenty different languages, and bound them up together in one great and compact empire? [An hon. MEMBER here made an observation.] My hon. Friend mentions a great Parthian monarch. No doubt, there have been men strong in arm and in head, and of stern resolution, who have kept great empires together during their lives; but as soon as they went the way of all flesh, and descended, like the meanest of their subjects, to the tomb, the provinces they had ruled were divided into several States, and their great empires vanished. I might ask the noble Lord below me (Lord John Russell) and the noble Lord the Member for Tiverton (the noble Lord the Member for King's Lynn has not as yet experience on this point), whether, when they came to appoint a Governor General of India, they did not find it one of the most serious and difficult duties they could be called on to perform? I do not know at this moment, and I never have known, a man competent to govern India; and if any man says he is competent, he sets himself up at a much higher value than those who are acquainted with him are likely to do. Let the House look at the making of the laws for twenty nations speaking twenty languages. Look at the regulations of the police for twenty nations speaking twenty languages. Look at the question of public works as it affects twenty nations speaking twenty languages; where there is no municipal power and no combinations of any kind, such as facilitate the construction of public works in this country. Inevitably all those duties that devolve on every good Government must be neglected by the Governor General of India, however wise, capable, and honest he may be in the performance of his duties, because the duties laid upon him are such as no man now living or who ever lived can or could properly sustain.

It may be asked what I would substitute for the Governor-Generalship of India. Now, I do not propose to abolish the office of Governor General of India this Session. I am not proposing any clause in the Bill, and if I were to propose one to carry out the idea I have expressed, I might be answered by the argument, that a great part of the population of India was in a state of anarchy, and that it would

be most inconvenient, if not dangerous, to abolish the office of Governor General at such a time. I do not mean to propose such a thing now; but I take this opportunity of stating my views, in the hope that when we come to 1863, we may perhaps be able to consider the question more in the light in which I am endeavouring to present it to the House. I would propose that, instead of having a Governor General and an Indian empire, we should have neither the one nor the other. I would propose that we should have Presidencies, and not an empire. If I were a Minister — which the House will admit is a bold figure of speech—and if the House were to agree with me—which is also an essential point—I would propose to have at least five Presidencies in India, and I would have the governments of those Presidencies perfectly equal in rank and in salary. The capitals of those Presidencies would probably be Calcutta, Madras, Bombay, Agra, and Lahore. I will take the Presidency of Madras as an illustration. Madras has a population of some 20,000,000. We all know its position on the map, and that it has the advantage of being more compact, geographically speaking, than the other Presidencies. It has a Governor and a Council. I would give to it a Governor and a Council still, but would confine all their duties to the Presidency of Madras, and I would treat it just as if Madras was the only portion of India connected with this country. I would have its finance, its taxation, its justice, and its police departments, as well as its public works and military departments, precisely the same as if it were a State having no connection with any other part of India, and recognized only as a dependency of this country. I would propose that the Government of every Presidency should correspond with the Secretary for India in England, and that there should be telegraphic communications between all the Presidencies in India, as I hope before long to see a telegraphic communication between the office of the noble Lord (Lord Stanley) and every Presidency over which he presides. I shall no doubt be told that there are insuperable difficulties in the way of such an arrangement, and I shall be sure to hear of the military difficulty. Now, I do not profess to be an authority on military affairs, but I know that military men often made great mistakes. I would have the army divided, each Presidency having its own army, just as now, care being taken to have them kept distinct; and I see no danger of any confusion or misunderstanding, when an emergency arose in having them all brought together to carry out the views of the Government. There is one question which it is important to bear in mind, and that is with regard to the Councils in India. I think every Governor of a Presidency should have an assistant Council, but differently constituted from what they now are. I would have an open Council. The noble Lord the Member for London used some expressions the other night which I interpreted to mean that it was necessary to maintain in all its exclusiveness the system of the civil service in India. In that I entirely differ from the noble Lord. [Lord J. RUSSELL here indicated dissent.] The noble Lord corrects me in that statement, and therefore I must have been mistaken. What we want is to make the Governments of the Presidencies Governments for the people of the Presidencies; not Governments for the civil servants of the Crown, but for the non-official mercantile classes from England who settle there, and for the 20,000,000 or 30,000,000 of Natives in each Presidency. I should propose to do that which has been done with great advantage in Ceylon. I have received a letter from an officer who has been in the service of the East India Company, and who told me a fact which has gratified me very much. He says—

"At a public dinner at Colombo, in 1835, to the Governor, Sir Wilmot Horton, at which I was present, the best speech of the evening was made by a Native nobleman of Candy, and a member of Council. It was remarkable for its appropriate expression, its sound sense, and the deliberation and ease that marked the utterance of his feelings. There was no repetition or useless phraseology or flattery, and it was admitted by all who heard him to be the soundest and neatest speech of the night."

This was at Ceylon. It is not, of course, always the best man who can make the best speech; but if what I have read could be said of a native of Ceylon, it could be said of thousands in India? We need not go beyond the walls of this House to find a head bronzed by an Indian sun equal to the ablest heads of those who adorn its benches. And in every part of India we all know that it would be an insult to the people of India to say that it is not the same. There are thousands of persons in India who are competent to take any position to which the Government may choose to advance them. If the Governor

of each Presidency were to have in his Council some of the officials of his Government, some of the non-official Europeans resident in the Presidency, and two or three at least of the intelligent Natives of the Presidency in whom the people would have some confidence, you would have begun that which will be of inestimable value hereafter —you would have begun to unite the Government with the governed; and unless you do that, no Government will be safe, and any hurricane may overturn it or throw it into confusion. Now, suppose the Governor General gone, the Presidencies established, the Governors equal in rank and dignity, and their Councils constituted in the manner I have indicated, is it not reasonable to suppose that the delay which has hitherto been one of the greatest curses of your Indian Government would be almost altogether avoided? Instead of a Governor General living in Calcutta, or at Simla, never travelling over the whole of the country, and knowing very little about it, and that little only through other official eyes, is it not reasonable to suppose that the action of the Government would be more direct in all its duties and in every department of its service than has been the case under the system which has existed until now? Your administration of the law, marked by so much disgrace, could never have lasted so long as it has done if the Governors of your Presidencies had been independent Governors. So with regard to matters of police, education, public works, and everything that can stimulate industry, and so with regard to your system of taxation. You would have in every Presidency a constant rivalry for good. The Governor of Madras, when his term of office expired, would be delighted to show that the people of that Presidency were contented, that the whole Presidency was advancing in civilization, that roads and all manner of useful public works were extending, that industry was becoming more and more a habit of the people, and that the exports and imports were constantly increasing. The Governors of Bombay and the rest of the Presidencies would be animated by the same spirit, and so you would have all over India, as I have said, a rivalry for good; you would have placed a check on that malignant spirit of ambition which has worked so much evil—you would have no Governor so great that you could not control him or who might make war when he pleased; war and annexation would be greatly checked, if not entirely prevented; and I do in my conscience believe you would have laid the foundation for a better and more permanent form of Government for India than has ever obtained since it came under the rule of England. But how long does England propose to govern India? Nobody answers that question, and nobody can answer it. Be it 50, or 100 years, or 500 years, does any man with the smallest glimmering of common sense believe that that great country, with its twenty different nations and its twenty languages, can ever be bound up and consolidated into one compact and enduring empire? I believe such a thing to be utterly impossible. We must fail in the attempt if ever we make it, and we are bound to look into the future with reference to that point. The Presidency of Madras, for instance, having its own Government, would, in fifty years, become one compact State, and every part of the Presidency would look to the city of Madras as its capital, and to the Government of Madras as its ruling power. If that were to go on for a century or more, they would have their five or six Presidencies of India built up into so many compact States; and if at any future period the sovereignty of England should be withdrawn we should leave so many Presidencies built up and firmly compacted together, each able to support its own independence and its own Government; and we should be able to say we had not left the country a prey to that anarchy and discord which I believe to be inevitable if we insist on holding those vast territories with the idea of building them up into one great empire. But I am obliged to admit that, mere machinery is not sufficient in this case, either with respect to my own scheme or to that of the noble Lord (Lord Stanley). We want something else than mere clerks, stationery, despatches, and so forth. We want what I shall designate as a new feeling in England, and an entirely new policy in India. We must in future have India governed, not for a handful of Englishmen, not for that Civil Service whose praises are so constantly sounded in this House. You may govern India, if you like, for the good of England, but the good of England must come through the channel of the good of India. There are but two modes of gaining anything by

our connection with India. The one is by plundering the people of India, and the other by trading with them. I prefer to do it by trading with them. But in order that England may become rich by trading with India, India itself must become rich, and India can only become rich through the honest administration of justice and through entire security for life and property. Now, as to this new policy, I will tell the House what I think the Prime Minister should do. He ought, I think, always to choose for his President of the Board of Control or his Secretary of State for India, a man who cannot be excelled by any other man in his Cabinet, or in his party, for capacity, for honesty, for attention to his duties, and for knowledge adapted to the particular office to which he is appointed. If any Prime Minister appoint an inefficient man to such an office, he will be a traitor to the Throne of England. That officer, appointed for the qualities I have just indicated, should, with equal scrupulousness and conscientiousness, make the appointments, whether of the Governor General, or (should that office be abolished) of the Governors of the Presidencies of India. Those appointments should not be rewards for old men simply because such men have done good service when in their prime, nor should they be rewards for mere party service, but they should be appointments given under a feeling that interests of the very highest moment, connected with this country, depend on those great offices in India being properly filled up. The same principles should run throughout the whole system of government; for, unless there be a very high degree of virtue in all those appointments, and unless our great object be to govern India well and to exalt the name of England in the eyes of the whole Native population, all that we have recourse to in the way of machinery will be of very little use indeed.

I admit that this is a great work; I admit, also, that the further I go into the consideration of this question, the more I feel that it is too large for me to grapple with, and that every step we take in it should be taken as if we were men walking in the dark. We have, however, certain great principles to guide us, and by their light we may make steps in advance, if not fast, at any rate sure. But we start from an unfortunate position. We start from a platform of conquest by force of arms extending over a hundred years. There is nothing in the world worse than the sort of foundation from which we start. The greatest genius who has shed lustre on the literature of this country has said, "There is no sure foundation set on blood;" and it may be our unhappy fate, in regard to India, to demonstrate the truth of that saying. We are always subjugators, and we must be viewed with hatred and suspicion. I say we must look at the thing as it is, if we are to see our exact position, what our duty is, and what chance there is of our retaining India and of governing it for the advantage of its people. Our difficulties have been enormously increased by the revolt. The people of India have only seen England in its worst form in that country. They have seen it in its military power, its exclusive Civil Service, and in the supremacy of a handful of foreigners. When Natives of India come to this country, they are delighted with England and with Englishmen. They find themselves treated with a kindness, a consideration, a respect, to which they were wholly strangers in their own country; and they cannot understand how it is that men who are so just, so attentive to them here, sometimes, indeed too often, appear to them in a different character in India. I remember that the Hon. Frederic Shaw, who wrote some thirty years since, stated, in his able and instructive book, that even in his time the conduct of the English in India towards the Natives was less agreeable, less kindly, less just than it had been in former years; and in 1853, before the Committee presided over by the hon. Member for Huntingdon (Mr. T. Baring), evidence was given that the feeling between the rulers and the ruled in India was becoming every year less like what could be desired. It was only the other day there appeared in a letter of *The Times'* correspondent an anecdote which illustrates what I am saying, and which I feel it necessary to read to the House. Mr. Russell, of *The Times*, says:—

"I went off to breakfast in a small mosque, which has been turned into a *salle à manger* by some officers stationed here, and I confess I should have eaten with more satisfaction had I not seen, as I entered the enclosure of the mosque, a Native badly wounded on a charpoy, by which was sitting a woman in deep affliction. The explanation given of this scene was, that '—— [the name of the Englishman was left blank] had been licking two of his bearers (or servants), and had nearly murdered them.' This was one of the servants,

and, without knowing or caring to know the causes of such chastisement, I cannot but express my disgust at the severity—to call it by no harsher name—of some of our fellow-countrymen towards their domestics."

The reading of that paragraph gave me extreme pain. People may fancy that this does not matter much; but I say it matters very much. Under any system of government you will have Englishmen scattered all over India, and conduct like that I have just read, in any district, must create ill feeling towards England, to your rule, to your supremacy; and when that feeling has become sufficiently extensive, any little accident may give fire to the train, and you may have calamities more or less serious, such as we have had during the last twelve months. You must change all this if you mean to keep India. I do not now make any comment upon the mode in which this country has been put into possession of India. I accept that possession as a fact. There we are; we do not know how to leave it, and therefore let us see if we know how to govern it. It is a problem such as, perhaps, no other nation has had to solve. Let us see whether there is enough of intelligence and virtue in England to solve the difficulty. In the first place, then, I say, let us abandon all that system of calumny against the Natives of India which has lately prevailed. Had that people not been docile, the most governable race in the world, how could you have maintained your power for 100 years? Are they not industrious, are they not intelligent, are they not—upon the evidence of the most distinguished men the Indian Service ever produced—endowed with many qualities which make them respected by all Englishmen who mix with them? I have heard that from many men of the widest experience, and have read the same in the works of some of the best writers upon India. Then let us not have these constant calumnies against such a people. Even now there are men who go about the country speaking as if such things had never been contradicted, and talking of mutilations and atrocities committed in India. The less we say about atrocities the better. Great political tumults are, I fear, never brought about or carried on without grievous acts on both sides deeply to be regretted. At least, we are in the position of invaders and conquerors—they are in the position of the invaded and the conquered. Whether I were a native of India, or of England, or of any other country, I would not the less assert the great distinction between their position and ours in that country, and I would not permit any man in my presence, without rebuke, to indulge in the calumnies and expressions of contempt which I have recently heard poured forth without measure upon the whole population of India.

There is one other point to which I wish to address myself before I sit down, and in touching upon it I address myself especially to the noble Lord (Lord Stanley) and his colleagues in the Government. If I had the responsibility of administering the affairs of India, there are certain things I would do. I would, immediately after this Bill passes, issue a Proclamation in India which should reach every subject of the British Crown in that country, and be heard of in the territories of every Indian Prince or Rajah. I would offer a general amnesty. It is all very well to talk of issuing an amnesty to all who have done nothing; but who is there that has done nothing in such a state of affairs as has prevailed during the past twelve months? If you pursue your vengeance until you have rooted out and destroyed every one of those soldiers who have revolted, when will your labour cease? If you are to punish every non-military Native of India who has given a piece of bread or a cup of water to a revolted trooper, how many Natives will escape your punishment and your vengeance? I would have a general amnesty, which should be put forth as the first great act done directly by the Queen of England in the exercise of Sovereign power over the territories of India. In this Proclamation I would promise to the Natives of India a security for their property as complete as we have here at home; and I would put an end to all those mischievous and irritating inquiries which have been going on for years in many parts of India as to the title to landed estates, by which you tell the people of that country that unless each man can show an unimpeachable title to his property for ninety years you will dispossess him. What would be the state of things here if such a regulation were adopted? I would also proclaim to the people of India that we would hold sacred that right of adoption which has prevailed for centuries in that country. It was only the other day that I had laid before me the case of a Native Prince who has been most faithful to England during these latter trials. When he came to the throne at ten years of age he was made to sign a document, by which he agreed that if he

had no children his territories should be at the disposal of the British Government, or what was called the paramount power. He has been married; he had has one son and two or three daughters; but within the last few weeks his only son has died. There is grief in the palace, and there is consternation among the people, for the fact of this agreement entered into by the boy of ten years old is well known to all the inhabitants of the country. Representations have already been made to this country in the hope that the Government will cancel that agreement, and allow the people of that State to know that the right of adoption would not be taken from their Prince in case he should have no other son. Let the Government do that, and there is not a corner of India into which that intelligence would not penetrate with the rapidity of lightning. And would not that calm the anxieties of many of those independent Princes and Rajahs who are only afraid that when these troubles are over, the English Government will recommence that system of annexation out of which I believe all these troubles have arisen? I would tell them also in that Proclamation, that while the people of England hold that their own, the Christian religion, is true and the best for mankind, yet that it is consistent with that religion that they who profess it should hold inviolable the rights of conscience and the rights of religion in others. I would show, that whatever violent, over-zealous, and fanatical men, may have said in this country, the Parliament of England, the Ministers of the Queen, and the Queen herself, are resolved that upon this point no kind of wrong should be done to the millions who profess the religions held to be true in India. I would do another thing. I would establish a Court of Appeal, the Judges of which should be Judges of the highest character in India, for the settlement of those many disputes which have arisen between the Government of India and its subjects, some Native and some European. I would not suffer these questions to come upon the floor of this House. I would not forbid them by statute, but I would establish a court which should render it unnecessary for any man in India to cross the ocean to seek for that justice which he would then be able to get in his own country without corruption or secret bargain. Then I would carry out the proposition which the noble Lord has made to-night, and which the right hon. Gentleman the Chancellor of the Exchequer made when he introduced his Bill, that a Commission should be issued to inquire into the question of finance. I would have other commissions, one for each Presidency, and I would tell the people of India that there should be a searching inquiry into their grievances, and that it was the interest and the will of the Queen of England that those grievances should be redressed. Now, perhaps I may be told that I am proposing strange things, quite out of the ordinary routine of Government. I admit it. We are in a position that necessitates something out of the ordinary routine. There are positions and times in the history of every country, as in the lives of individuals, when courage and action are absolute salvation; and now the Crown of England, acting by the advice of the responsible Ministers, must, in my opinion, have recourse to a great and unusual measure in order to allay the anxieties which prevail throughout the whole of India. The people of India do not like us, but they scarcely know where to turn if we left them. They are sheep literally without a shepherd. They are people whom you have subdued, and who have the highest and strongest claims upon you—claims which you cannot forget—claims which, if you do not act upon, you may rely upon it that, if there be a judgment for nations—as I believe there is—as for individuals, our children at no distant generation must pay the penalty which we have purchased by neglecting our duty to the populations of India.

I have now stated my views and opinions on this question, not at all in a manner, I feel, equal to the question itself. I have felt the difficulty in thinking of it; I feel the difficulty in speaking of it—for there is far more in it and about it than any man, however much he may be accustomed to think upon political questions, and to discuss them, can comprise at all within the compass of a speech of ordinary length. I have described the measures which I would at once adopt for the purpose of soothing the agitation which now disturbs and menaces every part of India, and of inviting the submission of those who are now in arms against you. Now, I believe I speak in the most perfect honesty—I believe that the announcement of these measures would avail more in restoring tranquillity than the presence of an additional army, and I believe that their full and honest adoption would enable you to retain your power in India. I have sketched the form of government which

I would establish in India and at home, with the view of securing perfect responsibility and an enlightened administration. I admit that these things can only be obtained in degree, but I believe that a Government such as that which I have sketched would be free from most of the errors and the vices that have marked and marred your past career in India. I have given much study to this great and solemn question. I entreat the House to study it not only now, during the passing of this Bill, but after the Session is over, and till we meet again next year, when in all probability there must be further legislation upon this great subject; for I believe that upon this question depends very much, for good or for evil, the future of this country of which we are citizens, and which we all regard and love so much. You have had enough of military reputation on Eastern fields; you have gathered large harvests of that commodity, be it valuable or be it worthless. I invite you to something better, and higher, and holier than that; I invite you to a glory not "fanned by conquest's crimson wing," but based upon the solid and lasting benefits which I believe the Parliament of England can, if it will, confer upon the countless populations of India.

MR. WHITESIDE said, he had listened to the speech of the hon. Member for Birmingham (Mr. Bright) with much interest and no little instruction. The hon. Gentleman had ably and eloquently delivered to the House his sentiments on what, he agreed with him, was one of the greatest and grandest subjects which could occupy the human mind, and that was how they were to decide to govern great nations. The flatterer of Augustus told his imperial master, and with some truth, that to establish communities, to frame wise and wholesome laws, and to govern with equity was a godlike task. The hon. Gentleman said, that they ought to approach the subject of the Government of India with hesitation. He doubted whether the hon. Gentleman was ever found hesitating at anything. While he threw out that wise and prudent remark, that the affairs of India were to be discussed with hesitation and caution, he straightway proceeded in his own peculiar fashion to demolish everything that existed in that country in the shape of government, and told them they might proceed to erect, what he did not very distinctly explain, as a remedy for the evils which existed. He asked a pertinent question; but he (Mr. Whiteside) did not think he answered it. "What," said he, "would have been your condition if you never had an East India Company?" Why, he (Mr. Whiteside) should answer that by asking him, "Could we have had the East Indies to govern or to misgovern?" It was very easy to put that question, but it was not so easy for the hon. Gentleman to give a satisfactory answer to this great fact, that we had an empire which had been obtained by a body of individuals through a chain of the most surprising actions which were recorded in history. He confessed his disposition was not to take leave of the East India Company as the hon. Gentleman had done, in terms of severe sarcasm, but rather with an expression of admiration and respect. There were two views to be taken of the Government of the East Indies. One could point to India, with some truth, as a country in which there had been actions done at which we ought to blush—in which there had been exhibited the worst passions of human nature; but, on the other hand, he maintained that the very historian whom the hon. Gentleman had quoted, but to whose authority he would not defer—because the hon. Gentleman yielded to no human authority—he meant the historian, Mr. Mill, himself afforded the best vindication of the character and general policy of the East India Company. The hon. Gentleman had asked how India was to be governed. Now, that was a question which had been asked centuries ago by one of the greatest men the world had ever seen. Alexander the Great had discussed that question with Aristotle, and the philosopher advised the warrior to act upon the principle of Greece, to look upon all other nations as barbarians, and to govern India according to the rule which prevailed in his own country. Alexander, however, was a man of sense; and he replied that Greece was too small a country to hold a mighty empire upon an exclusive principle; that if India were gained by force of arms, the next step was to establish a Government which would be acceptable to the people of the country; in fact, that they must be governed but not coerced. Now, that reply contained a sound principle of Government, and he was prepared to maintain that the English rule in India, although, of course, open to some censure, had during the period for which we had held that country—a conquest and a holding which had been described by a distinguished foreigner as a modern miracle—had been more just

and more beneficent than any rule to which the people of India had been before subjected. The hon. Gentleman had touched upon every conceivable subject in reference to India—education, the cultivation of the land, the administration of justice, the finances and revenue of the country, and a great number of other subjects. Now, it was not his intention to enter into such details, and he was willing to confess that he should feel himself incapable of at once grappling with those great questions. To attempt to do so would be, as had been described by his eminent countryman, Mr. Curran, to attempt to grasp a sphere where each attempt caused it to roll further from one's grasp. As regarded the mere question of the tenure of land, there were various opinions. Some persons approved the settlement of Lord Cornwallis, and others approved the mode of settlement in Madras and the North-Western Provinces, and he thought that even the hon. Gentleman himself in dealing with the question would do so with a feeling of respect for those persons who had made those settlements. The hon. Gentleman had laid down a grand principle, that the Government of India should be based upon the principle of action and progress. Now, he could understand that those principles should be adopted in the construction of roads, the supply of tanks, irrigation of lands, and the mitigation of taxes, in the reduction of expenditure, and in every measure calculated to promote the welfare of the people; but if the hon. Gentleman by action and progress meant the introduction of a mixed system of law, he made as great a mistake as it was possible for a public man to commit. In turning over a book on the rise and progress of the Sikh nation he (Mr. Whiteside) found it stated that the ceremonies observed at the funeral of Runjeet Singh were precisely the same as those which were observed in the time of Alexander the Great. That proved that the customs and manners of India were immovable, and when a go-a-head politician came to attempt to apply his system of policy to the Government of India, he might by a stroke of his pen be doing a great and irreparable injury to the cause he wished to promote, the peace and prosperity of the country. It was a mistake to say that all the conquerors of India were only bent on rapine and plunder. There was not a nobler page in history than that which recorded the opinion of Sir W. Jones to Lord Cornwallis upon the mode of governing India. That distinguished scholar and eminent man undertook, with the assistance of certain learned Brahmins, to examine into the system of laws and institutions of the people of India, for the purpose of endeavouring to govern them by means of those laws and institutions, and not by those of the West; and when that great work was completed, Sir William Jones laid down the same principle which Alexander the Great had laid down before him—namely, that a nation which meant to hold the East must beware how it touched their laws or system, or attempt to apply its own system of governing to them. They will be faithful, obedient, and docile, provided you act on the principle of not interfering with their customs and habits. Look at what the East India Company did by the aid of that great man, and let him ask any one to point out anything which had been done in the West which was equal to that work. The people of the East believed their laws to proceed directly from the Deity, and in the East the code of law and a reference to the Divinity were inseparably connected. Would it be wise then, to entrust to an uncontrolled Secretary of State, whose mind was imbued with Western politics, the power of arbitrarily interfering with or altering laws and customs which the people of the East suppose to emanate from the Deity? Why any imprudent attempt at change might cost the lives of 100,000 men. The idea of the hon. Gentleman, that the Government of India should be intrusted to a Minister uncontrolled in any way, and unassisted by the advice of learned and experienced men, could not be too strongly deprecated. Indeed, it filled him with terror. Why, such a Minister, if he were possessed of a mind and body as active as that of the hon. Gentleman the Member for Birmingham, if he saw anything in the Indian system which he thought an absurdity, if he saw anything contrary to Manchester notions, would most probably forget all about ancient habits and customs, and would proceed at once to attempt to bend the habits of the East to his ideas, and thus undertake a task which had baffled the greatest conquerors and the greatest lawgivers that the world ever saw, and do that which would give rise to most serious difficulties. But, let the House observe the inconsistency of the argument of the hon. Gentleman. The hon. Gentleman complained that the Go-

vernor General of India was uncontrolled, and yet he wished to confide the management of Indian affairs to a person subject to the control of nobody. If it were so difficult to find a proper person to act as Governor General of India without control, where was an uncontrolled Secretary for India to be obtained? Much had been said in reference to Parliamentary responsibility, but, after all, what did that amount to? A Secretary for India might lose that empire, but when he had done that, of what use was his Parliamentary reponsibility? The hon. and learned Member for Sheffield might probably move a vote of censure upon such a Minister, and might carry it, but what use would that be when our empire in India was destroyed? The House might agree to take the head from the shoulders of such a Minister, but what would be the use of that when he had clearly shown that there was nothing in it? In his opinion that House had shown great wisdom in agreeing to the principle of a Council which would exercise a certain control over the Indian Minister; and if his hon. Friend would, during the recess, study books upon the laws of the East he thought that he would take the first opportunity which offered itself of withdrawing all the speeches which he had made upon the subject. The hon. Gentleman had proceeded upon the assumption that it was not for a small State to undertake to permanently govern twenty or thirty nations; but the fact was that the people of India had nearly always been subject to a foreign Power. Akbar Khan had so governed her. In point of fact the principle of the hon. Gentleman not only was not sound as regarded India; but it did even not hold good as regarded European politics, for in Europe, Austria was strong and powerful, and yet held various peoples under her sway. He admitted the force and good sense of what had fallen from the hon. Gentleman on the subject of wars in India. But let us be just to the East India Company. There could be no stronger protest against that system than was taken in Mr. Tucker's note on the subject of Affghanistan. He would not trust Parliament with regard to a war. He had known a Parliament to condemn a particular war, and then another Parliament was called which approved of it. Where then was this boasted Parliamentary responsibility? When his right hon. Friend the Chancellor of the Exchequer brought forward a Motion condemnatory of that policy, why did not Parliament support him? He would rather prefer to this notion of Parliamentary responsibility a Council of experienced and sensible men who would endeavour to avoid such a policy and such errors as the hon. Gentleman had spoken of. He did not understand that we were less likely to get into troubles by having an uncontrolled Secretary of State for India; for in the course of a Parliamentary recess we might have a war, with which all that Parliament would have to do would be to pay the Bill. The hon. Member for Birmingham had spoken with much good sense when he referred to the way in which several of the Native princes had been treated. He (Mr. Whiteside) had read the papers connected with the taking possession of Sattarah, Nagpore, and several other states which had been taken possession of, and he agreed with the hon. Gentleman that with regard to many of them the principles of legality had been altogether set aside? and, as he had before pointed out the danger of interfering with the manners and customs of the people, he believed that interference had been signally manifested in those annexations; and he believed further, that this disregard of the customs of the people would not have taken place if they had been laid before a responsible Council. Many of those states were annexed on the pretext of a failure of heirs. But that was a violation of the Hindoo custom with respect to the law of adoption. That law was developed in a remarkable chapter of his work by Sir William Jones. He traced, by a masterly induction, the laws of adoption which prevailed in Rome and in Greece to the Government as their source. That law, however, had been set aside by more than one Governor General, and by none more than by that great man to whom allusion had more than once been made, the Marquess of Dalhousie, who had committed, he (Mr. Whiteside) believed, as great mistakes on that point as any Go-General before him had ever committed. The true policy to pursue was to respect all the customs of a people, whether in the East or in the West. The laws of inheritance and of marriage had also in many instances been dealt with rashly and unwisely in India. Did hon. Members suppose it was calculated to produce no effect upon the Native army? The evidence of General Briggs went to show that changes of that description thrilled through the

army, and if, therefore, the new Secretary of State were acting under some sudden influence to introduce such changes, he would, in accordance with the testimony of that gallant officer, be taking a step which would, in all probability, eventuate in revolt and bloodshed. The task, therefore, of governing India required the exercise of the greatest caution and ability, and in the proposed Council he trusted those qualities would be found. The hon. Member for Birmingham had dwelt very properly upon those principles in accordance with which he deemed the administration of the affairs of our Indian Empire ought to be conducted and he had spoken, too, of a proclamation which ought to be issued ; but the thunder was not his own. To the views upon that point which the hon. Member had put forward, his (Mr. Whiteside's) right hon. Friend the Chancellor of the Exchequer had, upon a former occasion,given substantial expression. His right hon. Friend had, however, accompanied the changes he propounded by the sketching out of a cautious prudent policy ; whereas the object of the hon. Member for Birmingham appeared to be to make sudden and sweeping changes—changes, which he, believing as he did with Lord Bacon that sudden changes of laws were the causes of revolutions, feared would bring about the very revolutions which the hon Gentleman deplored. From the sweeping censure which the hon. Gentleman had passed upon the East India Company he beg to express his entire dissent. Still, he had listened to the speech of the hon. Gentleman with great interest, and he trusted that the picture which the hon. Gentleman had sketched of a future glorious empire in the East, where the people were peaceful and happy and the Government just and benevolent, would be realized. But he believed, at the same time, that the task was one of the most difficult that was ever undertaken by man ; that it would require the utmost judgment and caution, the most delicate and watchful care, to do it wisely and well. He was of opinion, therefore, that Parliament had shown themselves to be sensible and practical men by adopting the proposition of a Council. From the scheme of his noble Friend near him he argued the happiest results, and he trusted that its operation would be to contribute to the prosperity of our Indian Empire, for he most sincerely concurred with the hon. Member for Birmingham in thinking that, not for the grandeur or the false glory of conquest, but for the happiness and good of the people, ought the Government of that country to be conducted.

MR. P. O'BRIEN said, that a question embracing so great a matter as the happiness of 160,000,000 of people was not one that ought to be confined to English and Scotch Members, but that an Irish Member might also fairly express his sentiments upon it. Therefore it was that he ventured to rise to offer a few observations as to how they ought to administer the affairs of so great a population. He thought the question they had to consider was not as to whether the East India Company had properly conducted the administration of India, but to express their opinion that what was required in the East was that the rights of the people, whether Hindoo, Mussulman, or Christian, should be respected. He wished to see a responsible Minister with a responsible Council to advise him in matters affecting the interests of India. He could not help remarking that the tone in which the right hon. and learned Member for Enniskillen (Mr. Whiteside) had spoken of the East India Company struck him as somewhat strange, considering the totally different language he had heard from the same quarter upon former occasions, and more particularly respecting their policy of annexation. One thing he earnestly hoped would not be lost sight of in any Bill passed for the government of India—namely, that the principle of thorough religious freedom should be recognized ; this he regarded as of the last importance for the welfare of that great empire.

MR. VERNON SMITH said, the noble Lord who had introduced this Bill had made a statement in which probably the House would generally agree—namely, that after having so frequently discussed these questions since February last,—and sometimes as had been admitted, in a rather confused manner—it was not advisable that they should at this advanced period of the Session travel all over the same ground again. For his own part, however, he had deprecated at the time, and he deprecated still, the course which the House had pursued in proceeding with Resolutions, his opinion having been that it would have been more expedient to take the discussion upon the second reading of the Bill, involving, as it did, important principles. The only conclusions at which the House

had arrived were—first, that in which the Bill of the late Government and that of their successors both agreed—namely, that the Crown should resume the trust in respect of the Government of India which it had heretofore committed to the hands of the East India Company; and next, that there should be some kind of Council to assist the Minister for India in administering the affairs of that country. The hon. Member for Birmingham had deviated from the course prescribed by the noble Lord by entering into important questions of principle. The speech of the hon. Gentleman was highly interesting, and very remarkable for the great acuteness and wide range of information on Indian affairs which it displayed. But it applied infinitely more to the future than to the present discussion. In many, though not in all of the observations of the hon. Member as to the future relations of our Indian empire he entirely concurred; and the whole of them were well worthy the consideration of the House. No doubt, the appointment of the Governor General was one of the most important duties which an Indian Minister had to perform; and certainly, having regard to the various qualities which the hon. Gentleman had indicated as being necessary for such an office, the selection of the right man to fill it would be a task of no common difficulty. It was a grave question whether, in transferring the whole of India directly to the Crown, they were not, in fact, creating a sort of second Colonial Office; and he quite agreed with the hon. Member for Birmingham that India ought to be divided into an increased number of Presidencies. Even with that alteration, however, they must have some central authority, which could only be secured either by making the Governor of one of the Presidencies paramount, or by appointing a Governor General. The course to be pursued towards the Native Princes was, no doubt, a matter of great difficulty, but it ought to be speedily grappled with, and the first question should be, "How were they to reward those Native Princes who had stood by us in the present emergency." But for their valuable assistance the efforts of Lord Canning and Lord Elphinstone in collecting troops together would have been comparatively useless. The Nizam, for instance, had stood by us throughout the whole of this struggle in the most extraordinary manner, for which we were indebted to his Minister, Sola Jung, and yet no reward whatever had been offered to him. Then there was the Minister of Scindia in the North, who had also given us great assistance. Major Macpherson, the President at Scindia's Court, had done the most extraordinary act that was performed by any of our countrymen, civil or military. No man could tell how he had contrived to perform it, but the fact was that the Contingent of Scindia, which revolted in July, was, through the tact and management of Major Macpherson, assisted by the Minister of Scindia, kept inactive till October, for four important months. He believed that circumstance had saved India; for, had the Contingent marched down at the first, many of our troops would have been slaughtered, and the relief of Lucknow would have been impossible. Yet that Minister had received no reward any more than the Minister of the Nizam. He would recommend that whatever reward was sent should be conveyed to them directly from the Queen, on whose approbation the Indian Princes set a high value. The hon. Member for Birmingham said this Bill ought to have been introduced in 1853. Well, he (Mr. Vernon Smith) was much of that opinion, and in 1853 he did his best, along with the hon. Member, to introduce some such system. One of the improvements which he had himself supported in that year contemplated the placing the Board of Control under the same roof with the Court of Directors. The truth was that this change ought to have been effected not in 1853, but as early even as 1833. When the powers of trade were taken from the East India Company, he held that their powers of Government ought to have been taken from them too. One misfortune of not having a debate upon the second reading of this Bill was that the great principles of this subject had not been properly discussed, but had been frittered away in the debates upon the details of particular Resolutions. The speech of the noble Lord himself, though able and lucid, was entirely confined to details. He regretted that with regard to the Members of the Council, the noble Lord told the House that he had adopted in this Bill the number which was sanctioned by the Resolution; but, in making that statement, the noble Lord went rather beyond the correct version of the Resolution, which stated that the number was not to be less than twelve or more than fifteen, whereas he had adopted the *maximum* number in his Bill. If they did not create a better Council than the

one they had hitherto had in the Court of Directors, he did not see what advantage was to be gained by the transfer; and, if in establishing a Council, they established one which would be equally inconvenient and irresponsible, no way would have been made towards improvement. He, therefore regretted that the noble Lord, instead of adopting the *maximum*, had not adopted the *minimum* number fixed by the Committee—namely, twelve instead of fifteen, as he was afraid that a Committee consisting of the larger number would be cumbrous, inconvenient, and dilatory. The noble Lord also proposed to divide the Council into six Committees, because, he presumed, there were six departments in the Board of Control; but, in his opinion, it would be better if each of these departments were represented by an individual than by a Committee, so far as responsibility was concerned, which was one of the main objects of the Bill. The fact was that, as regarded the Council, the responsibility established by the Bill would be a sham, because the Secretary of State when called to account for any particular measure would be able to shelter himself behind the opinions of the old Indians who might be members of the Council. He was glad, however, that the noble Lord proposed to abolish the Secret Committee, and thought he acted wisely in suggesting that the powers which were entrusted to that Committee should be placed in the hands of the new Secretary of State. As to the production of the Indian accounts they had been produced to Parliament with the greatest minuteness for years past, and he believed that whilst not a half-dozen Members in the House ever read them, not one of these had ever taken notice of them. To obviate that his predecessor at the Indian Board (Sir C. Wood) revived the system of producing an annual Indian budget; but he found that to attract the attention of the House to it was next to impossible. His right hon. Friend did, he believed, secure an audience of twelve on one occasion; and he (Mr. Vernon Smith) had felt proud when he found that he was listened to by fourteen. The noble Lord stated that he meant to introduce the system of competition in the examinations for the artillery and engineers; but he had not stated whether he contemplated the maintenance of the college at Addiscombe, which he (Mr. Vernon Smith) would recommend him not only to preserve, but, if possible, to extend and enlarge. He was extremely glad to find that the noble Lord had been persuaded to go the length of abandoning the system of election to the Council, at least by constituencies. What he had substituted for it was nothing more than nomination by another body. It was in no sense of the word election, unless it were self-election by the Directors, instead of nomination by the Crown; and he hoped that in the course of the discussion in Committee they would be able to persuade the noble Lord to go a little further, and secure from him a system which was altogether one of nomination by the Crown; for he did not think that in the principle of self-election he would find anything to console him for the absence of that responsibility which must necessarily follow nomination by the Crown, and under the guise of self-election the most objectionable appointments might be made. With regard to the re-organization of the Indian army, the issue of a Commission of inquiry at home would, in his opinion, prove a most dilatory mode of proceeding in a case which was of pressing importance and admitted of no delay; and he thought that there were persons at the India House who might perform all the duties of that Commission, and that men like Sir James Outram and General Jacob might furnish all the information requisite to enable them to perfect a scheme for re-organizing the Indian army. The appointment of a Council to the Governor General and to the Governors of Presidencies could be entrusted to no safer hands than to the Governor General and the Governors of Presidencies themselves. He did not think the Company had always made the best selections, for their rule had been, as it appeared to him, to go on the principle of seniority. Another Commission which the noble Lord proposed to issue was a finance Commission. That also should be done here, and with all possible rapidity. The Commission which had been sent out to inquire into the expenditure had reported already, but unluckily, like most Commissions which were instituted to reduce expenditure, they had ended by recommending a slight increase—a thing which was much to be avoided. Still, he had no doubt that by active men setting their shoulders to the wheel considerable reduction might be effected in the expenditure of India. In the second reading of the Bill he cordially agreed. The fact was, that they had now brought the measure very nearly into the same shape as that of his noble Friend

Mr. Vernon Smith

(Viscount Palmerston), the only difference between the two being, in the number of the Council, in calling the new Minister for India Secretary of State instead of President, and the substitution of the principle of self-election, so far as one-half the Council were concerned for that of entire nomination by the Crown. His only regret was, that Her Majesty's Government had not gone one step further and taken up the Bill of his noble Friend, passed it on a second reading, and then, in Committee, have introduced the alterations proposed by the Bill which they now asked the House to agree to. He should regret anything that interfered to prevent the Bill being passed during the present Session; and he trusted they would be enabled to carry such a measure as would hereafter contribute to the increased prosperity of India, and lead no one to repent of having put an end to the present cumbrous and dilatory system of the double Government.

COLONEL SYKES said, he should support the second reading, although the noble Lord had entirely ignored the decision of a majority of sixty-five in favour of the elective and representative principle, a majority given to the noble Lord by the independent liberal Members. He must give an emphatic denial to the statements of the hon. Member (Mr. Bright), that the normal condition of Indian finance was one of insolvency, and that the administration of justice was as unsatisfactory as the hon. Member represented. Only one per cent of all civil suits was decided by European Judges, and against the decisions of Native Judges in the remaining 99 per cent there were fewer appeals *pro rata* than against the cases decided by the European Judges. If the Government of India were conducted by the authorities in India, as the hon. Member for Birmingham proposed, what would have become of the 5,300 appeals which in five years had been made to the home Government against the decisions of those authorities? The Council was to be formed of persons the best informed on Indian subjects, and therefore the best qualified to instruct the House; and yet they were to be excluded from Parliament, as the noble Lord proposed. If such an exclusion were insisted on, would there not be a suspicion that the Secretary of State was afraid of having his Councillors there. For the last seventy-five years Directors of the East India Company had been allowed to sit in the House, and their presence had never operated to the public disadvantage. He approved of the Council having a deliberative power without binding the Minister by their decisions, and he hoped the members of the establishment for carrying on business would be in a position subordinate to the Council, so that there might not be any question of the control of the Council over them. He was happy to find that the noble Lord fixed the meetings of the Council periodically, and he hoped that in the same way the noble Lord would fix the meetings of the Committees, and that the quorum for the Council would be eight. The Secret Committee, as proposed, would be in fact the Secretary of State; but he trusted the Secretary of State would not have the uncontrolled power of sending orders to India for the payment of money. Some restriction on his power in reference to the finances of India was indispensable; otherwise, he might be exposed to dangerous importunities similar to those of Ali Mourad and others. He did not rightly understand whether the noble Lord considered the mischief of the Governors of India appointing their own Councils a privilege which would engender favouritism and occasion universal dissatisfaction. He denied that the Court of Directors appointed the members of those Councils solely by seniority, the appointments being always made according to the merits and claims of the individuals, without regard to seniority, and it was open to any member of the Court of Directors to propose for ballot the name of any qualified person he thought proper. With respect to scientific examinations he wished to know whether the noble Lord meant that there was to be a competition to enter directly into the Engineers and Artillery without going through a military college?

LORD STANLEY said, he would explain the matter when the Bill should be in Committee.

COLONEL SYKES trusted, that it was not intended to set aside Addiscombe, which had sent out men to India, whose exploits graced the annals of the country. He (Colonel Sykes) could not approve of the proposed commission to India, which would be mischievous in paralyzing the authority of several governments in India. The noble Lord had omitted to mention the treaty engagements in his Bill, and had also left out any guarantee assuring the people of India of the preservation of their rights, privileges, and customs, nor was mention made of an Imperial guarantee for the Indian debt.

MR. LIDDELL said, he understood that a very important communication had been addressed to the Government on the subject of the present Bill by the Court of Directors, and he wished to know whether the Government had any hesitation to lay a copy of that communication on the table, together with a copy of the reply of the Government.

MR. ROEBUCK said, that he intruded with reluctance on the House. He knew full well he was in a small minority on the question of India, and nothing he said would change the opinion of the House; but he would not shrink from stating what he believed to be the truth. This, however, was the last occasion on which they could discuss the principle of the Bill, and he hoped the House would bear with him for a short time while he gave expression to his views, in order that they might be placed on record. He believed that this Bill was not destined to have a long existence. It had been brought forward under pressure; it had been brought forward by persons unwilling to do so, and who, out of office, had taken a course the very opposite to that which they had adopted in office. When in opposition, in their judgment, the proper course was that there should be no legislation; but when they were in office they found themselves coerced by the majority of the House to do that which they were now doing. He would briefly state the progress of our East Indian empire. Something more than a century ago a company of merchants began to trade in India. By degrees they acquired a footing there, and they acquired also power over the people of India. As time progressed the Government of England encroached upon the governing power of the Company, and in reality absorbed all the political power over India. The next step was to take from them the right of trading; and the consequence was, that it was called a body of traders, when, in fact, it did not trade at all. Then the power of ruling was taken from them; and lastly, it was proposed to take away as well the name as the power of the East India Company. The first great step was taken by Mr. Pitt. He introduced the Board of Control, which, in fact, overruled the government of India by the East India Company. When this was done, there was introduced a power that governed India without responsibility, and from that had arisen, he believed, all the mischief that had followed from the government of India. The real Government of India was the President of the Board of Control, while the ostensible rulers were the Board of Directors, with an irresponsible power. When he brought forward a Resolution condemning the Board of Control on the occasion of the Affghan war, the members of the Board of Directors in that House voted against him; and yet they professed to condemn the Affghan war. As the hon. Member for Birmingham had said in that wonderful speech of his, to which the House had listened that night, they ought to judge of the Court of Directors by the effects of their government. He (Mr. Roebuck) did so judge of them; and he said they had built up the most wonderful empire that the world had ever seen, followed by a revolt such as mankind had never witnessed before. The House was resolved to pass a measure, and what had occurred? The noble Lord the Member for Tiverton brought in a Bill, and he (Mr. Roebuck) certainly expected more efforts from the weakness of hon. Members opposite than from the insolent strength of the other side of the House. He was disappointed; because he believed the noble Lord's Bill was a far better one than that which was then upon the table of the House. Then the noble Lord (Lord Stanley) brought in a Bill under pressure from every side of the House, a Bill made up of shreds and patches, with an obvious endeavour to catch votes, embodying a principle which violated every principle of good government, and which he was certain was doomed to a sure and rapid death. What occurred when the rebellion broke out? The House rushed into legislation upon India. The noble Lord brought in his Bill and was driven from office. Then it became the duty of hon. Gentlemen opposite to prepare a measure. The Chancellor of the Exchequer brought in a Bill, which common report said was concocted by the late President of the Board of Control and the present. The Bill was so received in this House that hon. Gentlemen opposite were glad to catch at the proposition of the noble Lord the Member for London, to proceed by Resolution. Those Resolutions, in fact, embodied the Bill of the Chancellor of the Exchequer, and a second time the House manifested its determination not to pass the Resolutions; the Government then brought in the present Bill. This was the cork thrown out to keep them afloat. It first proposed to take power from the East India Company, and vest it in the Crown. Upon that all

were agreed. It next proposed that a Minister of State should be responsible for the government of India. That also was acceded to by common consent. But then came the point. Some persons said, you ought to have a Council, not only to advise, but also to check, the Minister. Others said, you ought to have a Council not to control, but only to advise, the Minister. Let the House mark what had been done. They wanted a Council, because they wanted independence. How was that obtained? The noble Lord's Bill proposed to get persons in the Council for life, and to have, in fact, a self-elected senate. Of the fifteen members some were to be for life, others were to be elected by the Council themselves, and in order that the choice might be restricted, it was provided that the major part should be taken from persons who had been in India for ten years. Thus they had a body of men who were responsible to nobody. This was the wonderful scheme laid before the House. But that was not all. The noble Lord would confess that a love of ease was one of the most powerful passions that could actuate men, and no one more than the governors of mankind. The Government of India was to consist of a Secretary of State and a Council; and they provided that if the Minister differed from the Council he was to assign his reasons. Then there was another case in which the Minister was to do just as he liked without any Council whatever. Was that a Council to control? Again, the Council were elected for life, and the Minister would go out with the Government of the day. The persons who remained were to be persons utterly responsible to nobody, and they would virtually be the governors of India. The only way of escaping that difficulty was to give the Minister of the Crown the power to do as he liked. The House could not have read the Bill. By the 27th section he found that all orders and communications now sent out by the Secret Committee might, if this Act passed, be addressed to Governors of Presidencies, and officers and servants of Her Majesty in India, by the Secretary of State for India, without consulting the Council or recording his reasons for the adoption of the correspondence. If the Minister was to be checked at all he was not checked there, but his safest and most agreeable course was to go with his irresponsible Council. He (Mr. Roebuck) was quite sure that upon this rock the Bill would eventually be wrecked. The real government of India was vested in a Council which was utterly irresponsible; and, if this Bill were passed, it would be followed by the rising up of the House and pulling down the measure. This would be the result. He (Mr. Roebuck) might not live to see it; but so sure as this Bill passed, this would be the result.

MR. T. BARING said, that throughout he had strongly objected to legislation on this subject at the present moment, both because India was passing through such a fearful crisis and because the information possessed by persons both inside and out of the House, with reference to the condition of India, was not such as to justify immediate legislation. Although he believed it would have been wise and expedient to defer legislation and to postpone the inauguration of the new system of Government until the authority of Her Majesty had been so far established as to enable them to proclaim a general amnesty, he should not, after the repeated decisions of the House on the subject, oppose the second reading of this Bill. The hon. and learned Member (Mr. Roebuck) said that the great fault of the Measure was that it did not give to the Minister uncontrolled power over the Governor of India. But what had been the case when our Colonies had been confided to a Minister of the Crown under the influence only of Parliament? Experience showed that we could not keep our Colonies under such a system and would they apply a similar system to India? Would they assert that Parliamentary Government could be applied to so vast an empire at such a distance? He must, therefore, enter his decided protest against the principle affirmed by the hon. and learned Member. The right hon. Gentleman (Mr. Vernon Smith) had been pleased to say there was no difference between the Bill of the late Government and the one now submitted to the House; that it was a mere question of eight or fifteen members of the Council. Now, to his mind there was the widest difference between the two measures. The Bill now before the House would establish an independent Council appointed for life, instead of one nominated by the Crown, the Members of which were appointed only for short periods of service. The great advantage of the present arrangement was that they would avoid infusing into the Council the spirit of each successive Administration. The vacancies would be filled up by the fifteen members themselves, men conversant with the affairs of India, independent of party, and animated only by a desire to appoint

the individual whom they thought best qualified for the office. The right hon. Gentleman said in effect "You had better have taken our Bill." Now, he (Mr. T. Baring) rejoiced that the Government had not adopted the measure of the noble Lord (Viscount Palmerston), and that they had taken their own course. He had heard with much pleasure some of the observations of the President of the Board of Control, and only regretted that they had not been embodied in the Bill. He thought it would have been more expedient if the measure shadowed forth in his speech had been inserted in the Bill instead of being left to the discretion of the Committee, to be decided according to the number of hon. Members who at this late period of the Session might be left in town. He wished, however, particularly to observe that it was desirable, if any communication had passed between the noble Lord (Lord Stanley) and the Court of Directors, that such communication should be laid upon the table before the House went into Committee. Into that Committee he was sure they would enter with a wish to discuss everything on its own merits, and to decide without any needless delay. With regard to the position of the Governor General, he could not agree with those who thought that that functionary ought to be left with but little or no control. In such a case, what security had we for the good Government of the teeming population of India? No Government, perhaps, was better than that of a wise beneficent dictator. But it was by a happy accident only that we got a good Governor General, able to rule the people wisely and well; and if a man were appointed, as unfortunately there might be—not now, perhaps, but in future time,—who had been sent out for private reasons and party purposes, how could the good government of India be secured, except by some effective control exercised in England? In this consisted the importance of the home Government administered here, and for this reason it was that an independent Council was so necessary.

Bill read 2° and *committed* for *To-morrow.*

SALE AND TRANSFER OF LAND (IRELAND BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

Clause 51. (Owner may obtain a declaration of indefeasible title from Court), &c.

MR. DOBBS said, he would move the omission of this clause as he thought, that it would enable persons to commit frauds by going to the Court to obtain a declaration of title. At the same time he wished to give notice of his intention, if the clause were rejected, to move the substitution of another clause which would enable a man *bonâ fide* desiring to mortgage his property to obtain a declaration of title for the satisfaction of the mortgagee.

MR. GROGAN said, that as an Irish proprietor and not as a lawyer, he hoped the Committee would not agree to the Motion of his hon. Friend. In fact, he considered that this was one of the most important clauses in the Bill—its object being to place an unencumbered property on an equal footing with a property that was encumbered. Moreover, he believed that the apprehensions which his hon. Friend had expressed with respect to the commission of frauds through the medium of this clause were entirely groundless.

MR. MILLER observed, that without this clause the Bill would be not only defective but positively unjust.

MR. MALINS said, that the principle embodied in the clause was quite a novel one. They had already affirmed the principle, that unencumbered as well as encumbered estates might be brought within the operation of the new court for the purposes of sale; but this clause went much further. It proposed to confer upon any owner of an unencumbered estate, not contemplating a sale, the power of obtaining a judicial declaration, which would enable him at any future time, in case he should be about to sell his estate, to show a conclusive title. This alteration would affect the title of every man in the kingdom to his property, for the present Bill was, they were told, the forerunner of a similar measure for England. He would entreat the Committee to pause before they agreed to it, for he could assure them that a Parliamentary title was not without its dangers. Where a sale was contemplated there was publicity, and the real owner of a property was advertised of the intention of the wrongful possessor to sell it; but where that possessor merely went before the Court to obtain a Parliamentary title, which with all its power the same Court could not recall, a wrong was done to the party justly entitled to the estate.

THE SOLICITOR GENERAL said, there were four reasons conclusive in favour of the clause. The first was that where an encumbered estate was sold a Parliamentary title was given with it, and unless

they went further and gave unencumbered owners in fee the same class of title, they would themselves obtain it by means of fictitious sales. The second reason was that a man might have a portion of ground which he might wish to sell to different parties. He might require it for building purposes. A Parliamentary title to the whole would enable him to sell each portion by itself; whereas otherwise he would have to go through a formal proof of title for each particular sale. The third reason was somewhat like the second, for were he to let the same ground on building leases he might have to prove his title to each lessee; whereas the Parliamentary title to the property would be a guarantee to them all that they were dealing with a competent party. The fourth reason was that they should not leave those estates which never changed hands—but where the title was complicated by reason of marriage and other family settlements—in a worse position than those estates which were encumbered.

MR. SERJEANT DEASY said, he thought the Committee ought not to sanction the new principle contained in the clause. They had given a Parliamentary title to unencumbered estates which might change hands in sale; but what was now asked was tantamount to the extinction of every other kind of title, and would injuriously affect both the encumbrancer and the tenant. The class of lessees or tenants might be very seriously affected by this Bill, as well as the class of claimants and incumbrancers on property. He earnestly asked the Committee to pause before they agreed to the extension of the principle involved in the Bill.

MR. SPAIGHT declared his conviction that of all the Bills or measures which the people of Ireland had to thank the Government for pressing forward, this was the most important. He believed the first clause gave benefits of a most material character to all classes of Her Majesty's subjects in Ireland.

MR. M'CANN said, he thought that nothing could be better for the country generally than the adoption of this clause. He was not at all afraid there would be any want of publicity, and he most cordially supported the clause.

MR. BUTT said, he would rather see the Bill abandoned than this clause struck out.

Question put, "That the Clause stand part of the Bill."

The Committee *divided*:—Ayes 131; Noes 8: Majority 123.

Clause *agreed to*.

House resumed.

Committee report progress; to sit again *To-morrow*.

House adjourned at a quarter after One o'clock.

HOUSE OF LORDS.

Friday, June 25, 1858.

MINUTES.] PUBLIC BILLS.—1ª Nisi Prius Court, &c., (Ireland).

EXPORTATION OF COOLIES FROM HONG KONG.—QUESTION.

THE BISHOP OF OXFORD rose to ask his noble Friend the Under Secretary for the Colonies (the Earl of Carnarvon) two questions which he had kindly undertaken to answer that night. The first was, when it was probable that the papers he had lately moved for on the subject of coolie emigration would be laid upon the table of the House? And the second was, whether, as it must necessarily be some time before those papers could be ready, after the statement which his noble Friend made to the House of the degree to which the Government was already cognizant of the enormous evils attending the exportation of coolies to foreign parts, they would not, on their own responsibility, and without waiting for the action of Parliament, take such measures as they might see to be necessary for the purifying of the trade? He was the more anxious that Her Majesty's Government should bestir themselves upon this subject, because it was not only important that this immediate evil of kidnapping the coolies from their own homes should be checked on its own account, but also because the free and legitimate emigration of those coolies who were willing to go, and which, as he stated the other night, he held to be a matter of the first importance, was checked and discouraged by the continuance of those kidnapping practices to which he had alluded. While on this subject, he must say he felt it difficult to account for the misrepresentations of what he and others had said on a former night on this subject. There were persons who endeavoured to represent that he and those who thought with him were opposed to the emigration of the free and willing coolies, and that they desired that that source of free labour should be sealed

up to our Colonies. Their Lordships would recollect, that when he addressed them the other night on this subject, he stated with how much pleasure he had learned that the British Government had, by their regulations, so arranged the voyage that the emigration was attended not only with advantage to the planters, especially in the Mauritius, but to the coolies themselves. And it was not only the coolies that went abroad and the planters to whom they went that were benefited, but there was this other advantage—that many of these men, having made money in the Colonies, returned to their native homes, and that they by their very earning of that money had learnt many of the habits of civilized life, and some, at the least, of the principles of Christianity; so that they returned to their own country as the most effectual pioneers of civilization and Christianity that their land could be favoured with. That seemed to him to be one of the main advantages of the emigration; but that advantage was perilled if there grew up in the native mind an association of this emigration with the fraud and violence, and kidnapping, with which the other mode of exportation was tainted. He hoped, therefore, that not a day would be lost in guarding against those evils which his noble Friend had stated so strongly to the House that he would not attempt to add by a single word to the strength of those statements.

THE EARL OF CARNARVON said, his answer would be very simple. With regard to the papers, every despatch would be used in their production; but, at the same time, the House knew very well that papers like these, of considerable bulk, required time for their publication. He hoped, however, that those papers would be upon their Lordships' table in the course of ten days at the farthest. As to the other point to which his right rev. Friend had alluded, it was right he should say that a measure was at this moment under the consideration of his right hon. Friend at the head of the Colonial Department, and he hoped it would be in his power early in the course of the next week to lay it upon their Lordships' table and to ask them to give it a first reading.

LORD BROUGHAM said, he was very glad that his right rev. Friend had made this statement, for he also had been misrepresented in a way that was perfectly incredible, especially considering the manner in which the subject had been brought before their Lordships the other night. He would remind their Lordships that he then said he had not the least objection to the legitimate—he would not say exportation—but the legitimate emigration of the coolies to the Mauritius, and even to Guiana; and he had illustrated his case by comparing the state of the African slave trade a few years ago before this emigration system had been sanctioned—when 25,000 Africans had been imported, notwithstanding that it was a capital felony to engage in the slave trade—and what it had been since. What he condemned was the exportation of coolies by fraud and kidnapping to foreign countries where there was no possibility of watching over their shipment or the treatment they received when in those foreign settlements. His noble Friend opposite (the Earl of Ellenborough), when he was Governor General of India, was fully aware of the difference between these two modes of obtaining coolies, for it was he that first called his (Lord Brougham's) attention to the grievous evils that were quite certain to happen if the coolies were allowed to be carried off to foreign settlements where there was no consul, no agent, no official settlement of any kind, no security whatever that the contract entered into with them would be performed or that they would be treated with common humanity. Therefore, he suggested that the sure remedy lay in a narrow compass, and could be easily carried into effect—it was the absolute prohibition of the transportation of coolies either from India or China to foreign settlements. Let that be put down, and all that would then remain would be the fair and legitimate emigration of coolies to our own Colonies, to which no objection could be made.

COLONIZATION AND SETTLEMENT (INDIA).

MESSAGE TO COMMONS FOR A PAPER.

THE EARL OF ALBEMARLE rose to move that a message be sent to the other House of Parliament for a copy of the Report of the Select Committee of that House on the colonization and settlement of India. In doing so he would beg to call their Lordships' attention to the vast importance of an extensive settlement of British-born subjects in India, with a view to the promotion of the moral and material interests of that country and its security against future insurrection. One reason for his moving for this Report was that he

believed the evidence before the Committee contained some of the most important information connected with the combined interests of India and England that had ever been produced before the Parliament of this country. Another reason was that he believed their Lordships would be called upon early in the next Session to legislate upon this subject. The great majority of those witnesses were not servants of the Company, but were quite independent of it, and, as it appeared to him, were men of information and intelligence. It was unnecessary for him to point out the advantages which would arise from the introduction of English skill, enterprise, and capital, and the moral and material influence which European settlers would be likely to bring with them. His conviction was, that the introduction of a European population and their descendants—the introduction of a large Christian population and their converts—was one of those means without which their dominion in that country could not be much longer maintained. But the settlement of Europeans in India had met with many and various impediments. For three-quarters of a century they had been excluded altogether by Act of Parliament; and it was not till 1833 that it was permissible for a European to enter into the country—and even then, according to the 82nd section of that Act, a settler required a licence from the East India Company. Since then such had been the general interpretation of the Act and such the maladministration in India that the boon had been rendered to a considerable extent nugatory. But that was not the only impediment. A European settler naturally asked for protection to his person and property; but that protection was very imperfectly rendered in some portions of the country. With respect to property, one of the witnesses stated a fact which appeared to him to speak volumes on this subject. He stated that in the North Western Provinces capital raised on mortgage could not be obtained under fifteen or eighteen per cent, while it could be obtained in the Presidency as low as from five to seven per cent. Another impediment to colonization was the state of the judicial establishments. The want of a proper administration of justice had been admitted so long ago as 1833, and a Law Commission was then appointed by the Crown to offer suggestions for the improvement of the law and the judicial system of India. That Commission had cost the country £800,000 while the suggestions it had hitherto made were worse than useless; in fact, the remedy they proposed was worse than the disorder. The European population were naturally and justly attached to the Queen's Courts; but this Commission, according to a suggestion embodied in an act of the Indian Legislature, and known out there as the Black Act, contemplated the abolition of the Queen's Courts altogether, and proposed to place all parties under the jurisdiction of the Company's Courts, a course to which the European had the strongest objection, for by it he was thereby deprived of trial by jury, and of *habeas corpus*. The evidence taken upon the subject of the Company's Courts completely bore out the character given of them some time ago by Mr. Halliday, the Lieutenant Governor of Bengal, as to the incompetency of the servants of the Company to administer the functions of judges or magistrates. One great advantage of these Company's Judges was said to be the knowledge they possessed of the Native languages. The evidence before the Colonization Committee disposed of that idea; he would remind their Lordships that there were at least twenty different languages in India, and contended that it was impossible for a young man going out to India at the age of twenty, in all probability elevated to the highest judicial office in the course of ten years, to obtain in that time such a knowledge of the languages as would fit him for the discharge of his duties. And yet a letter he had lately received from Bengal informed him that there were at that time no fewer than sixty-five such boy-magistrates in that Presidency alone. But it was not only the civil servants of the Company that were to have jurisdiction over the Europeans. The Act contemplated putting them in subjection to the Courts that were presided over by Native Judges. Now, the objections was not so much to the Judges being Natives, as to the class of persons selected, for it would be hardly possible to collect together a set of greater ruffians then these Native Judges presented. Several of them had joined in the rebellion, and one of them had tried Europeans in his court on most frivolous charges, and sentenced them to be hanged, which sentences were carried into effect. The witnesses examined before the Committee further objected to the system of land settlement, as prejudicial to the interests of colonization. But that

system had much heavier sins to answer for than merely obstructing colonization, for he believed it was the cause of nine-tenths of all the misery existing in the country; it was the cause of the late rebellion, and unless it underwent a change more nearly approaching a revolution than a reform, their Lordships might depend upon it that their supremacy in India would soon be brought to an end, it was a servile imitation of the Oriental despotism that preceded our conquest of the country. Like our barbarian predecessors we took nine-tenths of the produce of the land for rent; and our mode of assessment was as vicious as the amount of rent demanded was exorbitant. The zemindary system was the only exception to the general mal-administration; that system was established by Lord Cornwallis in 1793, and in spite of some blunders that had attended it, it had produced the greatest possible benefit in those parts of the country where it was in operation. Such was the nature of that fixity of tenure which that system guaranteed that for the sixty-five years that it had been in existence there had not been a single famine in the district; while in those districts that had what was called the village settlement, famines might be reckoned as decennial. Besides, under the zemindary system, the revenue was easily and cheaply collected; and throughout the whole of this rebellion there was only one zemindar who rebelled—Koer Singh—and he was on the extreme borders of Behar. He was not there to vindicate the way in which the zemindars had originally acquired their lands, but probably the means were not worse than some of those by which some of the ancestors of their Lordships had acquired theirs, and certainly they held them before the British arrived in India. When the ceded and conquered territories came into our possession in 1801 and 1803, Lord Wellesley promised by proclamation that their land should be settled in the same way as in the Presidency; but it was afterwards changed into a system of terminable leases, and the consequence had been, he believed, the present rebellion. It was one proof of the superiority of the old system, that the people had universally joined the talookdars in the rebellion against us. These landholders had been deprived of their estates by us in the most unjustifiable manner, and it would be utterly impossible to secure peace for India unless our policy was completely changed, and a good understanding come to between the talookdars and our Government. Lord Dalhousie, in total ignorance of the state of the country,—a state which could only be likened to what existed among ourselves during the wars of York and Lancaster—had attempted to introduce the village system into Oude; but he was glad to think it was now likely to be given up. He had to thank their Lordships for their kind and indulgent attention; but before he sat down he would remind them that the system which we had pursued during the last century had no warrant whatever in history. In India our predecessors had conquered by the sword; but it was not by the sword that they had retained the country. They had retained it by the settlement of themselves and their families there, and by the conversion of the people to their faith; and the same thing was done in Central and South America by the Spaniards. It was not merely by their arms, but by the settlement of a creole population; and that population had increased to about six millions, whilst in India all the Europeans men, women, and children—barely amounted to 100,000. The noble Earl concluded by moving the Message.

The Earl of MALMESBURY said, there was no objection on the part of the Government to concur in the Motion of the noble Earl. He should not, however, trouble their Lordships with any observations upon the speech which they had just heard, excepting this—that they must very much regret that at the present moment all such speculations as those of the noble Earl were useless, for he feared that there could be little temptation to parties to emigrate from England to India until, at all events, the existing state of things there had come to an end, and the country had settled down into peace and quietness.

Motion *agreed to.*

Message to the Commons, for copy of the First Report of the Select Committee of the House of Commons.

THE STATE OF THE THAMES.

OBSERVATIONS.

The Duke of BUCCLEUCH said, that it was not from any feeling of idle curiosity that he rose to call the attention of their Lordships to the present state of the River Thames, and to ask Her Majesty's Government what steps had been taken by the different Boards which took particular charge of the sewerage and the health of the metropolis, whether the Board of Health, the Metropolitan Board of

Works, or the Commissioners of Sewers—with a view to purifying and improve it. Their Lordships had some general knowledge of what they had proposed to do from time to time, but nothing of what they had done. He understood that the Metropolitan Board of Works had made a proposal for conveying away the sewage of the metropolis, and that that proposal had not been approved of, but had been referred back to them for further consideration; but whatever steps had been taken, or whatever had been the course of action pursued, one fact was certain—nothing practical had yet been done. Now he believed he was somewhat entitled to bring this subject before the House, because it was not one which affected himself as a private individual alone—although unquestionably the present state of the river was a great and grievous annoyance to him on account of his living close upon the banks of the Thames; but, happily, he was in the position of being able to free himself of the annoyance whenever he liked by simply going elsewhere. Unfortunately, however, there were large bodies of people who were not so situated, and who could not move from their residence at the river side. He would not lay particular stress even upon the inconvenience which their Lordships suffered in this House, or which was experienced by the other House of Parliament. They, too, so far as they were individually concerned, might remove away from the evil; and even, if they deemed it necessary, meet in some other locality at a distance from the Thames. But those of whom he wished especially to speak were not in that position; he alluded to the large mass of persons of the poorer classes who had not the means of removal at their command, and could not protect themselves as their Lordships could by living in larger houses or more capacious apartments, and keeping the stench of the Thames out of their dwellings by closing their doors and windows. He had heard it said, "Oh! the river is not so bad to-day as it was yesterday;" but why was that? Simply because there was a northerly wind blowing which freed one side of the river at the expense of the other. But let the wind shift to the south-east or south, and they would find it as bad as ever, and the inhabitants of Lambeth and Southwark would be relieved of the nuisance at the expense of the inhabitants of the opposite shore. The foul state of the Thames had been gradually increasing, and during the last two or three years it had been of more rapid growth than at any former time, and he had no doubt that the extension of the drainage in the upper parts of the metropolis, although it had tended greatly to improve the health of those districts, was one of the main causes of it. Another thing to be considered was the enormous increase which had taken place in the population, the result of which was that houses were springing up in all directions, and the drainage area was very much extended, whilst the whole of the sewage matter flowed into the Thames. The evil at the present moment might also be attributed in some measure to the extraordinary dryness of the season, by reason of which the sewage came down in its natural state, and was in no way diluted with rain. Besides this, there were a number of factories in which employments of an unwholesome nature were carried on—soap-boiling, bone-boiling, and potteries—some within a short distance of their Lordships' House—and the refuse and waste of different trades flowed into the river and assisted in adding to its foulness. Some persons appeared to imagine that the offensive stench of the river was worst at low water. Now, having been a resident upon the banks of the Thames for the last thirty years, generally in the summer time of the year, he might reasonably be supposed to have a little experience upon that subject. Formerly he certainly thought that it was most offensive at low water, but of late it was not so, and he thought it was now worse a short time before and a short time after high water. Owing to the constant action of the steamers, leaving a heavy swell behind them, and most of them running on this side of the river, the quantity of mud on the shores between Westminster and Waterloo Bridges had greatly decreased in depth within the last ten years, whilst during the same time, from the constant additional scour that had been going on, the bed of the river had been much deepened; so that when the tidal water went out the river itself was confined to a much narrower channel. Various modes had been suggested for remedying the evil. Some persons said, "Embank the river, and get rid of the nuisance at once;" and he readily granted that by that means they would get rid of the mud which was exposed at low water. But would that purify the river? He did not see that it would, or that there was any advantage to be gained by it. It was also said that the

annoyance only existed in the neighbourhood of the upper part of the river; but upon looking at the weekly return of the Registrar General, he observed that the medical officer of the *Dreadnought* Hospital Ship, which was moored in the river as far down as Greenwich, complained of the dreadful state of the river, and stated that it seriously affected the health both of the patients and of the medical officers on board. He understood, too, that, owing to the pestilential state of the water, the number of passengers by the steam-boats navigating the Thames had considerably diminished; and one gentleman had informed him that on going down the river in a steamer he was so affected by the nauseous state of the river, that he vomited; and he had heard that many persons had been carried on shore in a fainting state from the same cause. It also appeared that a waterman had recently died of Asiatic cholera, brought on from inhaling the noxious gases which arose from the river; and there was the case of a young woman who had recently attempted suicide by throwing herself over one of the bridges, and whose life had been more endangered by the poisonous nature of the water she had swallowed than from being immersed in it for the few moments that elapsed before she was rescued. Now, supposing an epidemic were to break out, which was not impossible during the present hot season, what he (the Duke of Buccleuch) dreaded was the effects which would be produced by this abominable effluvium of the river. He did not mean to say that such an event was likely to occur, but in case it did he should be fearful indeed of the consequences. He thought, then, that their Lordships were bound to press upon Her Majesty's Government that they must take the matter in hand themselves, and adopt strong measures respecting it. It would be difficult perhaps to say what those measures should be, to what extent they should go, or how the expense should be provided. But the evil was such that it must not be slurred over, or left in the hands of the Metropolitan Board of Works, or any other corporation. The executive Government must themselves direct their attention to the subject, and be prepared, without delay, to submit some strong and well-considered measures to Parliament respecting it. Let them do so, and Parliament, he was sure, would not withhold its assent and assistance.

The Duke of Buccleuch

THE EARL OF MALMESBURY said, the noble Duke had certainly not exaggerated the unfortunate state of the river in this vicinity, and he could not but feel, in common with their Lordships, that it was a disgrace to the country that in the middle of this century so much mismanagement —there was no other word for it—should have taken place that the great highway of the Thames was rendered almost useless for that purpose, and dangerous to the health and even to the lives of the inhabitants of the metropolis. It was no doubt the duty of the Government, if possible, to apply a remedy; but their Lordships were aware that an Act of Parliament would be necessary to give to the Government such a power as he believed could alone remedy the existing evil. His own opinion was, that no body of men formed as a corporation—that no power subdivided as that must be—was sufficient to undertake the remedy which was required. He had stated that an Act of Parliament was necessary; but before Her Majesty's Government proposed that or any other course, he thought their Lordships must bear with patience the evil from which they suffered until the Committee of the House of Commons now sitting had considered the matter and reported.

THE DUKE OF NEWCASTLE expressed his disappointment at the answer which had been returned by the noble Earl to the observations of his noble Friend. They had now been going on for a series of years with Commissions and Committees, and at this moment the table of Parliament was overloaded with evidence upon the subject, which nobody had read or ever would read. He did not know what was the immediate object of the Committee to which the noble Earl had referred; but considering that they had now reached the end of June, he felt certain that that Committee could do no more than previous Committees and Commissions had accomplished; and that when their Report was made, which probably would not be until nearly the close of the Session, they would find themselves precisely in the same position in which they were now. Let the Government be courageous in dealing with this matter. They had not power to do much, but here was a great opportunity for them to distinguish themselves. The Legislature was, in fact, reduced to such a position that if the Government chose to save them they would be only too happy to be saved. The evil had now reached a magnitude such as none

but those who resided in London could conceive. Every step that had hitherto been taken, however, had been in the wrong direction. It was only last year that Parliament handed over the conservancy of the Thames to the hands of the Corporation of the City of London; and when he (the Duke of Newcastle) entreated their Lordships not to pass a measure which had complicated the evils under which they were suffering, he could only get five noble Lords to join him in his opposition. It was late in the day to say it, perhaps, but that measure ought never to have been passed; and he believed that Parliament would have to repeal it before they obtained any effectual remedy for the evil of which they complained. An arbitrary act had become absolutely necessary. They would never accomplish their object without it, and he felt confident that Parliament and the country were ready to give the arbitrary powers which were required for the purpose. Nothing had been done for the improvement of our sanitary condition without arbitrary measures. Great as had been the evil of the burial-grounds in the metropolis, it was nothing as compared with the present state of the Thames. They all remembered the agitation which arose upon that subject, however, but no remedy was found for years until power was given to the Secretary of State to close the burial-grounds upon application being made to him for the purpose; and the moment that power was conferred, the remedy was speedily applied, and other places were found where bodies could be interred. In his opinion, they required a short Act repealing pretty nearly all the powers which had been conferred upon rival jurisdictions, such as Commissioners of Sewers, Metropolitan Board of Works, and the like, and confer upon some one or more persons to be appointed by the Government all the powers which were necessary for carrying their objects into effect. He believed that an embankment on each side of the river would be essentially necessary; but then it must be accompanied by intercepting sewers, without which an embankment would only increase the existing evil. No one could doubt that the time at which the river was most offensive was at high tide; and he contended that the state of the river must be restored to what it was in former years, if not made better. Why should not the Thames at London be as clear as the Seine at Paris? The only alternative seemed to be that they must consent either to repeated decimations of the population in the hot season, or to a large expenditure of money. He hoped the Government would not spare the metropolis as regarded the expenditure. If the country were called on to contribute any small portion of the expense, by far the greater portion should be borne by London itself, for that enormously wealthy community ought to be able to provide for such an object as the preservation of the lives of its inhabitants. We had now arrived at such a point that we might expect, not simply typhus or cholera, but a second plague, if the nuisance continued. Even if, by the blessing of Providence, we escaped the curse this year, we might not escape it with impunity next year, and we were probably now at the commencement of a cycle of hot summers. If they waited for the production of the Report of the Committee of the House of Commons, it would be tantamount to postponement of the question for another year. Not a day ought to be lost; and if the noble Earl at the head of the Government would take the matter into his hands, supersede Commissioners and Committees, and all rival jurisdictions alike, and appoint some independent power to perform the works which were necessary, he felt confident that he would receive the cordial support of Parliament and of the people.

THE EARL OF HARDWICKE said, that Her Majesty's Government were happy to hear any strong expression of opinion such as that which had been pronounced to-night in favour of legislative action upon this subject. They felt with their Lordships that the case was an extremely pressing one, and the only question with them was, as to the propriety of the course which they ought to pursue in reference to such action. A Committee of the other House was now sitting, not upon the general subject of the drainage of the metropolis, but the actual condition of the river, and he had no doubt that their Lordships would soon be put in possession of the conclusions of that Committee. The real cause of the present state of the river was, he believed, the improvements which were now going on in the metropolis, and in the carrying out of which they appeared to have begun at the wrong end. Any labourer in the country would tell them that if they had to make a drain, they should begin at the lower end; instead of which, in the case of the metropolis, they had begun at the upper end, and had, consequently, made the Thames the main sewer for the whole of

London. The consequence was inevitable, as anybody might perceive who thought about it for a single moment. There was a beautiful system of "scour" in operation in the sewers themselves, by which they were no doubt perfectly cleansed and purified; but inasmuch as they ejected all their filth into the Thames, that river was converted into a most abominable ditch. The Thames now held in solution the whole of the sewage discharged in the metropolis; the gaseous matter flowed along with the river, and at high water the state of the atmosphere was worse than at any other time of the tide. The state of things was such that the speedier the action in providing a remedy the better it would be for the metropolis; for without pretending to be an authority in reference to the effect of these pernicious gases upon the human system, he did fear that typhus fever must be the result of its longer continuance. He ventured to say that there was only one mode of dealing with this question, and that was—at a very large cost indeed—to carry the sewage by the shortest possible route to the sea. Any system that might be adopted for the construction of large cesspools would, in his judgment, be utterly worthless. The materials which those cesspools would contain would be of no value whatever to agriculture; and he confessed that he saw no other measure that would be effective than that of cutting off the mouths of the sewers which now discharged themselves into the Thames, and constructing, at a cost of £3,000,000 or £4,000,000, one enormous sewer, that should carry the whole of the sewage matter of London into the sea. Do that, and the river would speedily resume the purity and healthfulness of former years. In putting forward these views he must be understood as giving expression only to his own individual views; and he might be permitted to add, that the outlay to which he had just referred must be looked upon as one which would be conducive, not solely to the advantage of the metropolis, but of the country at large.

Earl GRANVILLE said, he was glad to find that the noble Earl was prepared to bear testimony to the enormity of the evil which the present state of the Thames involved. He regretted, however, that the noble Earl, instead of confining himself to a statement of his own individual opinions as to the best mode of getting rid of that evil, had not informed the House what the steps were which the Government proposed to take with that object, and he trusted that at the next sitting of the House Her Majesty's Ministers would be in a position to state how it was they meant to deal with the all-important question under discussion.

Lord CAMPBELL said, he had been exposed to very serious inconvenience and annoyance from the state of the river when sitting in the court over which he had the honour to preside. In fact, proceedings in Westminster Hall could not be carried on without danger alike to witnesses, attorneys, counsel, and Judges; and if the present state of things continued much longer it would become necessary to remove the law courts either to Oxford or St. Alban's. There were no powers which the Government could ask which he would not be prepared to grant them in order to enable them to get rid of so great an evil.

Lord PORTMAN said, that owing to an arrangement which had been carried into effect within the last few years, 82,000,000 gallons of pure water were taken out of the Thames per day; that before they were poured back into the river again they had to pass through all the waterclosets in London; and that, therefore, while such a process continued, it would be no easy matter to restore it to its former state of purity. It was, however, he contended, absolutely necessary that some steps should be taken in order to abate the evil complained of, and that object could, he thought, be best effected, not by a Commission consisting of many persons, but by intrusting the matter to the hands of one person, or as few persons more than one as possible. These persons should institute a thorough investigation into the subject and prepare a comprehensive plan to be submitted to Parliament. Four or five millions of money could not, of course, be laid out upon any project of that description without the supervision of Parliament; but the Government would, he trusted, at once procure the sanction of the Legislature to a measure enabling them to appoint some small number of persons whose duty it would be to prepare a plan for the purification of the river, and to submit it immediately to Parliament. He did not believe, as seemed to be the opinion of some noble Lords, that we were on the eve of a great calamity owing to the present state of the Thames. The stench which arose from it was, no doubt, most offensive and

prejudicial to health; but nothing, he thought, could be more dangerous than to spread a panic among the inhabitants of the metropolis by magnifying the evil. He hoped some medical men who were conversant with the subject would take steps to remove the fears which an undue alarm was calculated to create.

THE MARQUESS OF SALISBURY agreed with the noble Lord (Lord Portman) in thinking that nothing could be more injurious in the present state of things than the dread of a panic, or the public being led to believe that a pestilence was at hand. Whatever measures were now adopted for the purification of the Thames, they could not be immediately productive of the results all were so anxious to see brought about. But the subject was one of most serious importance. It was only three years ago that the General Board of Management for the metropolis was appointed, and since that time new sewers had been in course of construction all over the metropolis, the contents of which had been discharged into the Thames, and unfortunately converted into its present filthy condition. He could assure their Lordships that the nuisance had not escaped the notice of the Government. On the contrary, it had been, and it now was, under their serious consideration. A Committee had also been appointed in the House of Commons, with their approval, to investigate it, and he hoped the Session would not pass away without, at all events, their perfecting a scheme to be hereafter submitted to Parliament.

EARL GREY said, he thought the speech of the noble Marquess was calculated to create the impression that all effectual remedy for a nuisance which had now become of great magnitude would, so far as the Government were concerned, be indefinitely postponed. The noble Lord (Lord Portman) seemed to think it was dangerous to lead the public to suppose that a pestilence was imminent; but more dangerous still was it, he (Earl Grey) should contend, to under-estimate the extent of the evil which their Lordships were engaged in discussing. The noble Marquess had observed, that the subject was not a new one; but he would ask their Lordships whether they ever before experienced so much inconvenience from the stench from the river as at present? He was sure, that if any noble Lord would take the trouble to go into the library of the House, he would find that he had never smelt such a smell as would greet him there before. It was impossible that such a stench should not be exceedingly dangerous; and yet they were told that they must wait for a remedy until a Committee of the House of Commons had reported on a plan. He concurred in the remark of the noble Lord (Lord Portman) that the only way in which the subject could be effectually dealt with, was to place the matter in the hands of two or three men, and to invest them with sufficient power to act in a decisive manner. It had indeed been said, that no money ought to be laid out upon any project of the kind without the supervision of Parliament; but if their Lordships were to wait until a scheme should be devised, which should be discussed by everybody, the result would be, that not only the present Session, but many more, would have passed away before any satisfactory conclusion would be arrived at. The course which, in his opinion, ought to be taken, was to appoint two or three men of great professional eminence—such, for instance, as Mr. Stephenson—to give them authority to prepare, not a plan, which should be the mark for every sort of attack from every sort of rival projector, but one which they could act upon, and for which they, at all events, would be responsible. If some measure enabling the necessary works to be commenced forthwith were not passed during the present Session, the omission would, he thought, reflect great disgrace both upon Her Majesty's Government and upon the Legislature. A short and simple Bill, giving such powers as he had indicated—always, of course, subject to the control of Her Majesty's Ministers—would therefore, he trusted, be passed before the Session terminated.

LORD REDESDALE said, that supposing the plan of the noble Earl (the Earl of Hardwicke) were the correct one—namely, to take the whole of the sewage of London direct to the sea, before any such arrangement could be carried out there must be a considerable expenditure both of time and money. He agreed in the propriety of much that had fallen from the noble Lords opposite as to the desirability of putting the matter into the hands of some person, if any engineer of sufficient eminence would undertake the task. Whoever came forward, however, would have to throw himself, like Curtius, into the gulf, and he must expect to find himself excessively abused. This was a ques-

tion which not merely affected London, but all other towns. The condition they had brought London to was rapidly becoming that of every other town. Nearly all the rivers and water channels in the country were being rendered impure; and unless this question was taken up generally, and a new system adopted of getting rid of the filth of towns, there was no telling what the consequences might be. He might state what had occurred this year with regard to Manchester. In Manchester the inferior classes of houses were cleansed by means of cesspools and local arrangements, which, he was informed, were admirably managed. There was a Bill before Parliament connected with that town. It was a Water Bill, and in all such Bills there were certain provisions which he might almost say were stereotyped; and which obliged the promoters of the Bill to insert clauses, the effect of which would be to make every house in Manchester have a watercloset. The local authorities came before him, and distinctly said that any system of that sort would be prejudicial from the manner in which it must pollute the river; that at present all the filth was removed through the act of the corporation without nuisance, and that Manchester was healthy as compared with other large towns. He said he could not take upon himself the responsibility of placing them in a different position from other towns on their own representations; but, if they would put in the Preamble of the Bill a statement that such was the state of things, and prove those facts before the Committee, he would raise no objection; but he had since been told that the Committee of the Commons would not hear of the provisions of the Bill being different from those of other towns. It might be all right, but he believed that the system of turning all the filth from the sewers, into the watercourses and rivers, would produce in the country evils similar to that which now afflicted London. From having local Bills brought before him, he knew that this evil was spreading. He had had complaints from various districts; there seemed a general desire to get rid of the filth of towns, with a general inability to accomplish the object in any other way. He believed that one of the causes of the increased impurity of the Thames had been the taking away of old London Bridge, and getting rid of the dam which that bridge made. Before that was done, the stream continued to run out much longer than at present, and the tidal water being kept back at the dam for some time, much filth settled below bridge before the tide flowed above it, and was swept far down at the next ebb. Now, the tide flowed quickly a long way up the river and brought back all the impurities. He thought that the expense of the drainage of London ought to fall solely on the district. When they remembered the enormous works now being carried on in all the provincial towns for the improvement of those towns, which did not ask for one sixpence of the public money for those improvements, and would not get it if they did, surely they would not look to any other source than the wealthy metropolis for the expenses of its own drainage.

Lord EBURY said, he was exceeding glad that the noble Lord (Lord Redesdale) had called attention to this point, because it was not London only, but a great many other towns in the kingdom were suffering from the impurity of the rivers, which were polluted with drains. Two or three years ago a Nuisance Removal and Prevention Bill was recommended to the House of Commons by a Committee, which sat for a long time and entered into a variety of details, and in that Bill a clause was inserted that no manufacturer should be allowed to discharge the offensive matter produced in the manufactory without using the best-known remedy for rendering the matter so discharged innocuous. With regard to gas, there were stringent provisions in the various Gas Acts to prevent the discharge and the refuse, and if the House would, in the next General Health Bill, insert a similar clause with regard to other manufactories, they would do a great deal to remedy the evil they were now complaining of. Until within the last ten or twelve years they had Commissioners of Sewers for the various districts of London, whose duty it was to prevent any one turning filth into the sewers; but the Legislature chose to insist on a different system being adopted; and now, instead of no private individuals being allowed to drain their houses into the sewer, they were all compelled to do so. They must not blame the local authorities too much, because it was only lately that this system had been adopted, and it was Parliament that had compelled them to adopt it. With regard to the Board of Works, he did not think any persons could have been more laborious and painstaking than the gentlemen com-

posing that Board had been. They had examined plans and consulted engineers, and they went to the late Government and said, "If you will give us a little assistance by a guarantee, so that we shall not have to borrow money at a ruinous interest, we can proceed at once." But the Government had not acceded to that request. Whether the scheme of the Board of Works was the best or not he could not say, but he thought if the report of the Commission were carried out, it would give satisfaction; and if the two schemes could be combined it would be advantageous. He thought, that by embanking the Thames, and allowing the people free access to the banks of the river, they would do more to promote the health of the metropolis than by any scheme of public parks.

Lord WYNFORD said, that pestilential as were the gases from the sewage that flowed into the Thames, they were not so pestilential as those noisome trades which were carried on at the other side of the river, and with which there was no interference on the part of any municipal authority.

Lord DE ROS said, he thought much good might, without a very great delay, be effected by carrying down the sewers from high to low water mark. It was admitted that any system of carrying off the sewage of the metropolis by another course than the Thames must involve the spending of a considerable time in the construction of works; and he was of opinion, that the existing evils might, in the meantime, be much mitigated by the plan which he had just mentioned.

The Earl of MALMESBURY said, he was very much obliged to the noble Lords who had brought this subject under the notice of their Lordships. Noble Lords on the opposition side of the House seemed to think that Her Majesty's Government had been asleep; but he had to mention this fact, that no less than eighteen months ago the Chairman of the Metropolitan Board of Works addressed a letter to the late Chancellor of the Exchequer, suggesting that the Government, of which that right hon. Gentleman was a Member, should assist, with their security, in raising a sum of money for the purpose of remedying the evil which was now complained of. That letter was dated in January, 1857; but from that till the present day, the Chairman of the Metropolitan Board of Works had never received the slightest answer.

Lord STANLEY of ALDERLEY said, that after the receipt of the letter alluded to by his noble Friend (the Earl of Malmesbury) the First Commissioner of Works in the late Government appointed an engineer to examine the plan of the Metropolitan Board of Works. Another more comprehensive plan was subsequently suggested, and was under the consideration of the late Government at the time they retired from office.

The Duke of BUCCLEUCH said, it would be convenient if the Government stated their intentions with respect to this matter on an early day next week.

House adjourned at Seven o'clock, till To-morrow, Half-past Two o'clock.

HOUSE OF COMMONS,

Friday, June 25, 1858.

Minutes.] Public Bills.—3° Commissioners for Exhibition 1851; Railways Act (Ireland) Continuance; Portendic and Albreda Convention.

OUTRAGE AT BELGRADE.—QUESTION.

Mr. DUFF said, he wished to ask the Under Secretary of State for Foreign Affairs whether any detailed account of the recent events at Belgrade has been received by the Government; and if so, whether he has any objection to state the substance of it to the House?

Mr. SEYMOUR FITZGERALD said, the Government had received further information on this subject since a similar question was put to him a short time ago. It appeared that Mr. Consul Fonblanque was, as usual, taking a walk on the ramparts, and, happening to sit down on a wall which skirted them, he was spoken to by a Turkish soldier in the fortress above, warning him to go away. Mr. Fonblanque, knowing that he had a right to be there, pointed to his cab, which bore some sort of Consular badge, and called out that he was the English Consul. He thought nothing more of it, but a short time after, the Turkish soldier having left his post, and given his musket to the sentinel at the gate, attacked Mr. Fonblanque with his sabre and a heavy stone, and inflicted on him great injuries. So severe were these that he was confined to his bed, and had since been obliged to apply for leave of absence to obtain medical aid, and to take the benefit of the waters. The Turkish

Government had not only shown a cordial desire to give every satisfaction for this occurrence, but had manifested a determination to probe the matter to the bottom, and to punish the offender. It was plain that this feeling was not confined to the soldier himself, but was shared in by his comrades, for an attempt was made subsequently to cut down the flag at the Consular residence. The Turkish Government was now instituting a most searching inquiry, and no doubt the result would be the detection and summary punishment of the offenders.

SCOTTISH UNIVERSITY BILL.

COMMITTEE.

Ordered,—

That the Committee of the Whole House on the Universities (Scotland) Bill have leave to sit this day till Four of the clock, and to report at Six of the clock.

House in Committee.

Clause 1, (which provides for the union of King's and Marischal Universities and Colleges in Aberdeen.)

COLONEL SYKES moved the omission of the words "and Colleges," with a view to prevent the union of King's College and Marischal College, Aberdeen, so far as it involved the fusion of the two Faculties of Arts. Such a union was opposed to the design of the founders, and would violate the spirit of many of the collegiate bequests. Marischal College was founded 100 years after King's College to provide for the wants of the citizens of new Aberdeen, who had from time to time made considerable additions to its endowments, and had only recently contributed £8,000 to renew its buildings—the one College accommodated Old Aberdeen, which was little more than a village in population, but the College was much frequented by students from the northern counties; the other continued more specially to accommodate New Aberdeen, now a city in population, and both had always succeeded in carrying out the objects for which they were founded. Several attempts had been made in past times to unite the two Colleges into a University, but such attempts had always failed, because they were dictated by the same spirit that animated the supporters of fusion in the present Bill. They proceeded upon the principle that, in addition to the union of the other Faculties in both Colleges, the Chairs of Arts in one of the Colleges should be suppressed; and the consequence was, these proposals had invariably prevented the union of the two Universities—a very desirable measure. The whole north of Scotland, with the exception of some fifty to seventy persons, and who could not venture upon a public meeting, had petitioned against the Bill, and in one of the petitions it was stigmatised as a "wanton violation of the plainest vested rights" of the two Colleges. This was strong language, but it was perfectly justifiable. None of the endowments had ever been misapplied. There was not the slightest pretence for saying so; and there could be no doubt that any interference with them would be seriously detrimental to the interest of the public, particularly to poor students for whom there were above one hundred small bursaries in Marischal College. The object of his Amendment was to establish one University with two Colleges. In favour of the other scheme, a complete fusion of the two Colleges, there were only some eight or ten professors who had personal interest at issue and fifty or sixty inhabitants of the whole district. The Graduates of both Colleges, Kings and Marischals, had repeatedly and unanimously, in public meeting assembled, declared strongly against the fusion. The Principal and five senior Professors of Marischal College were opposed to it; the three newspapers of Aberdeen, although differing in interests, were all as one on this question, and strongly against the fusion; the clergy of all denominations, without exception, over the whole north-eastern counties took the same view, and every public body, had passed resolutions in favour of maintaining the two Faculties of Arts—and the proofs of these assertions were established by the petitions he (Colonel Sykes) had presented to the House. Was there any pretext, therefore, was it justifiable even to assert that this was a mere local prejudice or an unenlightened opposition to a useful measure? There was no public advantage to be gained. The fusion outraged the feelings of all the inhabitants of Aberdeen and the North East of Scotland, and he was at a loss to know what could be the learned Lord's motive for insisting upon his own views in opposition to such general manifestations. The citizens of Aberdeen, with very few exceptions, the meetings of the Commissioners of Supply of the north-eastern counties, the Provincial Synods of the Established, Free, and United Presbyterian Churches, the Advo-

cates of Aberdeen, and other public bodies, had passed strong resolutions against the proposition of the learned Lord. The resolutions of the committee of graduates and Alumni of King's College—the constituency of the learned Gentleman in his capacity of rector of that Institution, contained this passage :—

"That the committee are decidedly opposed to those clauses of the Lord Advocate's Bill which in any way interfere with the separate and independent existence of King's and Marischal Colleges, as emulative schools in the Faculty of Arts, or with the application of trust funds belonging to those Institutions."

If the learned Lord were indifferent to the wishes and feelings of the people of Aberdeen and the North East of Scotland, would not the wishes of the learned Gentleman's own constituents have some weight with him ? Did the learned Gentleman desire to make waste paper of a Royal Charter, to violate the law when he should be the conservator of the law ; to confiscate private endowments which had not failed in their objects, and to outrage the feelings and wishes of the intelligent inhabitants of a large city, and generally of the population of the north-east of Scotland, and substitute his *sic volo, sic jubeo* for reason and justice ? He could not believe that the learned Gentleman has any such view or determination, and in case he had, he felt assured that a majority of the Commons of England would not give him their support. He therefore, with confidence, moved that the words "and Colleges," &c. be omitted.

Amendment proposed in page 1, line 14, to leave out the words "and College."

SIR WILLIAM DUNBAR rose to oppose the Amendment, and said, Sir, having expressed my sentiments very fully upon this branch of the subject on the second reading of the Bill, I will endeavour to be as brief as possible. In dissenting from the Amendment of my hon. Friend the Member for Aberdeen, I would remind the Committee that the question of the union of the two Aberdeen Colleges is no new question—on the contrary, it is one which forced itself upon the public mind, and the attention of the Government of that day, so far back as 1640, within a few years after the foundation of Marischal College ; and although, in the interval of more than two centuries, some nine or ten proposals of settlement have been propounded, yet it would seem that, without the intervention of Parliament, a satisfactory solution of the question is as far off as ever. Sir, it appears to me that, among the many changes which have been suggested, the only mode of settlement which can be considered satisfactory is that which provides for the entire union of the two Colleges, whether as to property and goverment, or as to instruction and discipline—and for this reason, because such a union affords the best guarantee for the better application of the existing funds of the two establishments, by consolidating the management, by abolishing unnecessary professorships, and by supplying existing deficiencies, and thus extending the means of effective teaching. Now, Sir, it will no doubt be asked, what are the disadvantages of the present state of separation, which it is so desirable to correct ? To that question my answer is, that as separate establishments the two institutions do not afford a complete course of academical instruction even in the faculty of Arts, and certainly not in any of the higher branches of science ; and, however much disposed, they are not in a position from their own resources, to introduce the necessary improvements. Each College is deficient in certain professorships which the other possesses. In both, certain chairs which are essential are wanting—and I believe that at least one or two chairs are mere sinecures. The actual state of the two Colleges is thus described in a letter which I hold in my hand.—[Sir WILLIAM here read an extract from a letter pointing out the existing defects.]—Such is the present condition of the two Aberdeen Colleges. It is certainly one which, as is truly said by the writer of this letter, is not creditable to the age in which we live ; and the question, therefore, for the Legislature to decide is—"Shall such a state of things be allowed to continue—and if not, how is it to be remedied ?" Now, there are only two ways in which an effectual remedy can be applied. Either the two Colleges must separately be fully equipped and thus enabled independently to realise the objects for which they were severally founded, or a complete union of the two imperfect Colleges must be effected and a university established, complete in all the faculties, and suited to the requirements of the time. To the former of these plans I imagine that Parliament cannot be expected to assent, because it would involve a needless expenditure of public money, and the wants of the country do not require it. Accordingly no parties have ventured to make such a demand, though the ground

which many of them have taken up would necessarily lead to it. The other plan — which is the plan embodied in the Bill—is the object of vigorous opposition in Aberdeen and the surrounding districts, and is condemned, along with its supporters, in no measured terms—but has my learned Friend the Lord Advocate acted unwisely in embodying that plan in the Bill because it is so condemned? I for one do not share in that opinion. Sir, we can have no higher authority to appeal to on this subject than the Royal Commission of 1857. That Commission consisted of my hon. Friend the Member for Perthshire, and two other gentlemen, than whom, whether in point of literary attainments or in any other respect, there are no three persons, in Scotland at least, more competent to pronounce an authoritative and reliable opinion upon such a subject. They had before them every scheme which had been previously suggested, and every information that could throw light upon the subject matter of their inquiry, and after the fullest consideration they came to the deliberate conclusion that a complete union of the two Colleges was not only free from the objections to which every other plan was liable, but it was entitled to a preference, "As being best calculated speedily and effectually to remedy the existing defects, and secure the full future benefit of combined and harmonious action. The entire consolidation of funds for which it provides affords the surest guarantee for their beneficial application, whether by suppressing superfluities, or supplying deficient professorships, by increasing the emoluments of those inadequately endowed, or extending the means of effective teaching by augmenting the required apparatus. This plan also holds out the best prospect of a speedy termination of those unhappy jealousies and dissensions, academical or personal, which can hardly fail to recur so long as the Colleges remain separate, but for which it is difficult to see what cause or opportunity could remain, were the now antagonistic bodies and their interests completely blended and united in the mode here contemplated. The Committee will thus observe that in these two or three short paragraphs, the Commissioners refer to the defects which require to be remedied—the remedy which would be most efficacious—and the advantages direct and otherwise that would flow from it. But not satisfied with that unequivocal expression of opinion, the Commissioners proceed to fortify that opinion by a weight of authority which cannot fail to command the respect of every unprejudiced mind. "It is also no slight argument (say they) in favour of this complete and comprehensive mode of settlement, that on so many occasions during the past century it has been promoted or sanctioned by those public bodies, and leading members of the community, who were most nearly interested in the question, or best qualified by their position and attainments to judge impartially of its merits, by the Commission of 1826, by the Member for the city, Mr. Bannerman, in his Bill of 1835, and by the Commission of which he was a member, appointed in the ensuing year, by the two Colleges conjointly in 1754 and 1854, and in the latter year by the Provost and Town Council, by Mr. Thomson of Banchory, now convener of the county of Aberdeen, by Mr. G. Thompson, then M.P. for the city, by the Government of Lord Aberdeen, and personally by the distinguished nobleman as Chancellor of King's College." Well, Sir, with such a weight of testimony before him in favour of complete union, so far from being surprised at the course my learned Friend, the Lord Advocate has taken, I should indeed have been surprised if he had not dealt with the difficulty in the only way in which it can effectually and permanently be dealt with. But, Sir, I understood my hon. Friend, the Member for Perthshire, the other night to say that, yielding to the pressure of local feeling, which, let me remind the House, has fluctuated from year to year, now for and then against the plan of union, he had felt himself obliged to a certain extent to modify his original views; at the same time, he gave the Lord Advocate a friendly warning that "if any Commissioner were sent to the north to carry the provisions of the Bill into effect, he would have to be backed by at least something more than moral force." Now, if I did not know that my hon. Friend is the last person in the world who would or could be influenced by such apprehensions, I should almost have imagined that a presentiment that he might be the unlucky envoy accredited with so dangerous a mission had had something to do with his change of opinion. But be that as it may, while I do not wish to undervalue the strength and sensitiveness of local feeling, I cannot help expressing my belief that if this Bill were passed, such are the advantages which it confers, that anything like

hostile feeling would soon subside, and under any circumstances, I am of opinion, that it is the duty of Parliament, when voting money from the public purse for the improvement of the academical institutions of Scotland, to deal with a question of such importance not on the narrow basis of local convenience but on the broad ground of national benefit. Having said this much upon the expediency of the union of the two Colleges, I will now proceed to make a few brief remarks upon the objections which have been urged against the union both in and out of the House. The first and principal objection is, that the union is tantamount to a suppression of Marischal College. That is an objection which might with equal truth apply to King's College; but as it is one which is calculated to make an impression upon persons who are ignorant of the details of what is proposed, I would ask where, within the compass of this Bill, there is to be found any evidence whatever of an intention to suppress either College, or the one College more than the other. On the contrary, I find that by Clause 21, the Commissioners who are to be appointed under the Bill to carry its provisions into effect are required to have special regard to the reports of the University Commissioners under previous Commissions; and the proposal made by those Commissioners, as I understand it, is to divide equally between the two Colleges the four faculties of which the University will consist. But then it is said that besides the two faculties to be assigned to each College, Marischal College ought or has a claim to be secured in a full Faculty of Arts ; and why should it be so ? To endow two complete Faculties of Arts within the same university would require a considerable expenditure of public money, whereas by uniting the two faculties, after providing the necessary endowments, a considerable annual surplus would remain for the endowment of other chairs in the University. Again, it is said that by combining the faculties, the classes will be too large for effective teaching. To that objection my answer is that they will not be so large as the corresponding classes in Edinburgh and Glasgow, that the Bill provides for assistants to those classes which may require it. This will enable the Professor to arrange his class, and to teach all his pupils thoroughly, instead of being compelled, as he now is, to adapt his instructions to the average attainments of his pupils. Another objection is one which I can hardly regard as a valid objection to a measure of great public importance. It is that a distance between King's College and Aberdeen is inconveniently great. Now, I am informed that the distance is less than a mile—that many of the students of King's College live from choice in New Aberdeen—and that the sons of those citizens of Aberdeen, who hold bursaries at King's College, find it no inconvenience, and that not a few of those who are among the most active opponents of the Bill, professedly on this ground, have actually been in the habit for some years past of sending their sons to a school in the Old Town, nearly a quarter of a mile beyond King's College. It would be easy so to arrange the hours of teaching as to prevent more than one journey to and fro daily. Besides all this, I am told that only one-third of the students at Marischal College are natives of Aberdeen. With regard to the objection which is founded upon the assumption that the expense of education will be so increased as to deter many from entering the University—all I have to say is that the power of regulating the course of study, and the fees, is left with the Commissioners, and subsequently with an independent University Court, who will doubtless adapt their regulations to the means of those classes which are intended to be benefited by the University. Another, and a farther ground of opposition to the Bill is, that it is supported chiefly by those Professors who expect or intend to derive the benefits that may be expected to accrue from the suppression of certain of the Professorships. My answer to that objection is, that between the Professors and the intention attributed to them (if it does exist), the Act interposes the Commissioners, one of whose special duties it is to see that the funds of the University are properly appropriated. Then another and a very favourite argument is, that the two Colleges ought to be maintained to keep up what is called a spirit of competition. Now, if to underbid each other in the matter of university privilege, and so to lower the standard of qualification and education, is a species of competition to be desired, then I believe I am right in stating that such a competition, if no other, does exist—but I, for my part, am of opinion that, instead of keeping up a spirit of jealousy and rivalry with each other, it were better far to encourage the two Colleges, combined as the University of Aberdeen, to enter on the less ignoble field of rivalry with

the other Universities of Scotland. With regard to the principle of union advocated by my hon. Friend the Member for Aberdeen, I feel bound to say that it is not easy to discover what it is that he precisely aims at. On the one hand, by his Amendment on Clause 1, he would exclude the Commissioners from meddling with the funds of Marischal College, for university purposes, while on the other hand, his Amendments on Clause 16 would imply that they were at liberty to interfere with its internal economy, and therefore with its property. I can only say that his plan of union would not effect the objects he has in view, but as I cannot express my sentiments on this part of the subject in more forcible or intelligible language than the Royal Commissioners, I will conclude my remarks by quoting their words, which are these :—

"A union merely for what are called university purposes may safely be set aside, as providing no substantial remedy for the practical disadvantages of the present system. It lops off no superfluities, supplies no deficiencies, secures no improved application of the existing funds, while the injurious effects of the present academical rivalry would perhaps be aggravated rather than mitigated on the new arena provided for its exercise. It is not probable that two bodies, animated by separate feelings and interests during the rest of the year, would act with the cordial harmony essential to secure impartial and judicious measures, when called together, once annually, to legislate on the points on which those feelings originated."

Sir, I have not a word to add to the opinion so clearly expressed by the Commissioners, and I shall, therefore, give my cordial support to the Bill at it stands.

MR. GRANT DUFF said, his hon. and gallant Friend the Member for Aberdeen (Colonel Sykes) had dwelt at so much length upon the strong feeling which prevailed in Aberdeen and in many districts of the north-east of Scotland upon the subject, that he would not further allude to it. He would confine himself to utilitarian arguments. The hon. Gentleman then proceeded to point out the great and growing inconvenience which would be felt by the citizens of Aberdeen if they had to send their children from the furthest parts of the City to King's College. It was not, he urged, intended to keep separate the higher classes, the Faculties of Medicine, Law, or Theology. These classes were attended by young men who could with great propriety live alone in lodgings, as in the German Universities. It was, however, undesirable that the good Scotch custom of boys from fourteen to seventeen attending the junior classes of the University while they lived with their parents should be in any way disturbed. Again, while he was quite ready to admit that there must always be a contemporary authority which may review and redistribute, if need be, the funds of educational endowments, he could not view with approbation the diversion from the uses to which it was intended of the large sum of £7,000 or £8,000 which had been contributed by persons, of whom many were still living, towards the new buildings of Marischal College. The existing system, he was free to admit, was very bad. The competition of the rival Universities kept down the standard of education ; but this could not be said of two Faculties of Arts, which would act on each other exactly as Trinity acted on St. John's at Cambridge, or Balliol on Christchurch at Oxford. Such competition did simple good. A healthy emulation was excited, and the students became "rivals in renown." There was another aspect of the question, which seemed to him of great importance. The competition of the Colleges kept down the fees. Now, many of the English and all the Scotch Members present were doubtless aware that a large portion of the students, more especially at King's College, were very far from well off. Not a few actually supported themselves during the vacation by manual labour. To such persons the addition of a pound or two to the sessional fees would be a sad misfortune. It might be said that a Commission would regulate the fees. This was true ; but how long would their regulations remain unchanged ? The Professors were, he was well aware, both just and generous ; but in the long run their interests might, if they were under the ordinary laws of human nature, be expected to prevail, and how were they to be opposed ? who were their opponents ?—the scattered peasantry of the north of Scotland, without organization and without influence. It was said by some of the supporters of the fusion scheme, "If you unite the incomes of the professors in the Faculties of Arts in the two Colleges, you will attract to Aberdeen men of greater eminence than you now succeed in attracting." He (Mr. Grant Duff) very much doubted this. Any one who knew the present state of Oxford or Cambridge—the present Member for the University of Oxford (Mr. Gladstone), who sat opposite,

could set him right if he was about to make an erroneous assertion—was perfectly aware that, if you went into the "learning market" and offered salaries of £400 a year to young men of twenty-five or twenty-six, with a good position and work for only five months out of the twelve, you would get very much the same men as you would get if you offered twice that sum. What was the state of things even now? Why, at Marischal College you had Professor Maxwell, one of the most distinguished Cambridge men of his day; and only a year or two ago, an Oxford man, whose position in his own University was not inferior to Professor Maxwell's, was an unsuccessful candidate for the Greek Chair at King's College. Let the salaries of the Professors be raised by all means. He (Mr. Grant Duff) would only be too happy if every professor in Scotland had £1,000 a year. But let them be raised in another way. The Lord Advocate might rest assured that, if the position of the Scotch Universities was elevated—and elevated it assuredly would be if this Bill passed, amended as he hoped to see it amended—many large sums of money which were now applied to the erection of such buildings as Donaldson's Hospital would be applied to augment professorships, to found fellowships, and to endow new chairs. Let the learned Lord think of the Dick Bequest, and trust to Aberdeen, Banff, and Moray. Let him yield in a matter which, important as it was to the people of Aberdeen, could not be to him (the Lord Advocate) a very important matter. Let him remember that, if the arrangement proposed by Colonel Sykes did not work well, it could at any time be altered; and let him reward those who were willing to go with him three-fourths of his journey by not compelling them to go the remaining fourth against their inclination.

LORD HADDO said, he was unable to ascertain what public advantage was to be gained by the union of the colleges of Aberdeen. He was told that some amount of money would be saved by that provision, but he believed that the saving would be utterly contemptible. At all events, he should like to have been informed of the amount which it was thought would justify them in setting at nought the united wishes of a whole district of Scotland. The county of Aberdeen contained one-seventh of the whole population of Scotland, and contributed three-fourths of the students who were educated at the Universities of Aberdeen. That county was almost unanimous in its opposition to this provision. Not only the landowners and commissioners of supply, but the clergy also, who were well qualified to speak upon this subject, were of opinion that this clause would injuriously affect the interests of education in the North of Scotland. The opinion of one of the Royal Commissioners was also entitled to respect, and he in his place in Parliament had expressed his objection to this obnoxious provision. These Universities were ancient institutions, which for centuries had conducted education in that part of the country. Both were capable of giving instruction to the students who resorted to them, and of granting degrees, and the maintenance of those two institutions in a state of complete efficiency and independence was an object which was cherished with the strongest anxiety in that part of the country. The provision with respect to the union of the two colleges of Aberdeen did not affect the principle of the measure, and might be left for future consideration, and he was sure, if the learned Lord Advocate would waive that portion of the Bill, and would be content for the present with the union of the two Universities, his acquiescence in the general wish would be received with universal satisfaction.

LORD ELCHO looked upon the Bill as a great boon to the people of Scotland, and thought that they were indebted to the learned Lord for the pains which he had taken with a measure which must be regarded as both comprehensive and liberal. The question involved in the first clause could not be isolated from the remainder of the Bill, although at first sight it might appear to relate to Aberdeen exclusively; because it must have an influence upon the amount of the Parliamentary grant. If it were unnecessary, as he contended, to maintain double classes in Arts in the two Colleges, to do so was *pro tanto* to starve, not only the other classes in Aberdeen, but the other Universities, and they would consequently be called upon *pro tanto* to increase the grant. The Bill was founded in its main particulars upon the able Report of the Commission of 1830, which had been presided over by the Earl of Rosebery. The Commissioners stated that the propriety of uniting the two institutions into one University had, at a very early period, been the subject of their serious

consideration, and that they had arrived at the conclusion that it would be highly expedient that a union should take place; for they believed that by such a union the system of instruction might be rendered more extensive and complete. They then went on to recommend an entire union of the Colleges, as well of the Universities, and in every case they proposed that there should be one professor in each Faculty. As he understood the hon. and gallant Gentleman opposite (Colonel Sykes), he was willing to admit a union of the two Colleges in respect of the Faculties of Theology, Law, and Medicine, and proposed that they should be separate only as regarded the Faculty of Arts. He thought it might answer the views of all if Latin, Greek, and Mathematics were taught in duplicate in both Colleges. When a Member of the Government of Lord Aberdeen, he had been desired by the noble Earl to go down to Aberdeen, and ascertain what was the possibility of effecting this union of the two Universities and Colleges. He had gone there, and put up at an hotel, the sign of which was "The Union," which he took for a good omen. Having heard of the objection about the distance of the two Colleges, he thought it right to ascertain for himself; so he set out to walk from New Aberdeen to King's College, and was quite surprised to find himself there so soon and so pleasantly. When on the way, he had talked with several of the students, and found that they made no difficulty about the matter. He had seen a great many parties who had taken an interest in the question, and he came away with the impression that a union of both Colleges and Universities, providing two or three duplicate chairs, might be carried out with the general assent of the people of Aberdeen. On his return to London he had embodied his views, and had sketched out a plan for the union in an official letter, which was sent down to Aberdeen in answer to a memorial from the Town Council to the Government desiring that a Bill might be introduced; but it appeared that a sudden change had taken place in public opinion there, and his scheme was disapproved by the local authorities. Lord Aberdeen, of course, then washed his hands of the matter altogether. The real cause of the difficulty in carrying out this beneficial proposition was the local jealousies of Old and New Aberdeen. He denied that public feeling in Aberdeen and in the north of Scotland was so unanimous or so deserving of consideration as had been represented. It might be quite true that the feeling at that moment, in the year of grace 1858, and in the present month of June, was strong and united, but was there any certainty that it would continue so? It was a curious vacillating thing this public feeling of Aberdeen, at least as represented by its leading men and public bodies. There were gentlemen in Aberdeen—gentlemen of great intelligence—and whose opinion was deserving of the highest respect—whom he had supposed, on the occasion of his visit, to be entirely in favour of a union to a greater or less extent, but whom he found now taking the most active part against any fusion. And as for the Town Council, he had been furnished with a striking account of the way in which that body had changed its views. The noble Lord then read a series of extracts from Resolutions of the Town Council, beginning in 1854 and ending in May last, showing considerable diversity of opinion at different times. Some such plan as he had proposed would, he thought, be found advantageous; but, if that could not be got, he hoped the House would pass the measure introduced by the Lord Advocate.

Sir JAMES ELPHINSTONE wished to add his testimony to that of the noble Lord (Lord Haddo) as to the strong feeling in Aberdeen against the fusion of the two Colleges in question. The general feeling in the country was also strongly against the proposal.

Mr. ELLICE (Coventry) said, that although he had not the honour of being a Scotch Member, he was a Scotchman, and had, though he feared unworthily, received the degree of M.A. from the Marischal College. He should, indeed, be ungrateful for the instruction which he received under the excellent teaching of Dr. Brown if he did not stand up in defence of that College. The people of the north of Scotland were shrewd enough, and might, he thought, be allowed to understand their own business. They did not want the advice either of his noble Friend (Lord Elcho) or of the hon. Gentleman below him (Sir William Dunbar). The noble Lord had been in Aberdeen in a sort of dilletanti character, had enjoyed a pleasant walk, and got some information from the boys on the road. It was, he presumed, summer when the noble Lord was there. But he would have found the walk rather more unpleasant if, as the students were com-

pelled to do, he had to take it twice a day in the five winter months, the period of the session, which lasts from November till March. A union of the two Universities might be a step in the right direction; but a union of the Universities did not necessarily involve a union of the Colleges. For his own part, he would not object to the union of the whole of the Scotch Universities as Universities; probably the standard of education would by that means be placed higher, and then a Scotch degree would come to have more value than had hitherto been put upon it. The union of the two Universities of Aberdeen went so far that way, and, therefore, he approved of it; but he must object to the fusion of the Colleges or the swamping of either. He was influenced not by public feeling in this matter, but by a wish to promote education; and, in his opinion, the more emulative colleges they had the better, provided they were maintained in such a state of efficiency as, on the whole, the Aberdeen Colleges had been; but, at the same time, he could not shut his eyes to the fact that the sagacious inhabitants of the city and county of Aberdeen, and the other parts of the north of Scotland, were opposed to the union of the Colleges. He might be allowed to refer to his recollection what these Colleges were, and the kind of education they furnished. Marischal College could then boast of Dr. Brown, who was the best classical scholar of his day; of Dr. Hamilton, the author of the excellent work on the National Debt; of Dr. Beattie, the Professor of Moral Philosophy; Professor Copland; and many other eminent men. And the teaching in Marischal College was of a practical kind, such as could not then, and, he believed, could not yet, be obtained in the great Universities of England. They got not merely the dry abstract study of mathematics. He himself had gone out with the Professor and his theodolite and other apparatus to apply the knowledge acquired to surveying and land-measuring. It was the same in Professor Copland's admirable class. Everything had a practical direction. In this way were reared those enterprising Scotchmen who were to be found pushing their fortune and spreading the fame of their country in every part of the world. He was satisfied that he (Mr. Ellice) and his father between them had seen from the north of Scotland sixty or seventy such men who had prospered in North America. He knew students who lodged at the bakers or butchers of Aberdeen for five months on £10, in order to study at Marischal College, and then returned to work on their fathers' farm during the harvest. A great portion of Aberdeenshire and Kincardineshire during the last two or three generations had been purchased by men who received their education at Marischal College, went to the Colonies, made fortunes, and returned to their country to adorn it. They should take care how they dealt with institutions of that kind. Let them improve this College at Aberdeen as much as they wished; but let them have provision for training young men, the sons of hard-working clergymen and farmers in the north of Scotland, who might go out into the world, earn their fortunes, and return to their native country to benefit and adorn it. He thought, notwithstanding what he said, that the learned Lord was entitled to praise for his efforts to improve education in Scotland. There were great difficulties in the way, which he was willing to allow for; but he thought he ought not to press this portion of his measure, which was not essential, against the strongly-expressed opinion of the people of the north of Scotland. With regard to the general provisions of the Bill, he was adverse to their application, generally speaking, of public funds to local purposes—the Scotch survey, for instance, he thought a lavish expenditure of a large sum of money —but he thought Scotch education had some little claim, and he thought the people of that country were very modest in asking only for £10,000 to improve their national education. At the same time, he wished that vigilance should be exercised over the expenditure of that money, and that no portion of it should be applied to sectarian purposes.

THE LORD ADVOCATE said, he wished to express his gratification that there appeared to be an almost universal feeling in favour of the general scope of the Bill under consideration. With respect to the particular clause before the Committee he was at a loss to understand how the union of the two colleges of Aberdeen could impair the efficiency of the education imparted at the University, or limit the class of students who would resort to it. So far as he could gather there was no opposition to the union of the two Universities of Aberdeen, but with respect to the colleges there appeared to be at all events a division of opinion. The hon. and gallant Member for Aberdeen (Colonel Sykes), following up his present Amendment, proposed to keep the property and funds and revenues of the

two colleges distinct; but yet he did not propose that there should be double professorships in all the faculties. There would, therefore, be a union of the professorships in three out of the four faculties—law, art, and medicine, and the consequence would be that it would be impossible, at least to that extent, to keep the funds and revenues of the two colleges distinct. He contended then, that in this respect the plan of the hon. and gallant Gentleman was inconsistent and impracticable. The supporters of the Amendment seemed to take it for granted that the clause would inflict a hardship upon Marischal College; but why it should inflict a hardship upon Marischal College and not upon King's College he was unable to understand; or, rather, he could not see what injury would be done to either by substituting one substantial well-provided and efficient University for two half-starved inefficient and antagonistic institutions. He had heard no tangible objection urged to the scheme of union as proposed in the Bill, and while he had all authority on his side, and was fortified by the report of the Commissioners, he had arrayed against him nothing but what he must term local views and prejudices. The Earl of Aberdeen had recently expressed himself in favour of a complete union of both Colleges and Universities; and, speaking of the prejudice which prevailed in the north of Scotland against it, he described it as doing more credit to their feeling than their judgment. The report of the recent Commission had certainly surprised him not a little; for, while the Commissioners expressed themselves strongly in favour of a complete fusion and amalgamation, they stated that there was a strong prejudice against it on the part of a great mass of the community whom it was intended to benefit, and in deference to that prejudice they recommended the adoption of the least preferable measure. A Royal Commission was the last body whom he should expect to act on the principle *video meliora proboque, deteriora sequor*. [On the whole, he saw no reason for agreeing to the Amendment, and he hoped that the Committee would reject it.

Mr. STIRLING said, that the speech of his noble Friend opposite (Lord Elcho) had greatly enhanced the opinion he had of the noble Lord's activity. He had dwelt at great length on his visit to Aberdeen. He had put up at the "Union Hotel," and had thence derived a good omen—a proof that he had not gone there without a preconceived notion—he had seen everything and everybody, and had talked to many of the little boys in the streets. All this he had told with great care and minuteness; but he did not mention the fact that the time spent on the careful and impartial inquiry which enabled him to make up his mind so conclusively was only twenty-four hours. [Lord Elcho—"Forty-eight hours."] The Commissioners went to Aberdeen as well as his noble Friend (Lord Elcho). They remained there ten days, and the result was the Report on the table which spoke for itself. If the Bill as it stood was carried into effect the Commissioners would stand in a strange and difficult position in Aberdeen. Public feeling there was very strong, but he did not think it would be shown in an indecorous or improper manner. The plan of his learned Friend was, perhaps, more symmetrical and more reasonable, but did they always legislate in that House on the rules of pure symmetry and reason? Did they legislate for India on principles of pure reason? The Earl of Aberdeen, whose authority, no doubt, was of great weight, at the same time that he expressed himself in favour of the fusion, also said he would not be responsible for the feeling which would be generated by such a scheme. The scheme of the hon. and gallant Member for Aberdeen (Colonel Sykes) came nearer to what the Commissioners proposed, and he should, therefore, support his Ammendment.

Mr. STEUART said, that if the hon. and gallant Member (Colonel Sykes) adopted the suggestion that there should be duplicate chairs for Greek, Latin, and mathematics, he should not be disposed to oppose his Amendment. He denied that the whole of the North of Scotland was in favour of the proposition of the hon. Member for Aberdeen, as he was of opinion that all unprejudiced persons in every part of Scotland were in favour of the union of the two Colleges. For his own part he certainly felt much unwillingness to sanction the payment of £2,000 or £3,000 a year for the maintenance of a rivalry between the two Universities of Aberdeen, which had existed for centuries to the great detriment of the cause of education.

Question put "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 125; Noes 90; Majority 35.

Colonel SYKES said, that he should raise the Question again on the bringing up of the Report.

Advocate

Clause *agreed to.*

Clause 2,

MR. E. P. BOUVERIE said, he rose to Move to leave out "appointed in the same manner as at present," and insert "elected by the general council hereinafter mentioned," with the view of providing that the Chancellors, instead of being appointed as at present, should be elected by the General Council.

THE LORD ADVOCATE said, that the Chancellors were now elected by the Senatus Academicus, and as they had hitherto elected the very class of persons whom one would wish to see Chancellors, he saw no reason for the Amendment.

MR. DUNLOP said, he would prefer that the appointment should be made by Her Majesty. In Edinburgh there was at present no Chancellor, and the learned Lord Advocate showed what his opinion was by proposing that the new Chancellor for the University of Edinburgh should be appointed by Her Majesty. He should support the Amendment of his right hon. Friend in preference to the mode of appointment proposed by the Bill.

MR. BUCHANAN said, he should support the Amendment proposed by the right hon. Gentleman (Mr. Bouverie).

MR. BAXTER said, he thought that too much power was given throughout the Bill to the Senatus Academicus. He should, therefore, support the Amendment.

MR. WALPOLE said that, as the appointment of the Chancellor by the General Council would carry more weight with it, he was authorized by the Lord Advocate to say that he would accept the Amendment.

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Clause 3,

MR. BLACK said, he would propose an Amendment to the effect that the Court of the University should be open so that the public might know what was going on. This was in consonance with the recommendation of the Commissioners.

Amendment proposed in page 2, line 23, after "shall," to insert the words "be an open court, and shall."

THE LORD ADVOCATE said, this was a matter which should be left to the discretion of the University authorities. He should, therefore, oppose the Amendment. Many subjects were discussed which it might not be desirable to make public. He deprecated any attempt to force upon the University and authorities to keep their courts always open. There was nothing in the Bill which prevented the Courts from being open if the authorities thought fit to have them open.

Amendment *negatived.*

MR. BLACKBURN said, he should move as an Amendment in page 2, line 26, after "vote," to insert "four shall be a quorum; and the rector and assessors hereinafter mentioned shall continue in office for four years, and no principal or professor of any university shall be eligible to the office of Rector."

THE LORD ADVOCATE opposed the Amendment.

Amendment *withdrawn.*

Clause *agreed to.*

Clause 4,

COLNEL SYKES said, he wished to give notice that he would take the sense of the House on the bringing up of the Report on certain Amendments which stood on the paper in his name, but would not now detain the Committee.

MR. BLACKBURN proposed, in line 28, to leave out "and whole professors," and insert "and of two professors to be annually elected as delegates by the whole professors of each of the faculties of arts, medicine, law, and theology existing."

MR. BUCHANAN said, he must oppose the Amendment, as he was satisfied with the clause as it stood in the Bill.

THE LORD ADVOCATE said, he also opposed the Amendment.

Amendment *withdrawn.*

Clause 4 (Powers of the Senatus Academicus).

MR. DUNLOP said, he should propose, as an Amendment, to omit certain words which gave to the Senatus the power of administering the property and revenues of the University.

Amendment proposed in page 2, line 23, to leave out the words "and administer its property and revenues."

THE LORD ADVOCATE opposed the Amendment.

House resumed.

Committee report progress; to sit again this day.

DELIVERY OF PAPERS "PRESENTED BY COMMAND."

QUESTION.

SIR DENHAM NORREYS said, he wished to ask the Secretary to the Treasury whether any arrangement has yet been made for the more speedy and regu-

lar delivery to Members at their residences of papers "presented by Command?"

MR. WALPOLE said, that if the hon. Baronet would refer to the paper of the 22nd June he would find a list of papers with the notification, "The undermentioned papers have been presented by Command; copies will be delivered to Members applying at the Office for the sale of Parliamentary Papers." A similar notification constantly appeared in the Votes. Formerly all papers so presented were delivered to every Member, but as the expense was very great a restriction was introduced by the late Government. The Papers were left at Hansard's Office, and any Member wishing for them had only to call there and sign an order. The papers were delivered at his residence next day.

SIR DENHAM NORREYS said, the Report of the Department of Science and Art had not yet been delivered to many Members who had applied for it.

THE CASE OF "FURBER *v.* STURMEY."

QUESTION.

MR. FITZROY said, he rose to ask the Secretary of State for the Home Department whether his attention has been called to the judgment delivered in the Court of Exchequer on the 25th of May last in the case of "Furber *v.* Sturmey," and if so, whether he is prepared to introduce a Bill to alter and amend the 43rd section of the Act 19 & 20 *Vict.* c. 108, or take any other course to place the state of the Law in this respect on a more satisfactory footing.

MR. WALPOLE said, his attention had been called to the judgment alluded to by his hon. Friend, and if the Law were such as from that judgment it appeared to be, he thought it was an unfortunate state of things. His noble Friend the Lord Chancellor was about to bring in a Bill with reference to the County Courts, in which he proposed to insert a clause to amend the 43rd section of the Act referred to.

SALE OF COMMISSIONS.

QUESTION.

COLONEL NORTH said, he would beg to ask the Secretary of State for War whether the Sale of Commissions for the benefit of Widows and Children under the sole authority of the Commander in Chief has been discontinued since the year 1825.

GENERAL PEEL said, he had no doubt the question of his hon. and gallant Friend was put in consequence of a letter which appeared in *The Times* newspaper on Tuesday last with reference to the answer he (General Peel) gave to his noble Friend the Member for North Northamptonshire (Lord Burghley) on the previous night. He could only express his great astonishment that the writer of that letter could have had any doubt upon the subject, seeing that he made reference to the page of the Report containing the evidence taken as to the sale of Commissions, and also to the marginal note. But it was impossible that the writer could have read the evidence, for it was distinctly stated in the passage referred to that the sale of these Commissions under the sole authority of the Commander in Chief was abolished in the year 1825.

CAPTAIN VIVIAN said, he wished to know whether the practice had simply been discontinued, or whether any positive rule was adopted which rendered it impossible for the Commander in Chief to sell these Commissions.

GENERAL PEEL said, it was impossible for the Commander in Chief to sell a Commission without the sanction of the Secretary of State for War.

ACCOMMODATION BILLS.

QUESTION.

MR. BASS said, he would beg to ask the Attorney General whether he contemplates proposing any change in the Law affecting Accommodation Bills of Exchange.

THE ATTORNEY GENERAL said, that the object to which the question of the hon. Gentleman related was one of very considerable importance, but it was also one of very considerable difficulty. There could be no doubt but that the mode in which these Accommodation Bills were employed had become an evil of very great magnitude, but on the other hand they should not forget that any measure which might be passed upon the matter must necessarily have a general operation, and ought not to interfere with legitimate commercial operations. The Law Officers of the Crown had attentively considered the question, and they had resolved on introducing a provision with respect to it into a Bill for a reform of the Law of Bankruptcy and Insolvency, which his noble Friend the Lord Chancellor would shortly bring forward in the other House. By that provision it would be enacted that a Bank-

rupt should not obtain a release or discharge from a debt, if it could be shown that he had dealt in Accommodation Bills that did not bear the character which appeared on the face of these documents. He hoped that provision would have the effect of checking the evil in question; but the Government were not prepared to go further with their legislation upon the subject for the present.

MR. LOWE said, he wished to be informed when the Bill for the reform of the Law of Bankruptcy and Insolvency would be introduced into the other House.

THE ATTORNEY GENERAL replied, that the noble Lord the Member for the City of London had given notice of bringing the subject before the House of Commons, and simultaneously with his doing so the Lord Chancellor would introduce his measure into the House of Lords that the question would be discussed in both Houses at one and the same time.

THE WELLINGTON MONUMENT.

QUESTION.

MR. COWPER said, he wished to ask the Chief Commissioner of Works whether the intention he lately signified with respect to the Wellington Monument was to give (in disregard of the decision of the Judges) the preference to the design numbered eighteen over the designs which obtained premiums; or whether he intends to employ Mr. Stevens to make another design more suitable for erection in the side Chapel of the Cathedral without affording to any other sculptors an opportunity of competition in respect to the new site; and also whether he does not think that it would be desirable, as the site had been changed, there should be a fresh competition.

LORD JOHN MANNERS said, that with regard to the question which the right hon. Gentleman had put to him, he must answer, in the first place, that he had not stated it to be his intention to give the preference to a design which had not obtained a premium over a design which had. On the contrary, when referring to this subject on a former occasion, he distinctly stated that he felt it his duty to respect the choice of the Commissioners by adopting one of the designs they had singled out for a premium. He thought he had some reason, therefore, to complain of the terms in which the right hon. Gentleman had couched his question. With regard to the second question, he begged leave to say that he did not think it would be necessary or desirable to enter into a second competition for a design; and he could only add that he thought that, by a certain adaptation of the design No. 18 which could be made, a monument worthy of the great man whose memory it was intended to celebrate, and of the new site selected for it, would be insured.

On the Motion that the House, at its rising, do adjourn to Monday,

RAG FAIR ON SUNDAY.—QUESTION.

MR. KER SEYMER said, that two or three years ago he had called the attention of the House to the scenes that took place in Rag Fair on Sunday, and narrated what he had seen himself. He should not have brought forward the subject again had not his attention been directed to it by the report of some proceeding at the Mansion House Police Court, which appeared in the papers of the 15th of June. It was stated :—

"Thomas Beale was charged with having committed a robbery on Sunday, at half-past eleven o'clock, in the Clothes Exchange, Petticoat Lane, in the neighbourhood of which 14,000 or 15,000 people congregate every Sunday, some to buy and sell, and others—the great majority—to plunder."

The latter statement must be taken with some qualification. Thieves do not steal from thieves; it could only be a minority who went there to plunder. The report continued :—

"It was stated by the police that it was quite impossible for the officers to do anything at all amongst such a mass of people, and that any persons who were so silly as to carry property about them in the immediate neighbourhood must be content to part with it, and would be lucky if they got away without being roughly handled and kicked."

At the conclusion of the case the Lord Mayor was reported to have said :—

"There is proof of the existence of another desperate evil. That somebody is culpable for the continuance of so outrageous a violation of the law as the permission of such a state of things, on the borders of the City of London, there can be no doubt. I have said so frequently since the commencement of my mayoralty, but there appears to be no symptom of improvement. On the contrary, the mischief seems to be on the increase. I commit this prisoner for trial at the Central Criminal Court, where I trust some allusion will be made to the state of the vicinity of Petticoat Lane by some high authority, from whose interposition some effective regulation may spring."

He had no desire to re-open the general question of Sunday trading, or to interfere with the comfort or convenience of the working classes. He regretted the defective ar-

rangements which rendered necessary Sunday marketing. This, however, was not a question of Sunday marketing. Perishable articles of food were the only things not sold there; it was a mere question of police. If an enthusiast who felt called on to preach in the open air on Sunday gathered half a dozen people round him, he was taken before a magistrate for obstructing the thoroughfare; or if some wretched orange woman, tired with her load, stopped to rest her basket on the flags she was at once ordered by the police to move on; yet Petticoat Lane and Harrow Lane, on Sundays, between eleven and one, were obstructed to such an extent as to render it dangerous for persons possessing property to go there, and that by the worst class in London. He thought this was a sufficient justification for the question of which he had given notice—namely, whether the Secretary of State for the Home Department intends to take any steps for the suppression of the Sunday Fair in Houndsditch?

SIR ROBERT CARDEN said, that owing to his absence from the House he had not heard all that had fallen from the hon. Gentleman, but what he had heard he could confirm. As soon as his attention in his official capacity as Lord Mayor had been called to the subject he had taken the earliest opportunity of attending the fair on Sunday, and without personal examination he could not have believed in the existence of the abominations which took place in that locality on that day. He had been completely astonished to find that it was the constant practice every Sunday, between eleven o'clock and half-past one, for 10,000 or 12,000 persons to assemble in that locality, among whom no novice could pass through without having his pocket picked or being in some way insulted. During the last week he had committed three men to Newgate to take their trials for stealing watches in Petticoat Lane, and he had communicated with Sir Richard Mayne upon the subject with the view of seeing whether the evil could not be abated. But the House was probably not aware that Petticoat Lane was peculiarly situated. It was a very long street, one-half of which was in Middlesex, and the other half in London, and thus any of the people that assembled there could pass from the City to the county or from the county to the City, as the case might be, by crossing from one side of the street to the other, so that unless the police on both sides agreed upon one plan of action the nuisance could not be effectually dealt with. Booths of all descriptions were erected, and a complete fair was held in that locality regularly every Sunday, and attended by between 12,000 and 15,000 persons. He had no wish to interfere with anything that added to the comfort of the lower classes; but he was anxious to see some plan devised for remedying this evil, which was injurious even to the people living in this particular neighbourhood. He had heard that many of the owners of stalls in Petticoat Lane themselves desired that some enactment might be passed which would prevent their keeping the Sunday in a way that they disliked. Some time ago, when there was a great uproar respecting the Sunday Trading Bill introduced by Lord Ebury, he had it from good authority that persons came regularly from Petticoat Lane to Hyde Park on Sundays to advocate the cause, not of the public, but of the dealers in the former locality; and he believed it could also be proved that many of the owners of booths in Petticoat Lane had hired men for a few shillings a head to go to Hyde Park every Sunday and create a disturbance, because they were afraid their own craft was in danger. Sir R. Mayne had informed him that he did not see his way sufficiently clear to carry out the desired object in this matter. They were all aware that the law was in a peculiar state as regarded Sunday trading. An information had been laid the other day against a man who was proved to have opened a photographic establishment every Sunday; but as portrait taking was not his usual calling, but was only pursued by him on Sunday, the man being a tailor all the other days in the week, a difficulty arose in the course of the proceedings against him. Then there was a large class of cigar sellers, who kept their shops open all Sunday in defiance of the law, and who, as their profits were large, did not mind paying a fine of *5s.* if they were summoned before a magistrate. But Petticoat Lane—and he had rather an interest in that locality—[*Laughter*]—was not the only place in London in which a fair of this kind was held on Sunday. He could assure the House that he had not intended to provoke a smile. He wished to treat the subject with the seriousness it deserved. He might mention that similar fairs were held every Sunday in the New Cut, Lambeth; in Somer's Town; in Mon-

mouth Street, St. Giles's; in Clare Market, in Ratcliff Highway, and various other neighbourhoods. These scenes were an abomination which the Legislature ought to suppress, as they worked the greatest mischief to the humbler classes.

LANDLORD AND TENANT (IRELAND.

MR. P. O'BRIEN said, he had a question to put to the Chancellor of the Exchequer as to the intentions of Her Majesty's Government on this subject. He had given notice of that question in his own vindication, because he was not the editor of a newspaper, and the proper arena for any explanation of his personal conduct was the floor of that House. If he had his choice he would rather be torn to pieces in his place in that House than be crucified in the newspapers. He wished to ask the Chancellor of the Exchequer whether, on Saturday last, he had stated to a deputation of Irish Members that it was his intention to introduce in the next Session of Parliament any measure to give effect to the measures proposed by the present Chancellor of Ireland in 1852, in connection with the question of Landlord and Tenant in Ireland; and whether he is prepared to state definitively the intentions of the Government in regard to those measures?

THE STATE OF THE THAMES.
QUESTION.

MR. OWEN STANLEY said, he rose to call the attention of the House to the putrid state of the River Thames, and to suggest that a Commission be appointed by the Crown to carry out the embankment of the River Thames, and the prevention of the Sewage of the Metropolis from flowing into the river within the tidal limits of reflux; and that a Bill be introduced by the Government this Session to repeal so much of the Act 18 & 19 *Vict.* c. 120, as gave powers to the Metropolitan Board to embank the River Thames, and to confer the necessary powers on the Commissioners to enable them to carry out the necessary works without delay; also to ask several questions with reference to the supposed causes of the existing nuisance. He wished first of all to assure the hon. Member for Lambeth (Mr. Roupell) who had given notice of a similar Motion upon going into Supply, that he did not wish to step in and take the subject out of his hands. It would be in the recollection of the House that similar questions were put to the noble Lord the First Commissioner of Works by the hon. Member for Leitrim (Mr. Brady), and by the hon. Member for Guildford (Mr. Mangles), and that the noble Lord in both instances stated the nuisance was not under his control. He (Mr. Stanley) quite believed that the answer was made in perfect good faith, and that the Government were not to blame. That fact, however, rendered it necessary that the extent of the evil should be pointed out, in order that some means might be taken for abating it. With regard to the extent of the evil in that House, he had only to appeal to Mr. Speaker and to those hon. Members who were in attendance on their duty from day to day in the House or the Committee rooms, to be borne out by their experience in saying that the nuisance was intolerable, both in the Committee rooms, and latterly in the House itself. It was no wish of his, however, to confine the complaint to their own case, and yet he was glad the evil had come home to themselves, as the public were the more likely to obtain, he hoped, a speedy relief. It was an intolerable nuisance which had poisoned the whole air of the metropolis, and which, if continued a few weeks longer, or even a few days at the present high temperature, would probably produce a pestilence in the metropolis. To bear him out in what he had said of the nuisance, he would refer to two or three cases he had extracted from the public papers. Mr. Gurney, who had charge of the ventilation of that House, had, as it was understood, addressed a letter to the Speaker, in which he said:—

"That he can be no longer responsible for the health of the House; that the stench has made most rapid advance within two days; that up to Tuesday he got fresh air draughts from the Star Chamber Court; but that when night came the poisonous enemy took possession of the Court, and so beat him outright."

The next was a Report of what had taken place in the Court of Queen's Bench:—

"Mr. James called the attention of his Lordship to the foul state of the Court and passages.

"Lord Campbell said, that if he were assured that the state of the atmosphere was such as to be dangerous to the lives of the counsel, jurymen, and witnesses, he should feel it to be his duty to adjourn the Court. His Lordship inquired whether there was any medical man in Court?

"Mr. John Bredall, who was attending the Court as a witness in the cause which was being tried, here came forward, and, being sworn, in answer to questions put by Lord Campbell, he said he was a surgeon, at No. 3, Moor Hall-place, Kennington Lane, and had been compelled to leave the Court three times in consequence of the bad

smells. The atmosphere in Court became irrespirable, and it was quite as bad in the passages. The smells came from the Thames, or from sewage of some kind. He gave it as his opinion, as a medical man, that it was dangerous to breathe this atmosphere. He thought it would be dangerous to the lives of the jurymen, counsel, and witnesses, to remain. It would produce malaria, and perhaps typhus fever.

"Lord Campbell said that, in the discharge of his duty, he would adjourn the Court; but, addressing the counsel, his Lordship said that if they were willing to remain he was quite ready to do so.

"Mr. Serjeant Shee said, counsel were ready to do whatever his Lordship thought best.

"Lord Campbell said, he would not keep the jurymen against their will.

"The jury said the smell was very offensive in the passages, but they did not smell it so much in Court."

In the Court of Exchequer the Lord Chief Baron also was obliged to notice the same pestiferous invader:—

"The Lord Chief Baron said—Gentlemen, I will, if you desire it, read over the whole of the evidence to you, but if not, I will be as brief as possible in my remarks, for this reason, that the river at low tide becomes so offensive, as many of you doubtless know, that it behoves all who can to get away from its banks as soon as possible.

"A Juror—I went home very ill from it the first day of this trial, my Lord.

"The Lord Chief Baron—I am sorry to hear it, but many have likewise suffered. The stench from the river is most offensive, and I think it right to take public notice of this, that in trying this case we are really sitting in the midst of a stinking nuisance."

Since then a woman had attempted to commit suicide by jumping into the river, and the surgeon who examined her stated, that the offensive nature of the water which she took into her stomach nearly caused her death. There had been an inquest upon the body of a lighterman who died from cholera, and the jury had returned a verdict that it was caused by the effluvia from the Thames. An engineer had been taken to St. Thomas's Hospital suffering from the same cause. He would not quote other cases, and only referred to these to show that not only in that House but in the courts of law, and all along the shores of the river, this nuisance was quite intolerable. He believed that the offensive smell extended from Chelsea to Greenwich, and, having himself taken several trips by steamers in order to ascertain what was really the state of the river, he could say that it was all he could do to remain on deck. The medical officer of the *Dreadnought*, in his last week's Report, said:—

"The water of the Thames stinks most abominably. I cannot but think that the foul air has a deleterious effect generally on the health of the patients of this hospital, and I know that it has had something to do with the inducting of fever in two cases on the orlop deck, the portals of which are only a few feet above the surface of the water. Several men on board, myself among the number, have suffered slightly from diarrhœa."

He had also heard that all along the banks of the Thames, particularly on the Lambeth side, the men employed in different works were yesterday suffering from diarrhœa, and many of them were obliged to leave their work and go either to their homes or to the hospitals. They all knew that offensive effluvia of this sort did not at once produce fever or cholera; that result was only brought about when the system had become enfeebled and the blood impoverished; and if this nuisance continued, the metropolis might yet suffer from such a pestilence as had not been known since the time of the great plague. It was not his wish to exaggerate any of the circumstances of this nuisance; but, regarding Her Majesty's Ministers as the guardians of the public health, he must remind them that this matter concerned not only the lightermen and workmen on the Thames, but also the Sovereign in her palace, and that it was no use their having expended thousands in the purification of the lake in St. James's Park if the air breathed by those who walked upon its banks was charged with pestilence and the forerunner of disease. He had with great submission ventured to suggest a remedy—or rather a means of remedy—for this state of things, similar to one which was foreshadowed by the late First Commissioner of Works the other evening. We had, in this matter, recently suffered from a double government more intolerable than that of India, or of the Horse Guards and the Ministry for War—a double government which had brought everything to a deadlock. On the one side we had the Metropolitan Board of Works, with its staff of engineers, and on the other the Chief Commissioner of the Board of Works with his advisers and engineers. Two propositions for the draining of the metropolis and the cleansing of the river had been submitted by the Metropolitan Board to the Chief Commissioner, and both had been rejected by him. A third scheme had been submitted by him to the Metropolitan Board of Works, and, although he (Mr. O. Stanley) could not say that they had absolutely rejected it, they had postponed its consideration till October. The time had now arrived when something must be done. He believed that the only way

in which the matter could be remedied would be to place the responsibility where it ought to rest—upon Her Majesty's Ministers, and especially upon the Chief Commissioner of Works. Let the Government propose the appointment of a Commission—a paid Commission, if they pleased—to carry out so much of the drainage of the metropolis as related to the sewage when it came immediately upon the banks of the Thames, and let them bring in a Bill empowering the Commissioners to purchase land, and do everything necessary for the official discharge of the duty intrusted to them. He trusted they would act immediately, for the matter was one of the most pressing nature, and could not be neglected without danger to the lives of the community. The Commissioners of Sewers, who had been in active operation for many years, had completed the first portion of their duties, and every house in the metropolitan area now emptied its sewage into certain main drains which discharged their contents into the Thames, poisoning the water to an intolerable extent. As yet, however, no plan had been devised for carrying away that accumulation of filth from the metropolis. He might be permitted to mention the case of the Victoria Sewer, with regard to which, as it appeared to him, considerable blame really attached to the authorities. That sewer was begun in 1849 or 1850. The original contract was £12,300; but the drain was so badly constructed, that a portion of it tumbled in and had to be entirely renewed. Upon that renewal about £16,000 more was spent; and according to the last Return he could find, dated 1855, the expenditure on the Victoria Sewer, up to that time, amounted to no less a sum than £60,000. Probably about half as much again had been expended since. But that was not all. The outlet at Percy's Wharf had been closed for many months, and the House might imagine the accumulation of filth which had taken place during that time. A few weeks ago an outlet was opened for the Victoria Sewer in the immediate neighbourhood of Westminster Bridge, and he believed it was the accumulation of sewage at that point which caused the poisonous atmosphere from which every hon. Member of the House was now suffering so severely. Having thus stated the case to which he wished to call attention, he would also beg to ask the Chief Commissioner of Works the following questions:

"Whether it be true that the Victoria Street Sewer has had no proper outlet for many months past, owing to its defective construction and partial falling in?

"Whether it be true that an outlet for all the accumulated contents of the Victoria Street Sewer has quite recently been made in close proximity to Westminster Bridge and the Houses of Parliament?

"How large an area of London is drained into the Victoria Street Sewer?

"How much money has the Victoria Street Sewer cost, from its construction to the present day?"

Mr. TITE asked permission to state a few facts in connection with this important question. Having bestowed a great deal of attention to the subject he found that the quantity of sewage discharged daily into the Thames amounted to 90,000,000 of gallons. There were 87,500,000 of gallons of water supplied by the various water companies, the whole of which, after passing through the sewers, was returned to the Thames in the state in which we now found it. Now, the quantity of pure water which daily fell over Teddington Lock was only 400,000,000 gallons; so that the bulk of wholesome water which daily flowed down the river was not more than four times that of the sewage with which it mixed. Mr. Goldsworthy Gurney had recently proved before a Select Committee that the sewage which fell into the Thames was carried down to the sea, but that, instead of mixing with the sea, only a small portion was decomposed, the greater part returning up the river with every flood tide—in fact, that that from which the metropolis was now suffering was the sewage returning from the sea, carried by the salt water below it. Such being the case the remedy was undoubtedly a difficult one. He had the honour of accompanying the Chief Commissioner down the river the other day for the purpose of ascertaining the general condition of the water. They found that the most offensive part of the river was at the mouth of the London Docks. That portion of the evil was certainly remediable. The dock company had the power and the means of pumping in an adequate supply of pure water at a proper state of the tide; but this at present they did not do; they allowed exceedingly impure water to accumulate, and then to flow into the Thames; now all that was requisite to remedy the evil was that they should adopt measures for having a sufficient body of water poured into their docks from time to time, and he had no doubt that if the matter were fairly represented to them they would take care

to provide a proper remedy for the existing state of things. The greater part of the evil under which the metropolis was now suffering was, he apprehended, due to the extraordinary state of the atmosphere, which had checked the upper streams, and he was afraid there was no immediate remedy for it. He wished, however, to draw attention to some practical scheme for the purification of the Thames. Some gentleman had proposed the embankment of the river; but if what he had stated was true—that the sewage returned from the sea—what would be the use of embanking the Thames? The Commission of 1844, presided over by Lord Lincoln, and composed of some of the most eminent men of the day, assisted by Sir Robert Smirke and Sir Charles Barry, reported in favour of embanking the Thames and making the stream more rapid. The question was then asked what ought to be done with the enormous spaces at those points where the breadth of the river was unusually great; and after consideration it was proposed to make docks of them. But if that were done it would be impossible to fill them up, and they would only be additional accumulations of impure water, producing an infinitely greater evil than the present. In 1845 a Bill was actually brought in for embanking the Thames from the Houses of Parliament to Blackfriars Bridge, the expense of which was estimated at the moderate sum of £300,000; but it was defeated by those carrying on business on the shores of the river, and to buy up the rights of all those who possessed wharves and wharehouses along the banks was out of the question. What then, he might be asked, could be done? In 1854 two engineers of great eminence, Mr. Bazalgette and Mr. Haywood, were appointed to consider this question. They proposed a scheme by which the sewage was to be intercepted on both banks of the river, and carried down on either side to a distance of about ten miles from the metropolis—on the north side to Barking Creek, and on the south to a place about the same distance. This project, he believed, would be perfectly practicable, and would answer its purpose, if in addition there was added the plan of obtaining sufficient land to deodorize the sewers at those two points, by which a mass of water would be procured limpid, colourless, and tasteless. The deposit matter must, of course, be carried away. The expense, he believed, would not be considerable—and, in fact, he had been assured that day by Mr. Bidder, that for a sum of £40,000 a year, the whole sewerage of this metropolis might be deodorized and returned to the river in the same pure state as was the case at Leicester. This scheme of sewerage might be carried out for £2,500,000. He could not suggest to the House that the sewage matter would produce one shilling, for he thought it would be found useless as manure, as it had been at Leicester. Now, what other practicable project had been proposed? It had been proposed to take these intercepting sewers twenty miles further down, and pour their contents out in Sea Reach. Now, if it were poured into the sea there, a very large proportion of it would be returned up the river at flood tide, owing to its inclination to float on the surface of the sea, consequently the evil complained of would be by no means remedied by carrying the sewage further off: but if they added to this the plan of deodorising, he had been assured that this plan would cost £10,000,000 of money. With respect to the state of the water at the London Docks, he thought it would be perfectly easy for the First Commissioner to induce the dock companies to look into the matter as far as they were concerned—indeed they were indictable for a nuisance; but he believed from the high character of the gentlemen connected with those companies that they would readily take measures to put an end to the nuisance they occasioned. The case of cholera which had been referred to occurred exactly at the spot—the eastern entrance to the London Docks—where the offence from foul matter was something inconceivably great. He believed very much of the evil was to be attributed to this. Government could do this: they could call on the Metropolitan Board of Works to proceed in the direction he had pointed out. This would not at all prevent a larger scheme. If they carried the sewer down to Barking, and found it did not answer, they could go further—to Sea Reach—and the first expense would not be in the least thrown away. His only object in addressing them was that, having paid some attention to the subject, he was desirous to direct the public mind in the right direction at this very important moment. He believed they had neither time nor means to set about embanking the river, but if they set about carrying out the plan of intercepting sewers, to which he had referred, he believed it

Mr. Tite

would lead to a good result. He wished to refer to another point. Mr. Gurney had made a valuable suggestion, to this effect; that if the shores of the river, which were dry at low water, were arranged so as to present an even surface of gravel at an inclination of one in twelve, that mud would not deposit on a slope so arranged. To that he added dredging two trenches in the middle of the Thames; but on that proposition there might be different opinions. He would urge the Government to call on the Metropolitan Board of Works to proceed at once with this question. They were now justified in concluding, upon the opinion of the most eminent men, that the extensive scheme of sewerage proposed by the Government Referees if not impracticable was nearly so, not only from the expense but from other circumstances, and if that were so, they ought at once to return to the scheme of Messrs. Bazalgette and Haywood which was practicable. With regard to the present mischief, it was due to atmospheric causes which they could not control. It was a great blessing that there was not now any epidemic, and he prayed that God in His mercy might not visit us with one. As to this House, there was one thing hon. Members might do, and that was by shortening their speeches, bring their labours sooner to a close.

SIR JOSEPH PAXTON said, that the hon. Gentleman had very much anticipated what he had wished to suggest to the House. In considering this very great and grave question, he had not proposed to himself to recommend to the House any particular scheme for the purpose of curing the great nuisance which they all felt so much. His hon. Friend had mentioned that the points at issue were not points connected with London itself. In fact, all the plans proposed for the purification of the Thames had very nearly one common plan down to Barking Creek and below Woolwich. The question was as to the difficulty of taking the sewers beyond that point. If they referred to all plans, from those of Mr. Bazalgette to those of Mr. Frank Foster, who originated the whole scheme of the drainage of London, they would find that they all came to one common terminus below London. What he wanted to suggest, therefore, was that they should immediately set about carrying the sewage to that point, and whether it should afterwards be carried to the sea was a matter that might be discussed in the meantime. Of the various plans suggested there was one which had never had proper attention paid to it, and that was the plan of an eminent engineer (Mr. McLean) who, in 1849, was the first person to suggest intercepting sewers. That gentleman, after making out his scheme, got Sir Morton Peto, and other eminent contractors, to offer to carry the sewage down to Sea Reach. It could be done, according to Messrs. Peto's estimate, for £1,600,000, and Mr. Bidder, Mr. Hawkshaw, and Mr. Bazalgette reported that the previous part of the sewer could be constructed for £2,300,000; so that the sewage could be taken to the German Ocean for £5,000,000 or £6,000,000. It was important that the matter should not be done in a niggardly way, and if London was to be drained it should be done effectually. He believed with his hon. Friend that to begin with embanking the Thames was to begin in the wrong direction, for in walking at low water mark to London Bridge one would hardly get over the soles of his feet, except in a few places in mud. They ought to embark in the question of intercepting sewers, and carry down the sewerage to Barking Reach. He did not see the use of the proposed Commission, which would only have the effect of delaying action. The Government were in a position to deal with the matter, and he thought it might be safely trusted in their hands.

MR. ROUPELL said, he fully intended to proceed with the Motion of which he had given notice on going into Committee of Supply, as he was averse to discussions without practical result, as discussions on the adjournment of the House generally were. When the hon. Gentleman alluded to Victoria Street sewer, he omitted to state that the original contract for that work was under £12,000. Now, to his own knowledge, he knew that there was already £70,000 expended on it, and he believed that there were new claims to be satisfied, which would make the whole cost something near £200,000. It appeared that in this enlightened age we must have everything of great magnitude —great ships, a great Crystal Palace, and great sewers. No doubt the evil of the Victoria sewer arose from its situation, and with the two enormous sewers proposed they would be in the same position. The great sewers would be subject to the swampy condition of the soil, and the filtration of the water into them the same as the Victoria sewer. They should consider

these thing before they embarked in any colossal scheme. He would only add a remark as to the effects on the health of those living on the borders of the river: the teeming thousands on the borders of the river were in a state of chronic cholera, and if we had a warm rain or the continuance of warm weather, we might fully expect some severe visitation of Providence, without which he feared the evil never would be arrested.

MR. KENDALL said, that as Chairman of the Committee which had been appointed to consider this subject, he wished to say a few words. He wanted to impress upon the House that even if they had been prepared to report to the House, as the law now stood nothing whatever could be done to amend the existing state of things. If the Committee were to determine to-morrow what ought in their opinion to be done, there were no means of carrying their decision into effect. There were the Board of Works, the Chief Commissioner of Works, the Thames Conservancy, and the Sewage Commissioners, each of which bodies was armed with certain powers in the matter. The House might appoint Commissions or do what they liked, but no remedial measures could be adopted unless the Government took the matter into their own hands. If they were to appoint three men competent and above suspicion the work would be done. There must, however, be some responsible body; for no irresponsible body could deal with the question. The Committee sat as close as they could, but as many of the members were engaged elsewhere, they could not sit *de die in diem;* and it was useless for them to make a Report, unless the Government were prepared to carry out their Report practically. A plan had last year been laid by the Board of Works before the Chief Commissioner of Works, who submitted it to certain referees, but they recommended a plan of their own, and the matter ultimately dropped. The House might appoint Committees on the subject, but the terrible state of things which at present existed would still continue. He must say that from the medical evidence given before the Committee, and from the opinions he had heard expressed privately by medical men he was sure that none of the statements which had been made in that House or elsewhere exaggerated the evils which were to be feared. Something must be done, but he was convinced that nothing effectual would be done unless the subject was taken up by Her Majesty's Government.

MR. R. D. MANGLES said, that after all this was a money question. The main question with reference to this subject was whether the whole expense of the works, which might be necessary, should be thrown upon the metropolitan parishes, or whether a portion of it should be borne by the Imperial Government. It would be absurd to hand over such an enormous scheme to the Board of Works without affording them the means of carrying it fully into effect. He could speak on this subject with impartiality as he was not a regular resident in London, and he must say, he thought it was not the business of the metropolis alone to construct the extensive works which were required. Those works would be constructed not merely for the residents of London, but for the Sovereign of this vast empire—for the Legislature of the realm, who sat in this metropolis during those months when the nuisance and the consequent danger were at their height—for the courts of law of the whole kingdom; and it would be a shame and a scandal to the Legislature if they endeavoured to shuffle off the responsibility upon the parishes of London. In his opinion it was the duty of the Government to take up the subject, and the expense of the works which were indispensable might be divided, by equitable arbitration, between the parishes of London and the national treasury. It was said that the work was one of great magnitude, and that a long time would be required for its completion, but it would never be accomplished at all unless it was commenced. He was sure that, under the pressure of the existing nuisance, the House would assent most readily to any practicable scheme which was submitted to it, and the noble Lord at the head of the Board of Works would then enjoy the credit of performing a far greater work than that achieved by Hercules in cleansing the Augean stables.

LORD JOHN MANNERS: In the first instance, I wish to answer the question put to me by the hon. Member opposite. I beg leave to inform him that I have no connection whatever with the management of the Victoria Street sewer. I was, therefore, obliged to apply to the Chairman of the Metropolitan Board of Works for information upon the subject, and, with the leave of the House, I will read the statement with which he furnished me:—

"Sir,—Adverting to the contents of your letter

of the 24th instant, I am directed by the Chairman of the Metropolitan Board of Works to apprise you, for the information of the First Commissioner of Her Majesty's Works, that the answers to the questions referred to in that communication are as follows :—1. The outlet at the Victoria Street sewer has for some years past been frequently, and now is, under repair, and during the present and all periods of repair, it has not a proper outlet for the discharge of its sewage. The sewer has been under repair for the last three months. 2. An outlet has not been recently made for all the accumulated contents of the Victoria Street sewer in close proximity to Westminster Bridge. All the sewage flowing into that portion of the Victoria Street sewer which is above Westminster Bridge, has for the last three months been directed into that old sewer as on all previous occasions of repair to the Victoria Street outlet. The Westminster Bridge sewer outlet is extended to low water and trapped at its mouth, and it is believed to be connected with Mr. Gurney's system of sewer ventilation. 3. The area drained into the Victoria Street sewer is about one-third of a square mile. 4. The amount expended on the same sewer up to May last was £73,321 16*s.* 6*d.* I beg to add, that by direction of the Chairman a quantity of lime will be immediately applied at the outlet of the Bridge Street sewer for the purpose of deodorising the sewage."

Having read the letter, I can assure the House that all the steps which can be taken to secure a proper outfall for the Victoria Street sewer are being now taken by the Metropolitan Board of Works. With respect to the many questions raised by the hon. Gentleman who commenced the discussion, I regret that it will be impossible for me to answer them satisfactorily to the hon. Gentleman. We are all fully agreed as to the existence of the evil, and the source from which it arises, and, as a natural consequence, every hon. Member expresses a desire that something should be immediately done to rectify it. But beyond these two elementary positions, I do not think that any great light has been thrown upon what ought really to be done immediately. The hon. Member who commenced the discussion appeared most anxious to throw the whole responsibility upon the Government. Now, on behalf of the Government, I distinctly repudiate that responsibility. The law gives us no power of action whatever in the matter and without legal power, even if the means were at hand, I need scarcely say it is impossible for any Government or body to supply a satisfactory solution to the difficulty. I beg to call the attention of the House to the short history of the question, and to the way in which it was originated. It was thought by all classes most desirable that this great metropolis should be placed in a position in which its authorities could deal effectually with all municipal and local questions. An Act was consequently passed, only three years ago, to give effect to that principle, and in the same Act direct reference was made to the sewage of London. The House will recollect that the Metropolitan Board of Works have done what they could to carry into effect the wishes of the Legislature, as expressed in the Act to which I have referred. I have no wish whatever to throw the smallest blame upon that body, or any other authority vested with power for the better government of the metropolis. I believe that all parties have been actuated by the best and most honourable motives in their endeavours to fulfil those important functions that have been allotted to them. That they have not been able to arrive at a satisfactory conclusion in those matters appears to me to be a strong proof of the great difficulty of the question itself. The Metropolitan Board of Works has not refused to consider any plan that has been or may be submitted to them by either the late or the present Government; nor have they adjourned the discussion of the subject until October next. Quite the reverse; this very day the Metropolitan Board of Works has been sitting for the purpose of considering whether some plan could not be devised to rectify the nuisance, of which loud and just complaints have been made. No plan has been, or could be by law, submitted by the Government to the Metropolitan Board of Works. The hon. Gentleman who made the statement is alike ignorant of the law on the matter and of the facts. The hon. Member for Bath (Mr. Tite) has given the House a clear *exposé* of his views upon the question. The hon. Chairman of the Committee at present sitting (Mr. Kendall) has likewise favoured us with some suggestions. When, then, I find so many eminent authorities differing in opinion as to what is the precise source of the evil, and still more as to the proper remedy that ought to be applied—when we find that the remedy which is so much in fashion is one involving an enormous expenditure of the public money—that the metropolitan districts repudiate the idea of being exclusively responsible for the expenditure of that money—when all those facts are set before us, Her Majesty's Government have very naturally refused to take upon itself the responsibility of incurring this large expenditure, the amount of which no one can at pre-

sent foresee. It does not become me to declare hastily, in answer to the appeals that have been made to us, that we are prepared to take upon ourselves the responsibility of carrying out the operations suggested, and to set ourselves to work to spend millions upon a scheme which is still *sub judice*, and in respect to which the most eminent medical and scientific gentlemen have not as yet come to a satisfactory or unanimous conclusion. What I can assure the House is, that the question is occupying the serious attention of the Government, and we will do our best before the Session closes to introduce a measure, if necessary, which shall confer sufficient power upon the Metropolitan Board of Works, or upon any other department existing, or to be created, for the satisfactory solution of this question. I will not go into the details of a question so complicated as this; I will not go into the inquiry how far the sewage ought to be carried down the river so as to insure its not being brought back, nor into the probable benefits to be derived from a system of embankment. Without entering into those questions, I trust that the House will be satisfied with the statement that the Metropolitan Board of Works, aided by all that experience which they have acquired during the last three years, are now sedulously engaged in the task of endeavouring to find a remedy for the evil, and Her Majesty's Government are prepared to act cordially with that body with the view of securing that desirable object. In the event, then, of the present law standing in the way of arriving at a satisfactory conclusion upon the matter, Her Majesty's Government will be prepared to submit to the consideration of Parliament a scheme in aid of the existing law, by which they think the evil will be abated. I admit I have not perhaps sufficiently explained the mode Her Majesty's Government intend to take in respect to this matter, but as I may have to explain it at greater length on a future occasion, I will now content myself with saying, that so far as my knowledge extends of the deodorising system adopted in Leicestershire, all that the hon. Member for Bath has said as to the success of that system was fully borne out by the facts. I am able to say so, too, from my own personal knowledge; and one of the leading physicians in Leicester has given his opinion that nothing can be more complete than the success of that system, so far as the sanitary results are concerned. I hope, Sir, it will not be considered that Her Majesty's Government are neglecting their duty, because we are unwilling to take the matter out of the hands of the proper authorities, but are rather anxious to afford them every assistance in our power to enable them to discharge their difficult duties with the greatest efficacy and effect.

Mr. BRADY said, he wished to call the attention of the House to the impracticability of carrying on the public business of the country with due care, attention, and deliberation in the pestilential atmosphere of the Thames. For this reason he would urge the expediency of presenting an Address to Her Majesty, suggesting the propriety of holding the remaining portion of this Session in some healthy portion of Her Majesty's dominions. During the last thirty years he had known the River Thames, it was never in such a dreadful state as at present. Unless something was done immediately to remedy the nuisance another plague of London might be expected. The traffic of the steam boats up the river greatly aggravated the evil. He believed that the Metropolitan Board of Works had been thwarted in every act by which they attempted to remedy the nuisance. He would warn the House, that unless it exerted its authority in the matter it would be responsible for the calamities that might arise. Disease, possibly of a new and fearful character, would show itself if something were not soon done. He could state of his own knowledge that families were already flying from the metropolis to avoid the coming pestilence, and a complete panic was commencing. As an illustration of the extent of the nuisance, he could state that, as he was riding in an omnibus *en route* Kennington to Westminster, the passengers were compelled to put their handkerchiefs to their noses as they crossed the bridge, and that the smelling bottle which a lady produced was greedily seized by all the passengers.

Mr. BENTINCK said, that he could not allow the discussion to close without protesting against the doctrine laid down by the hon. Member for Guildford (Mr. Mangles). He quite concurred with that hon. Gentleman as to the magnitude of the evil, and as to the necessity of remedying it in the most summary way possible. It was, in his opinion, the duty of the Government to adopt immediate measures to remedy the evil, the consequences of which

no one could foresee. All he wanted to say was this, that the money necessary for this purpose should not be paid out of the wrong pocket. It was generally the practice of the metropolitan Members on all such occasions to try to saddle the country with the cost of the local improvements of the metropolis. In deference to the wishes of their constituents they came down to that House with their begging boxes in their hands for money out of the Imperial treasury to defray the expenses of their own peculiar works, instead of paying for them out of their own purses. Parliament was first asked for money for a park for the metropolis, and next a bridge was constructed, and they were asked to forego the security of the tolls; and then, when there came the question of the sewers, it was immediately stated that this was an Imperial question, and that the whole country was bound to contribute. It was monstrous that the richest city in all the world, which was surrounded by two of the richest counties in England, should be always trying to relieve itself from the just obligations that attached to itself alone. The way to look at the question was this: what would become of London if it did not possess a good sewerage? Why, it would be deserted, and that desertion would involve a pecuniary loss ten times greater than the sum which was required to effect a remedy for the existing evil. On those grounds it appeared to him monstrous to suppose that the country should be taxed for those works. He therefore entered his protest against any such outlay of the Imperial fund.

MR. AYRTON said, he rose to repel the imputation which had been made, that metropolitan Members, in deference to the wishes of their constituents, came down to the House to ask for public money for local purposes. He had not only voted but spoken in that House against such grants. The difficulty did not lie in the demands of the metropolis, but in the fact that not merely for years, but for centuries, the metropolis had been a bugbear in the eyes of the Executive Government, and had been refused municipal privileges, lest municipal intelligence should go far to counteract the want of intelligence on the part of the Executive. It was only ten years since a Whig Prime Minister had declared that it would be impossible to grant municipal institutions to the metropolis because the population was so enormous. It was but three years since any approach to municipal institutions had been given, and did they suppose that the blunders of centuries were to be remedied in a moment? Had the right hon. Gentleman below him (Sir B. Hall) been able to carry his measure in its integrity, practical measures would have been taken ere now, but the municipal body had been counteracted by a Commission, and the result had been to cover the whole affair with absurdity and ridicule. He should astound the House by acquainting it with what this Commission proposed to do. It proposed to provide at once what might be necessary forty years hence, thus quadrupling the expense, and not only to carry away the sewage of the metropolis, but to make provision for ten times the quantity, besides all the rainfall of the surrounding districts. In his opinion, the simple mode of dealing with this question was to leave it to the metropolis. If it were left to men who would be practically responsible for its solution and settlement they would, by dealing with this as a practical sewage question, do as much as was really necessary to make the Thames, if not as pure as a mountain rivulet, at least free from injury to the health of the inhabitants. The amount required for that purpose would be comparatively small, and the work itself comparatively easy. The present was one of the difficulties which would occur on every question connected with the metropolis; and there was no escape from the dilemma except by giving the metropolis real and effective municipal institutions, and so putting it on the footing in that respect of every considerable town in the kingdom. A municipality would be able to deal with all these subjects with a practical intelligence and a practical responsibility, such as had never been exhibited by any Minister of the Crown.

SIR BENJAMIN HALL wished to say a few words in consequence of what had fallen from the hon. Member who had just spoken, and who had, however, misrepresented the facts of the case. As soon as the Metropolitan Board presented him (Sir B. Hall) with a plan which had an outfall, but which was not at variance with the provisions of the Act of 1855, he put it into the hands of three of the most eminent engineers in England, and further, he asked them if they did not approve of it, to suggest some other plan

themselves. They did propose a plan which he sent to the Metropolitan Board of Works without any delay, and the latter placed it in the hands of their own engineer. All he had to regret was that the Board of Works, when they received the Report of their own engineer, did not take it in hand at once, but postponed its consideration for many months—namely, till October next. On one point he agreed with the hon. Member for the Tower Hamlets, and that was that the Metroplis was placed in a peculiar difficulty. In all other towns in England and in Europe there was a municipality for the whole of the city; but the London municipality extended over a very small area, and regulated the affairs of but 129,000 out of two and a half millions of people. Other municipalities could levy money for the improvement of the whole city; but in London the power of levy ranged over a very small portion of the metropolis, and was expended within a very small area. This was a matter which required the consideration of Parliament. After what had passed on the previous day in that House respecting the Corporation Reform Bill, it was quite impossible it could pass during the present Session, and therefore there would be time for its consideration. He should refrain from further observations because the Chief Commissioners of Works had indicated that it was his intention to put himself in communication with the Board of Works, and see whether, in order that the main drainage should be carried out, it would be necessary to alter the law. Should he think it advisable to alter the law he (Sir B. Hall) recommended the noble Lord to look at the 141st section of the Bill, which was first presented in 1855, and which the noble Lord's party opposed, and which clause he (Sir B. Hall) was in consequence obliged to withdraw. The object of that clause was to enable the Treasury to advance money on the security of the rates, and in consequence of its withdrawal it was impossible for the Metropolitan Board to raise money on as easy terms as they desired. Should there be any new legislation he would strongly advise the re-insertion of this clause. If any scheme, such as that put forward by the hon. Member for Bath, should be considered, a new Bill would be necessary, because an outfall was already fixed, not only outside the metropolis, but was fixed so low down, in deference to the wishes of the House, as to preclude the possibility of the waters ever coming back. He ventured to throw out these suggestions in case the noble Lord should find it necessary to submit any new Bill to the House.

THE CHANCELLOR OF THE EXCHEQUER: I think, Sir, that the discussion, so far as it has gone, must be considered satisfactory to the House. My noble Friend the President of the Board of Works has dealt with this question in so candid and clear a manner that it is really unnecessary for me to touch it at any length. An hon. Gentleman, I think, has charged the Government with the responsibility of this matter. After what has been stated, it is unnecessary for me to say that no legal responsibility can devolve on the Government in respect to it; but I admit that a moral responsibility lies upon us to do all in our power to prevent public disaster, and I am sure no set of men in our position would for a moment wish to avoid that responsibility. For the last three or four days our earliest and constant attention has been given to the subject, and I trust the result of that attention will be for the public advantage. The Commissions and Committees on this question have, no doubt, in many respects done their duty well, but the time has come when it is absolutely necessary that action should commence. I very much agree with the hon. Gentleman the Member for the Tower Hamlets (Mr. Ayrton) in the observation which he made as to the delay that had taken place in the establishment of this new Board in this great metropolis. But, although there is much truth in his observations, it is also impossible to deny that what has occurred has been the natural consequence of what probably could not have been prevented—the jealousy which always exists when new institutions are rising by the side of ancient ones. We must not forget all that, and we must remember that under the pressure and consciousness of these circumstances Parliament a few years ago determined to establish a great Corporation—I mean the Metropolitan Board, to which so much reference has been made. But, although we have established this Corporation, although we have invested it with great powers, unfortunately this great Corporation, which has to guard the interest and regulate the management of probably a hundred times more people and property than are entrusted to the guardianship of the Corporation of the City of London, although invested with an unlimited power of rating, has found itself in possession of only a theo-

retical revenue. It cannot carry its power into effect. It has experienced, in its local direct taxation, the same obstacles which we experience with regard to Imperial direct taxation. I, therefore, think that the time has come when, having thrown upon this Corporation so great a responsibility, we should consider whether we ought not to furnish it with those means which are adequate to the due fulfilment of duties. Now, I believe that it is in want of funds. It is to that fact, and not to any system of double government, as has been suggested, that the inefficiency of the Metropolitan Board of Works is to be attributed. I think that Parliament would act prudently in providing that body with sufficient means for the adequate fulfilment of its duties. In the present situation of affairs, there are two duties which Her Majesty's Government have to fulfil—one towards this House, and one towards the population of this metropolis generally. With regard to their duty to this House, I certainly am perfectly prepared, on the part of Her Majesty's Government, to say that there shall be no lack of energy and no want of zeal on our part to bring the business of this House to a conclusion as soon as we can consistently with our public duty. We shall not hesitate to sacrifice many measures which, though important, may, if it should be necessary to make that sacrifice, be regarded as of only secondary importance. But I trust that the House will respond to this desire on our part, and assist us as much as possible by not entering upon unnecessary discussions. There are, however, certain measures which I think it is absolutely necessary should be carried, and I trust that the House will assist us in carrying them. But it is not our desire that they should not undergo adequate discussion, for which opportunity will be given. These measures I trust the House will, with all their energy, assist us in carrying. With regard to the community, our responsibility will not cease with the termination of the Session; and I can only again repeat that there shall be, on the part of Her Majesty's Government no want of energy in their endeavours to make those arrangements which are adequate to the occasion, or in the exercise of the powers they possess for preserving the public health. And if we find it is necessary to appeal to Parliament before it is prorogued for powers to carry the necessary operations into effect, we will not hesitate to appeal to Parliament with confidence for such powers. Before I sit down I hope I may be permitted to refer to a question which was addressed to me on a subject of a very different character, and to which I should not feel it necessary under those circumstances to reply; but I thought it might be deemed a want of courtesy if I were to give no answer to the hon. Gentleman. It appears that the hon. Gentleman has discovered that a considerable part of the data on which his inquiry is founded is inaccurate. I think the House will feel that there is nothing more inconvenient than to found an inquiry upon second-hand information of a conversation which has taken place beyond the walls of the House. I shall not touch in detail upon those allusions which are contained in the inquiry of the hon. Gentleman, because I understand he himself now admits that he has discovered that they are founded on incorrect information. [Mr. P. O'BRIEN: It is only the first part of my notice that is incorrect.] Well; the first part is incorrect, and the other is inaccurate. Now, with regard to the intention of the Government on the subject to which the hon. Gentleman referred, namely, that of landlord and tenant in Ireland, I may say this, that it is a great many years—some five or six—since that question was introduced into the discussions of this House, and it has been frequently, and almost constantly, debated since its introduction. I think and hope that all of us—Gentlemen on both sides of the House—have profited by those frequent discussions. It certainly is the intention of Her Majesty's Governmsnt during the recess to give their earnest consideration to that question. My right hon. Friend the Attorney General for Ireland has already directed his attention to it, and I shall be happy if he may be able at the reassembling of Parliament to introduce a measure upon the question of landlord and tenant in Ireland which may prove a satisfactory and conclusive settlement of the question.

MR. MAGUIRE: Sir, I quite agree with the right hon. Gentleman the Chancellor of the Exchequer, that it is neither advantageous to the country, nor convenient to this House, that we should occupy our time in profitless discussions; but it is not owing to any fault of mine that I am compelled to claim attention for a few moments, while I reply to the observations of the hon. Gentleman (Mr. P. O'Brien) who has so personally alluded to me. The allusions

of that hon. Gentleman, in reference to the part which I took in the late interview with the Chancellor of the Exchequer, render it necessary that I should say something in my own vindication; and I regret, Sir, that I should be obliged to speak in a manner that would appear egotistical. I have been, Sir, a Member of the House since the year 1852. Since that time my Parliamentary career has been open to the observations of Gentlemen on both sides, and of all parties; and I think I may safely assert that I have ever acted the part of an upright and independent Member. If I have not done so, then I have failed in act, but certainly not in intention. It was not by any act of mine that the Government of the noble Lord the Member for Tiverton was broken up. I voted for the noble Lord against the Motion of the right hon. Gentleman the Member for Ashton; and I would have gone into the lobby one hundred times over with the noble Lord, and against the right hon. Gentleman on any such Motion. But the present Government being in office, though by no vote of mine, I conceived that I should not be doing my part as an independent Member, as the representative of an Irish constituency, and as a fair, impartial, and upright politician, if I did not give that Government fair play, and a fair trial, so that they might have sufficient opportunity of developing their policy, whether that policy was for the good of the country, or the contrary. I believe that, so far as the present Government have gone, they have done great things for the cause of progress. They have done things that no other Government, at least within my remembrance, have ever attempted to do. I care not by what motives they have been actuated—whether they were pressed by superior numbers, or coerced by their own judgment; but the fact is before the country, that they have done more for the cause of progress than any of their Whig predecessors who have been in office for the last ten years. Therefore, as a liberal of advanced opinions,—fully as advanced as those held by the hon. Gentleman, the Member for the King's County—I submit to the House whether that hon. Gentleman has a right to assail me because I am anxious to give fair play to the present Government, and to avoid all those miserable squabbles and factious proceedings, which bring disgrace on those who join in them, and even sully the name and fame of the highest and proudest statesman in the land? Now, as to the tenant question. I ask, is it owing to any fault of mine that the tenant question has been brought to its present position in this House? Was it I—was it my hon. Friends with whom I act—who rendered the passing of such a measure as was asked for impossible? Was it we who rose to place and power upon the ruin of a great party?—was it we who, by deliberate treachery, clove asunder a noble national organization, and reduced it to a hopeless mockery? It was not my hon. Friends who sold the Irish party to the Government of the day, and sacrificed the cause of the tenant to their own selfish purposes. It is then no fault of mine—it is no fault of my hon. Friends—that this question has not been brought ere this to a satisfactory settlement. The Bill which I brought in this Session was rejected by an overwhelming majority—a majority of something like three to one. Why did it fail? Because it contained what is known as the retrospective principle, with regard to compensation for improvements. That principle was emphatically denounced by the noble Lord the Member for Tiverton, in the debate on the Motion for the second reading this year; and it was equally condemned by the noble Lord last year, on the occasion of an interview with the noble Lord, when my hon. Friend Mr. Moore, then Member for Mayo, with some forty other Irish Members, waited on the noble Lord, and urged him to allow the Bill to be read a second time. Thus on two occasions the noble Lord, the Member for Tiverton, declared his decided opposition to the "retrospective clause;" and the noble Lord opposite (Lord Naas) also denounced this clause, or its principle, on the part of the present Government. Here, then, were the representatives of the two great parties protesting against this principle, and proclaiming their determined opposition to it; and the House adopted the views of those noble Lords, and of those whom they represented, by a majority of three to one. What was I to do then? what were my hon. Friends to do? Was I—were they—to keep that Bill, or a Bill of a similar character, before the House, for a mere election cry? If we had done so, we would have deserved the scorn of this House, and the contempt of our countrymen. Instead of doing this—instead of keeping up a dishonest sham—instead of again bringing in a Bill which we knew, in our souls and consciences, we could

not carry—my hon. Friends and myself endeavoured to do something practical. We considered that, by our fair and impartial conduct, we had a just claim upon the consideration of the Government; and, therefore, not wanting anything for ourselves—not being desirous of a seat on the Treasury bench, and not being applicants for a Lordship of the Treasury, or such other offices as are thrown to minor politicians—we did beg of the Government, through the Chancellor of the Exchequer, to bring in a measure which would effect a settlement of the question. It is quite true that I did say, and that my hon. Friends did say, that we were not unreasonable enough to insist on the Government embodying the retrospective principle in any Bill they brought in, and simply for this reason—that, after the emphatic repudiation of that principle by the House, and its condemnation by the leaders of the two great parties, it would not only be a hopeless attempt to carry it, but its introduction would be fatal to any Bill which contained it. We did not ask for a "moderate," or a "very moderate measure," as has been erroneously represented; what we did ask for was a large and a liberal measure, such as would effectually protect the industry of the tenant, and develope the resources of the country. The hon. Gentleman has made some kind of insinuation against newspaper proprietors and writers. I am a newspaper proprietor and writer, and I am not ashamed of my profession. It is true, if I had followed the profession of the Bar, I might now be in a different position; but I am not the less proud of that which I occupy. I, however, am not one of those newspaper writers who stab in the dark, or slander either enemy or friend under the concealment of anonymous writings—I am not one of those who, from behind the shield of individual irresponsibility, would damage his own party, or even strike at the breast of a colleague; but I attach my signature to what I write, so that all men may know who is responsible for what those writings contain. But the hon. Member appears to labour under some strange hallucination—I know not its cause, whether the state of the weather or the Thames—when he imagines that any writer in Ireland would select him as a fitting theme for his article. Why, Sir, I venture to assert that the very humblest editor in my country would not make the hon. Gentleman or his eccentricities the subject even of an ordinary paragraph. For my own part, I have never been guilty of even so grave an offence as that of mentioning his name, in any sense whatever; and I can safely promise him, I shall be equally guiltless for the future, as I have been for the past. The hon. Gentleman is anxious to know why he, "a member of the Independent party," was not invited to take part in the interview with the Chancellor. I shall tell him why he was not asked. It was simply because it would have been a ridiculous mockery to have asked him, or to have joined with him. Those Members only went who, by their fairness and neutrality, had a just claim on the consideration of the Government. But what was the fact with respect to the hon. Gentleman? Hardly had the present Government been twenty-four hours old, and certainly before they had warmed in their seats, than the hon. Member rushed down to this House, and, speaking in the name of all Ireland, made a tremendous attack upon them, intending to destroy them on the instant. It is true, that terrible attack did not shake them to the centre. The hon. Gentleman then appeared to speak in the name of all Ireland, and of a great and united Irish party; but where was the responsible echo from Ireland, to the appeal of the hon. Gentleman? Where the petitions which, it might naturally be supposed, would have crowded the table of the House after such a denunciation? Why, Sir, we can perceive that the Government have outlived his assault, and even survived his eloquence. It would, then, have been a practical mockery to have represented that hon. Gentleman as having given a fair consideration to the Government which he—I shall not say so absurdly, for that would be wrong—but so discreetly assailed. The hon. Member also labours under some delusion in supposing that he is, or ever was, authorised to speak in behalf of any party whatever. Where are his followers? nay, where is the single human being over whom he has influence? Yes, there is one distinguished individual whom he does lead, and whom he does follow, too—himself—but even between the hon. Gentleman and himself there are at times strange misunderstandings. I can now assure the hon. Gentleman that I treat any attack of his as the idle wind that plays over my head, or, as is suggested by an hon. Friend near me, as a puff of the Thames nuisance—an evil to which we are all liable, and must all submit. I shall, in conclusion, only express my thanks to the

right hon. Gentleman the Chancellor of the Exchequer for his promise to introduce a measure on the landlord and tenant question, which measure I earnestly hope may settle a long-standing cause of difficulty and dispute.

MR. P. O'BRIEN said, that a personal attack of a kind very unusual in that House had been made upon him. He would tell the hon. Gentleman, as he had told him in "another place," where matters were treated differently from what they were in that House ["Order, order!"]—

MR. SPEAKER: The hon. Gentleman must confine himself to explanation.

MR. P. O'BRIEN said, that the hon. Member had insinuated that he had resorted to anonymous attacks in newspapers.

MR. MAGUIRE: I never intended to say, nor did say anything of the kind.

Motion *agreed to.*

House at rising to adjourn till *Monday* next.

GOVERNMENT OF INDIA (No. 3) BILL.

COMMITTEE.

Order for Committee read.

MR. SLANEY, who was indistinctly heard, was understood to say that he considered this one of the most important measures that had ever come before the House. It was of far too great importance to be made a matter of party feeling, and he, for one, should abstain from offering any factious opposition to its progress. They were about to deal with an immense territory, with an immense population, and the subject should, therefore, be dealt with with the greatest deliberation. India had for almost a thousand years been the victim of almost as many sufferings as could afflict a community. It had suffered under the Mahomedan rule. The East India Company, also, during the sixty years they had borne sway in India, had confined their attention to raising revenue, and had neglected their duty of elevating the people. The consequence was, that the latter were at the present time probably in the worst condition of any people on the face of the earth. It was our duty in now transferring the government of that empire from the East India Company to the Crown, to take measures for improving the condition of the people, and to carry out those material improvements which would not only raise the condition of the inhabitants of India, but increase the commerce between that country and this, and be the ultimate means of introducing a better and a sounder religion into Hindostan.

House in Committee.

Clauses 1 and 2 *agreed to.*

Clause 3 (Powers to be exercised by the Secretary of State).

SIR HENRY WILLOUGHBY said, that if he understood this clause aright, the Secretary of State would exercise the powers over the finances of India which were now exercised by the Directors of the East India Company, under the check of the Board of Control and the Court of Proprietors. It was right that the Committee should consider thus early whether they thought it desirable that the Secretary of State should exercise this great power. At the same time he hoped that the President of the Board of Control would give a clear explanation of the intentions of the Government as to the extent of the power which they thought should be committed to the Secretary of State, and also as to whether they had any objection to the addition of the words "in council," after the words "Secretary of State," thus sharing the powers of the former with the latter.

MR. CHICHESTER FORTESCUE said, he was prepared to move the Amendment suggested by the hon. Baronet. His wish was to make the Council a substantial and essential part of the governing power. He thought the way in which the Act of the noble Lord the Member for Tiverton was drawn in this respect was much better than the present Bill. If they had a Council at all, it was far better that such Council should be a reality and not a mere form. For his own part, he felt quite convinced that the responsibility of the Indian Minister in that House would always be most imperfect. His idea of the proper functions of the Council was, that it should take a vital and constant part in the whole transaction of Indian business, and that it should in all matters offer its advice and submit its decisions to the Indian Minister, of course reserving to him the right of disregarding such advice and overruling such decision. The model, in fact, which he would propose for the constitution of the Minister and his Council was that of the relative positions and functions of the Governor General in India and his Council. In a communication that had been sent by the Court of Directors to the President of the Board of Control that day, and which he trusted had been read by hon. Gentlemen present, it was set forth that the only

mode by which the direct action of the Minister and the existence of the Council, as a co-operative body, could be brought into complete harmony would be by transacting, as far as possible, all business by the Minister and the Council. From the principle of No. 2 Bill, and of the present measure, so far as regarded the constitution of the Council, he differed very widely, and he thought they were much better dealt with in the Bill of the noble Lord the Member for Tiverton. With the view, then, of carrying out the principles he had advocated, he would move the insertion in page 2, line 23, after the words "Secretaries of State," the words and "Council."

SIR JAMES GRAHAM said, that before the noble Lord the President of the Board of Control rose to address the Committee, he should wish to make a few observations in reference to the clause under discussion. The noble Lord, in moving the second reading of the Bill upon the previous evening, had adverted to several important alterations which he proposed to introduce into it at a subsequent stage, and he (Sir J. Graham) for one could not help thinking that it would be more convenient if the Bill had been committed *pro forma*, and the promised alterations introduced before they were called upon to discuss them. The clause under discussion was one of the utmost importance. Its operation, as it was at present drawn, would be to transfer to the new Minister for India, and to him alone, all those powers which were now exercised by the President of the Board of Control and the Court of Directors,—not in India merely, but also in this country. Now, it was, in his opinion, extremely expedient to ascertain what limitations were imposed upon the scope of the clause by other portions of the Bill, because as it now stood the transfer of power for which it provided was of a character entirely unlimited. The Committee must bear in mind that under the present system the President of the Board of Control had no authority whatever to expend in England one shilling of the money drawn from Indian revenue. He could not, for instance, without the sanction of the Board of Directors, pay pensions from that source, while any order for expenditure in India itself which he might make must be issued through the medium of the Secret Committee. The clause, however, in its present shape would confer upon the new Minister unlimited power to order the outlay of money in India without the concurrence of a single member of his Council, while his authority to grant pensions and order expenditure for general purposes in this country would be uncontrolled. Now, what limitations, he should like to know, did any other portion of the Bill impose upon the exercise of a power so extensive? He found no indication of any limitation whatsoever with respect to expenditure, except, perhaps, in Clause 58, which, however, was very equivocally worded, and which, in his opinion, would operate inefficiently as a restraint upon the Minister. With regard to the question of patronage, the power which the clause would confer would also be of a character almost totally unrestricted. The whole of the appointments in India, with the exception of some first appointments in the army, and the first appointments to clerkships in the civil service, would be in the hands of the Minister. The Bill of the noble Lord the Member for Tiverton placed those questions upon a different footing. In accordance with the 12th clause of that measure there could be no expenditure of Indian revenues in England without the concurrence of four members of the Council —or, in other words, half the entire body as proposed by the noble Lord. If he (Sir J. Graham) understood the remarks which had fallen from the President of the Board of Control on the previous evening rightly, he seemed disposed to look upon any such limitation as that as inexpedient, deeming that a sufficient check upon the expenditure of the Indian revenues would be afforded by bringing it under the supervision of that House by means of accounts to be laid before them long after the expenditure might have taken place. Now, he must say that the check which the noble Lord the Member for Tiverton proposed would, in his opinion, be far more likely to prove efficient than that which, by a general supervision, such as he had mentioned, upon the part of the House of Commons would be secured. The question was one of considerable importance, and he should, therefore, before he assented to the passing of the clause, wish to learn from the noble Lord the President of the Board of Control what checks he proposed to put upon the new Minister: first, in regard to expenditure in England, in place of the control now exercised by the Court of Directors; secondly, as to expenditure in India in lieu of the check now existing in the shape of the Secret Committee;

and lastly, what limitations he proposed to put upon them in respect to the distribution of patronage.

Mr. ROEBUCK said, that with respect to the comparison which had been drawn by the right hon. Baronet between the Bill of the noble Lord the Member for Tiverton and that under discussion, it must be borne in mind that the members of the Council which the noble Lord proposed to appoint were to hold office only for eight years, while the present Government proposed the appointment of a Council whose members should hold office for life. In the former case the Council, being nominated for only eight years, would, in point of fact, be responsible for its acts, inasmuch as its members would at the end of that period have to retire from office or to be re-chosen; while in the latter case the Council, being nominated for life, would be practically irresponsible. He should therefore wish to know what check would, under these circumstances, be exercised over their proceedings.

Sir JAMES GRAHAM said, that as the Committee were now discussing the third clause, which transferred the power and authority of the East India Company to the Crown, it appeared to him inexpedient to consider at present the constitution of the proposed Council. He wished, however, the Government would state whether they intended to transfer to the Minister, without limitation, the patronage of the Company and the whole power with respect to the revenue both in England and in India.

Colonel SYKES said, that at present the President of the Board of Control had not the power to expend a single shilling in England, though he could expend any amount he liked through the Secret Committee, as was done in one case when £120,000 had been expended in the construction of certain war steamers in India. The Court of Directors could not expend any amount of money without the concurrence of the President of the Board of Control, and then only to the extent of £500 in single grants, or £200 per annum in pensions. If the expenditure exceeded that amount, the Directors were obliged to obtain the sanction of the Court of Proprietors. The clause as it stood did away with the check now imposed by the Court of Proprietors, and empowered the Minister to give any order he pleased for the payment of sums out of the revenues of India. He decidedly objected to such a provision, which he thought had never been contemplated, and should therefore vote for the Amendment.

Sir ERSKINE PERRY said, the House had already decided in favour of a responsible Minister, and he hoped that question would not again be raised. The clause undoubtedly gave the Secretary of State an unlimited power over the expenditure in India. In considering the propriety of that provision it was necessary to look at the existing practice. The hon. and gallant Gentleman who spoke last, although a member of the Court of Directors, had not accurately stated what the powers of that body were. The Court of Directors had power to expend any money in London which might be requisite for carrying on the home Government, but neither they nor the President of the Board of Control had the power of making any donation to an individual exceeding £600, or of granting a pension exceeding £200 per annum, without the sanction of the Court of Proprietors. He thought the Committee would agree with the right hon. Baronet the Member for Carlisle (Sir J. Graham) that some such check should be introduced into the present Bill. It was his intention to propose at a future state that no gratuity to an individual exceeding £600, or no pension exceeding £200 per annum should be granted by the Secretary of State without the sanction of that House. That would be an effective check, would bring the affairs of India from time to time before the House in a legitimate manner, and would enable Parliament to ascertain whether the increased expenditure of the Indian revenue was justifiable or not.

Mr. AYRTON said, he would beg to remind the Committee that the clause commenced with the words "save as herein otherwise provided," and as extensive alterations might be made in subsequent parts of the Bill, the discussion of many of the questions which had been raised might well be postponed till some future occasion. His own opinion was that there was only one constitutional mode of supervising the expenditure of India, and that was to have an annual Appropriation Act. That had been found to be a sound principle in the conduct of our home finances and expenditure, and it would be of similar advantage in dealing with the revenues and outlay of India, inasmuch as the Government would have to come to Parliament on the subject.

Lord STANLEY said, it was clear, as

stated by the hon. Member for the Tower Hamlets (Mr. Ayrton), that the words "save as herein otherwise provided" included any check which the Committe might thereafter think proper to impose. It could not therefore be said that by passing the clause as it stood they would prevent themselves from imposing upon the Minister any check which they might deem either expedient or necessary. An hon. Gentleman had proposed to add, after "the Secretary of State," the words "and Council," which would have the effect of dividing all the powers to be given by the present Bill between the Minister and those by whom he was to be assisted. That was a fair proposition considered abstractedly, but it entirely did away with the whole professed object of legislation for India. If there was one impression more distinctly left than another upon the minds of those who heard the speech of the noble Lord the Member for Tiverton at the beginning of the Session, it was that the principle which he desired to assert and carry out in practice was the principle of undivided responsibility on the part of the Minister for India. Now, if they were to lay down that principle they must not shrink from conferring at the same time that which was necessary to undivided responsibility—namely, undivided authority. He had been told of provisions in the Bill of the late Government which made it necessary that in all matters of expenditure a certain number of the Council should concur. His reply was that the Council proposed by the noble Lord the Member for Tiverton was one of an entirely different character and constitution from that proposed by the present Government. The Council of the late Government was composed of nominees appointed for a short time, whereas the one now proposed was to be appointed for life, a half of the members not being nominated by the Crown. It appeared to him that such an alteration as that now proposed would introduce a double responsibility, first to the Council and then to Parliament. No one could desire that the Minister should be otherwise than responsible; and he felt all the difficulty of providing such a machinery as would satisfactorily answer the purpose intended—namely, to make that responsibility real and effectual. But he was convinced that if they legislated on the principle uniformly laid down by the majority of the House that Session they must make the Minister for India responsible to Parliament. He had been asked whether this clause would not give the Minister the control over the patronage as well as over the expenditure of India. He thought it was a sufficient answer to that to point to the clauses from thirty-one to thirty-four, in which regulations were prescribed more especially as to patronage. The civil service appointments were there provided for by open competition, as were also those connected with the scientific branches of the army. As to the other admissions to the army, a scheme was laid down by which the patronage was so divided that the great bulk of it would belong to the Council. What, however, he wished to impress upon the Committee was, that if they inserted in the clause general words dividing the power between the Minister and the Council, it would probably be found that they had taken away from the Minister more authority than they had intended to take away, and that they had, in fact, introduced in the very first step of their new legislation that double and divided responsibility which it was the professed object of that legislation to prevent.

MR. VERNON SMITH said, he fully agreed with the noble Lord that this clause must be considered in connection with others in the Bill; although the right hon. Baronet (Sir J. Graham) was quite right in saying, that if the clause stood alone it would give unlimited power to the Secretary for India. With regard to patronage, the objection had been answered; but as regarded expenditure, in India and in this country, the Bill provided no limitation to the power of the Minister. He considered that the present Council was more obstructive than that proposed by his noble Friend (Viscount Palmerston). He was sure that the Committee would think that there ought to be some check in this respect on the Minister for India, for if not, he would possess the most enormous power ever given to any Minister. It would enable him, as the clause then stood, to distribute the revenues of India at his pleasure among his political creatures, without any control from Parliament or any other body. Accounts were, indeed, to be submitted periodically to Parliament, but they all knew how illusory that formality was as a security against improper expenditure. Even the suggestion that all Indian pensions beyond a certain amount should be voted by Parliament would not much mend the matter. The reason why the Members of that House looked after the Estimates for the United Kingdom was, because they

were answerable to their constituents if they sanctioned any unnecessary Votes. But in the case of Indian expenditure it was manifest that no such motive would operate. The hon. Member for the Tower Hamlets proposed that there should be an Appropriation Act for India, but he (Mr. Vernon Smith) thought such a Bill would share the fate of the Indian Budget; and it would not, in the month of August, excite much attention, or cause payments to be looked into which ought to have been made by the Minister. Either by means of the Council, or otherwise, some check must be placed on a Minister invested with such extraordinary powers.

SIR FRANCIS BARING begged to add his request that the noble Lord would consider the power which he was about to grant to the Minister with regard to the finances of India. He admitted that, in considering the question of the government of India, they must put aside their notions of freedom, and proceed as if they were enacting an arbitrary measure. But there must be some security for expenditure. There was no security that the Council would act as a check, for the whole power of the President of the Board of Control was handed over to the Minister for India without even the intervention of the Secret Committee, and he might order any expenditure he chose. Was that a power to give to any man? He would further ask if the Minister was to have the power of raising loans without even the knowledge of the Council? Might it not be enacted that no order for the payment of money should be given without its going through the Council and being known to them? That would act as a check in some degree. As to the check proposed, of laying the accounts before Parliament, that would not be of the least use. It was absurd to think the House would attend to periodical financial accounts, which were too often laid on the table of the House only to be forgotten.

LORD STANLEY said, that the right hon. Gentleman had evidently not read the whole Bill, as it was clear that, when he put his question with regard to the power of raising loans being vested in the Minister, he had not looked at Clause 45, by which the powers of borrowing now possessed by the East India Company were transferred to the Council, to be exercised under the direction of the Secretary of State; so that there could be no loan without their knowledge. The 39th clause also required, that the revenues remitted to Great Britain and moneys arising in Great Britain, should be placed to the credit of "the account of the Council of India," and that all such moneys should be paid out upon drafts signed by three members of the Council.

SIR HENRY RAWLINSON said, the Bill clearly provided that all the home expenditure should pass through the Council, and that no money should be paid out by order of the Secretary of State for any purpose whatever. That was a much better security than the production of accounts in Parliament or the introduction of an Appropriation Bill.

SIR FRANCIS BARING said, he was aware of the clause in question, but it was so inconsistent with the argument of the noble Lord with regard to the responsibility of the Minister, that he thought it provided for a mere formal signature, just as three Lords of the Treasury signed certain warrants. If he was to understand that the members of Council did not merely sign, but had placed on them the responsibility of their signature, he had got a great deal of that he was anxious to obtain.

SIR GEORGE LEWIS said, he understood that the effect of the 39th clause was, that when the Secretary of State by his authority ordered money to be paid out of the home Treasury, and it was paid by draft, it was signed by three members of the Council; but the Secretary of State had the power to order money to be paid.

SIR CHARLES WOOD said, that if it was intended under the 39th clause that the Secretary of State should have no power to order the payment of money at home without the consent of a majority, or at least a certain number of the Council, all he had to say was that some words must be added to make the meaning clear. The clause, however, was confined to home expenditure and did not touch the much larger item of Indian expenditure, on which there appeared to be absolutely no check whatever. At present the President of the Board of Control could certainly order an extraordinary expenditure for war purposes through the Secret Committee, which in itself was some sort of control, but with regard to ordinary expenditure he had not the power to increase a single salary except through the Court of Directors. But in this Bill there was no check whatever upon the Indian expenditure.

MR. CHICHESTER FORTESCUE said, that if money was to be voted by the

Council, what was the meaning of the 23rd clause, which provided, that in case of any difference of opinion in the Council, the determination of the Secretary of State should be final. If the Secretary of State had not the power to order the payment of money, that exception ought to be included in the claim.

THE SOLICITOR GENERAL said, he must really deprecate verbal criticism on clauses which were not before the Committee. It was plain from the clause now before them that a check, more or less effective, was intended to be provided in subsequent clauses. When those clauses came up, then would be the time to consider whether the check they offered was sufficient. If he were to give an opinion, which he would rather not, he would say that it was intended that the expenditure should be determined by the President and Council, but how they were to determine it was to be left to themselves. He would, however, much prefer that the checks should not be discussed till the clauses containing them came on for consideration.

COLONEL SYKES said, that Clause 39 referred to monies remitted from India, but Clause 3 put the whole of the revenues of India at the disposal of the Minister.

SIR CHARLES WOOD said, he would be contented to take the discussion on this point on the subsequent clauses, but he begged to remind the House that the noble Lord himself had set the example of referring to them by stating that those clauses were sufficient for the purpose, whereas he (Sir C. Wood) thought he could see that they were not. He was satisfied to let this clause pass after what had been said.

SIR JAMES GRAHAM said, if there was any blame to be attached for the discursiveness of the debate, the blame rested with him, for it appeared to him that this clause transferred to the Secretary of State unbounded power over the whole resources of India. In saying this he begged to observe that the words of the clause that professed to limit the power had not escaped him; and therefore he asked the noble Lord what were the provisions which limited those general powers. With regard to the home expenditure, he must say he did not find the words of the 39th clause, to which the noble Lord had referred him, sufficiently explicit, and with regard to the Indian expenditure, he did not find in the Bill any restraint whatever. The Secret Committee, as it stood now, was an efficient moral restraint upon the President of the Board of Control; but even that restraint was taken away in the present Bill, and the Secretary of State would have it in his power to increase salaries or to raise the expenditure to an unlimited extent, without the Council knowing anything of the matter, or Parliament either, till at some distant period the accounts were laid upon the table of that House. So much with regard to the expenditure. With regard to the patronage, he found that there was no check upon the home patronage, except that the first appointment of clerks was to rest with the Council; but all the other appointments and all promotions were to be in the hands of the Minister alone.

MR. GREGSON said, he hoped that the clause would be modified in such a way as to afford some check on the power of the Secretary of State. He would suggest, however, to the hon. Member (Mr. C. Fortescue) that he should alter the terms of his Amendment from "and Council" to "in Council."

SIR HENRY RAWLINSON said, was a mistake to suppose that the President of the Board of Control could not increase the ordinary expenditure in India. It was true he could not do so directly, but he could order the Court of Directors to do it; and if they refused, he could compel them by *mandamus*.

THE CHANCELLOR OF THE EXCHEQUER said, that the Secretary of State, in this Bill, was in the same position with regard to his power over revenue as the President of the Board of Control. The clause which the Committee ought to look to was not only the 39th but the 24th, which provided that no communication of any kind should be sent to India by the Secretary of State without the knowledge of the Council. This would give the Council that supervision and control which it was thought they ought to exercise.

MR. PULLER said, that according to the interpretation of the Chancellor of the Exchequer, the power of the President could not be exercised without the knowledge of the Council, but still they would possess no control over him. On the other hand, if a veto was given to them, it would take out of the Secretary's hands the power vested in him by the Bill, as if the Council could prevent the Secretary from ordering any expenditure, they could prevent him from making any alteration of policy which would involve an increase of expenditure. For this reason he was

opposed to inserting the words "Secretary of State and Council," as they would give the Council a veto; whereas the words "Secretary of State in Council" would require the business to be transacted with the advice and in presence of the Council, and this latter he thought more in keeping with the rest of the Bill.

MR. VERNON SMITH said the 24th clause only provided that the orders of the Secretary of State should be submitted to the Council, not that the Council should have any power to impede their execution. The President of the Board of Control could only now enforce his orders by application for a *mandamus*, which was a very different proceeding from that which would take place under the 24th clause. The Secretary of State would, by this Bill, have greater powers than the President of the Board of Control, and he was of opinion that some greater restraint was necessary.

SIR HENRY WILLOUGHBY said, he thought the Chancellor of the Exchequer had overlooked the 27th clause, which provided that orders now sent through the Secret Committee might be sent by the Secretary of State without communicating with the Council. Suppose a Minister chose to expend half a million of money on steamers in a war with China, the Council would not be able to interfere in the matter. It was clear that the power of the Minister would be most arbitrary and despotic. He wished to know from the Government, therefore, whether it was intended that the Minister should be allowed to expend any sum he might please without the knowledge of the Council or the knowledge of Parliament.

MR. BARROW said, he must protest against this inconvenient mode of discussing clauses which were not before them. The clause was a plain transfer of power to the Secretary of State, subject to certain checks in subsequent clauses; and, as a plain man, he would recommend hon. Gentlemen to reserve their objections till these clauses came up, and in the meantime to give notice of the Amendments they intended to propose.

MR. CHICHESTER FORTESCUE said, he would alter his Amendment by moving, after the words, "one of Her Majesty's principal Secretaries of State," to insert the words "in Council." The effect of this Amendment would be that in ordinary matters the Council would be cognizant of what was contemplated by the Secretary of State, though they would not have power to overrule his decisions.

Amendment proposed, in page 2, line 23, after the words "Secretaries of State" to insert the words "in Council."

SIR GEORGE LEWIS said, he thought the effect of the Amendment would not be that which was intended. If the Government would adopt the course followed on this point in the Bill of the late Ministry he believed they would solve the difficulty. That Bill contained a clause that no grant whatever by way of increase of actual charge on the revenues of India should be made without the concurrence of the President and at least four members of the Council. If it was the intention of the Government that no new grant—he was not now speaking of an order relating to war or to public works—should be made out of the revenues of India by the Secretary of State without the consent of the members of Council, a distinct clause to that effect had better be brought up subsequently.

LORD ADOLPHUS VANE-TEMPEST said, the present clause was a mere *sequitur* of the provision that the Government of India should be handed over to the Crown. If the Amendment should be adopted the Minister would be completely controlled by the Council. He trusted, therefore, that it would be withdrawn. After they had decided on this clause, he did not see anything to delay the Committee until they arrived at the 7th clause, on which he had given notice of his intention to move an Amendment.

LORD JOHN RUSSELL said, he could not vote for the Amendment of the hon. Member for Louth (Mr. Fortescue), as he thought it would change the whole character of the measure, and hoped the Government would pay some attention to the suggestion of his right hon. Friend (Sir George Lewis).

MR. MANGLES said, that nothing more was required with respect to the new Council than existed with regard to the Council and the Governor General of India. All the official business must be done by the Governor General in Council, and he thought the new Minister ought to hear his Council and take their advice. That system had acted admirably in the Indian branch of the Government, and he did not see why it should not adequately well in the English branch.

MR. T. BARING said, he should sup-

port the Amendment of the hon. Member for Louth, because he believed it would be the best check against the misuse of money and the misuse of patronage.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 77; Noes 221: Majority 144.

Clause *agreed to*.

Clause 4.

SIR JAMES GRAHAM said, that by the present law three Secretaries of State and one President of the Board of Control might sit in the House of Commons. There was, therefore, no objection to the new Secretary of State being empowered to sit.

Clause *agreed to*, as were also Clauses 5 and 6.

Clause 7 (Number of Members of Council).

VISCOUNT PALMERSTON said, he did not feel any constitutional jealousy at giving the Government the appointment to fifteen new places. He was not all apprehensive that it would affect the liberties of the country, but he thought that fifteen would be a cumbrous and inconvenient number for the Council. There was a great deal of force in what was urged by the hon. Member for Birmingham (Mr. Bright), that a large transmission of matter from India to London would no longer take place. They all knew that an infinite number of details and records of transactions and orders need not be transmitted. A system prevailed somewhat like that which was complained of in Lombardy with regard to the Austrian management, that even horse-shoes were sent from Vienna. Everything which was wanted in India was sent from England. Records of the most minute transactions, accompanied by an infinite number of pages of writing, were sent home, and, having been settled ten months before in India, there was nothing to be done but to put the papers up and think no more about them. If there were Committees, he had no doubt they would refer such documents to the chief clerk of the department to make a short abstract, in order that the matter might be brought into a narrow compass, and the Committee saved the trouble of reading all the papers. He, therefore, begged to suggest that at all events they should come back to the number which the noble Lord the President of the Board of Control seemed disposed to adopt, and, instead of fifteen, make twelve the *maximum* number, leaving the Government, if they thought proper, hereafter to reduce that number. It seemed to him that in framing the Bill the Government had been unable to divest themselves of the impression that the new arrangement must in some degree resemble the old one, and that because the Court of Directors consisted of eighteen they must have for the Council as nearly as possible the same number.

Amendment proposed in page 3, line 20, to leave out "fifteen" and insert "twelve."

MR. MANGLES said, that in his opinion the noble Lord was entirely mistaken in supposing that the Indian business transacted in this country had at present a tendency to decrease. The fact was that a considerable addition had been made to it of late years in consequence of the construction of railways and other public works, and that addition must continue in active operation for a long time to come. He should also say that, as far as he could judge, India must, under the present conditions of her existence, continue to receive all her manufactured articles from this country. It was true that she possessed raw material in abundance, but she was utterly deficient in manufacturing power, and many years must elapse before that deficiency would disappear. The noble Lord had followed in the steps of the right hon. Member for Northampton (Mr. Vernon Smith), who thought the Committees did nothing at all, but that the Chairman transacted the whole business; and he even went a step further, and said the clerks did the principal portion of the business. The right hon. Member for Northampton said, if a record were kept of the attendances it would show how little the Directors attended; but there had been a record kept for the last fifty years, and it would show the right hon. Member how regularly they had attended on Committees. He hoped the Committee would not diminish the number of fifteen.

MR. GLADSTONE said, he was prepared to support the proposal of Her Majesty's Government that the number of the Councillors should be fifteen. He would state why he preferred that number to twelve. There were two ideas of an Indian Council. One was, that it should be a body to be consulted by the Minister only occasionally and as his convenience might dictate, and on which the ordinary transaction of business was not to be dependent. Now, if he contemplated the

creation of such a Council as that, he should prefer to have the number stand at twelve, or even at that smaller number which the noble Lord the Member for Tiverton had proposed in his Bill. But that was not his idea of the Council. He thought it essential that that body should be a party to the India business from its inception to its close; and he understood that the number fifteen was chosen with a view to have a Council sufficiently large to admit of its division into Committees. In reference to that latter point, however, there was a defect in the Bill. He had understood his noble Friend the President of the Board of Control to say, that the Government intended that the Council should be divided into Committees, and that the ordinary business of India should be initiated in those Committees, passing from them to the Council and from the Council to the Minister as was the case with the Committees of the Court of Directors. That seemed to him to be a very proper proposal, and not only proper, but very important, and even essential to a wise settlement of the question. But he did not find in the Bill any provision for giving effect to such an arrangement, and he would suggest that a provision to that effect should be introduced into the measure before it passed through Committee.

MR. DANBY SEYMOUR said, it appeared from the evidence given by Sir James Melvill before the Committee of 1853, that ninety-five portions out of one hundred of all the real business of the Company were transacted by the clerks who drew up the draughts of reports, and that the remaining five portions in every hundred were all that were initiated or transacted by the Committees. Nor need they fear that any great addition would be made to the business of the Indian Government in this country in consequence of the construction of railways. The Committee which was at present inquiring into that subject found that the railway business which devolved on the Government was less than it was generally supposed to be, and he believed the Members of that Committee were disposed to think that it ought to be greatly diminished by leaving the railway arrangements in the hands of the railway companies. ["Order!"] Then, with regard to public works, the communications relative to every culvert and bridge from the Board of Works in India involved an unnecessary amount of correspondence. He did not believe that the members of the committees of the Court of Directors read through all this business. He would vote for the number of twelve, because it was a nearer approximation to the number of four, which was ample for the Council of India. In India, where all the real business was transacted, there were only four members of the Supreme Council, and twelve members would be quite enough to review the business done in India.

LORD STANLEY said, that they had already travelled over the ground so frequently that he should pass over it rapidly upon that occasion. He entirely agreed with his right hon. Friend the Member for the University of Oxford that the number of the Council must depend very much on that other question, of the nature of the duties which they would have to discharge. He had stated on the preceding day, that the Government proposed that the Council should be divided into committees for the transaction of business. His right hon. Friend wished that division should be made obligatory in the Bill. If he looked to the 20th clause he would there find, not, indeed, an absolute obligation, but a provision to the effect that "it shall be lawful for the Secretary of State to divide the Council into committees for the more convenient transaction of business." He mentioned that merely for the purpose of showing that the plan of dividing the Council into committees had been contemplated from the first by the Government. But they had been told that the business of the Indian department would henceforward be less than that which had hitherto devolved on the Court of Directors and on the Board of Control. He would not undertake to say how that might be in future years; but it was clear that no such reduction of business could be effected at once, or, indeed, for a considerable period of time. He believed they could not draw any parallel in that case between what had taken place in the colonies and what was likely to take place in India. The colonial business had been diminished, because the Colonies had been allowed to have a large share in the administration of their own affairs; but it would be premature to contemplate the adoption of any similar arrangement for India; and if any control was to be exercised over the local government of that country, that control must be left in the hands of the Indian Government at home. He should be prepared to yield to any decision at which the Committee might arrive upon the point then under

their consideration; but he should say that the more he saw of the business to be transacted by the new Indian administration, and of the duties that would probably devolve on the Council, the less was he disposed to reduce below fifteen the number of the Councillors.

MR. LOWE said, he could not imagine what this Council of fifteen gentlemen would have to do. The eighteen Directors of the East India Company not only found time to read through the business of the Company, but to do a great many things beside. The late Chairman (Mr. Mangles) was a Director of several other public companies. Several other Directors were bankers. One of the ablest Directors, who seemed made by nature to be the prop of decaying corporations, had been the Chairman of the East India Company, the life and soul of the Hudson's Bay Company, and everything at the Trinity House. He referred to Captain Shepherd. He wondered, therefore, how the Council would employ their time, and when he saw how useful every thousand pounds would be in India he owned he grudged the money that was to go in salaries to the Council. The Board of Control was divided into six departments—the financial, the revenue, the political, the military, naval and civil, the judicial and ecclesiastical, and the public and miscellaneous. At the head of each was a clerk who managed the business of his department, and the Secretary of the Board afterwards read alone all the matters concerning these six departments which were to occupy the time of the Council. He had done it himself, and his health did not suffer from the labour. If the Minister of India had six departments, and six heads of departments, he might consult them and derive great advantage from their labours. But these fifteen gentlemen, whose time would not be over occupied, would make it out in debating matters in general. Was the Secretary of State to be present at their deliberations or not? If not, and the Council were to deliberate under a Vice President, they were now reconstructing a double Government with all its delay. If he were to be present it would be impossible for him to get through the papers and at the same time to attend to his duties in that House and as a Cabinet Minister. He knew that the Minister for India would not attempt to be present, but would leave them to deliberate by themselves. What would happen would be this:—When the President wished to send a despatch he would give the Secretary of that department instructions to prepare it. He would then send the despatch to the Council. If they altered it he would alter it back, and all that would be got would be so much delay. The House had determined to appoint this Council, but he would say *liberavi animam meam*. In two or three years the Council would fall into contempt, and then the House would wonder that it had ever been appointed.

SIR HENRY RAWLINSON said, that he could state, from his own experience, that as the case stood at present twelve persons were competent to transact the business. At present the Court of Directors were divided into three Committees, consisting respectively of five, five, and six, two being abstracted for the offices of Chairman and Vice Chairman. Of these Committees three were a quorum, so that nine were sufficient to perform the business. The only result of the increase in the number of the Councillors and Directors was that a greater margin was allowed. But there was a more important consideration than the mere question of pounds, shillings, and pence. They had to form a large independent body, whose opinions should be respected by, and should command the attention of, the Secretary of State. Although, therefore, he thought that twelve would be sufficient in a utilitarian view of the question, still he should prefer fifteen on broad grounds of general policy. As to the constitution of committees, the noble Lord had proposed to divide the Council into six committees. But if they had a committee of two it would be practically useless, as they would be certain to have one on one side of the question and the other on the other. Three were, therefore, required for the casting vote. The only other point he would allude to was as to the initiative. The two statements which had been made were quite reconcilable. The Chairman of the Court was *ex officio* chairman of every committee; and when a letter was drafted by a committee, he took the initiative in the name of the committee.

Question put "That 'fifteen' stand part of the clause."

The Committee *divided:*—Ayes 227; Noes 165: Majority 62.

VISCOUNT PALMERSTON said, as the Committee had now decided that the Council was to consist of fifteen members, he would propose to insert in the clause that

they should be appointed under warrant of the Crown by sign manual. The Committee would remember that the original proposal of the Government was that a large proportion of the Council should be elected by the votes of an extraordinary description of constituency. That proposal, however, had been abandoned by Government on further consideration, and step by step they approached nearer to the principle of nomination. He entertained a strong opinion that the rule and analogy of the constitution, in accordance with which every person connected with the administration of the Executive Government was elected by the Crown, ought to apply to the appointment of this Council. It was not only at variance with the principles of the constitution that such officers should be otherwise appointed, but it was also to be deprecated that the Committee should be led into an attempt to perpetuate the system of self-election. They ought not to be led away by a vain image of election imprinted upon the retina of the mind that, because the Court of Directors were in some measure an elected body, they were carrying out the elective principle in leaving to them the nomination of a portion of the Council. It was a perfect fallacy to say that the Court of Directors had been elected in the sense of the Resolution to which the Committee upon the Resolutions had approved of. They were now called upon to transfer to the Crown the same governing power as was at present possessed by the East India Company, and with that power it ought to have the same latitude in the appointment of governing officers. If the principle laid down by the right hon. Gentleman the Member for the University of Oxford were the correct one, the Council should be appointed by the Sovereign power, whether that power was the Crown or the East India Company. It was thus that the Directors had been appointed, for they had not been elected to office by any one extraneous to the Sovereign power. They had, in fact, been appointed in the only way in which it was possible for an aggregate body to appoint them. As no part of the Court of Directors had been appointed by any other authority than by the Sovereign power, then, by a constitutional analogy, the Crown should have the appointment of the Executive Council of India. Without detaining the Committee longer in regard to a question which had been already argued, he would content himself by moving the insertion of a proviso that the Council should be appointed by Her Majesty's warrant under the sign manual.

Amendment proposed, in page 3, line 20, after "Members," to insert "to be appointed by Her Majesty by Warrant under Her Royal Sign Manual."

THE CHANCELLOR OF THE EXCHEQUER: Sir, I do not intend to enter into any lengthened discussion on this point, which has been urged so frequently upon the House. Having determined that part of the Council should be elected, we have also expressed the reasons which induced us to come to that conclusion—namely, that in our opinion it is desirable that the Council of India should be of a mixed character. The House, in resolving that a portion of the Council should be elected, came also to the conclusion that the best contrivance which could be adopted for the introduction of the elective principle should be the one which should give the greatest independence to the Council, and that is the one which has been presented to it. The fallacy, as I think, into which the noble Lord has fallen is that of supposing that the Council of India is to be an Executive Council. But it is not to be an Executive Council, and by assuming that it is, the noble Lord has been induced to arrive at a conclusion which is utterly invalid. The plan which has been recommended by the Government is that which seems to them the most practicable one. The Committee is not now asked to object to this particular application of the elective principle, but to object to that principle altogether, on the ground that the Council now proposed is an Executive Council. That is an entire fallacy, and I trust that the Committee will adhere to the Resolution which they have already sanctioned and the policy they have approved, that it is of the greatest importance that the Council shall be an independent one. To maintain that principle the mixed element is necessary, and to maintain that mixed element it is requisite that the elective principle should be called into action. There can be no doubt that the application of the elective principle is on the whole the wisest thing that could be done. That is the simple question before the Committee, and I trust that it will not sanction the Amendment of the noble Lord.

LORD DUNKELLIN was understood to say, that he objected to the principle advo-

cated by the Chancellor of the Exchequer, and should support the Amendment. The question before the Committee was whether any part of the Council should be elected, or whether it should be nominated. When the Chancellor of the Exchequer brought in his Bill, the constituency was large, but had since melted away till the principle of selection alone remained. A few minutes ago they decided that the whole of the Indian business, which had been ably transacted by five gentlemen, was too much to be done by fifteen; having decided that, it now behoved them to decide how the fifteen were to be chosen. Eight were to be nominated by the Crown, and seven chosen by persons holding Indian stock or railway shares in India. Even supposing the seven to be elected, the Crown would have the majority. It was the principle of nomination and irresponsibility. That was not a principle that ought to be adopted. If the nomination of this Council was to be by the responsible Minister, the best men would be chosen.

MR. STUART WORTLEY said, it was impossible to deny that all the members of the Executive Administration were technically and strictly nominated by the Crown, but it could not be contended that they were nominated by the Crown, simply without any mixture of election. The members of the Cabinet must be in Parliament, and therefore, they were in a degree elected by the people. It was recorded by the late Sir R. Peel in those memoirs the publication of which he had intrusted to the able hands of his right hon. Friend the Member for the City of Oxford and Earl Stanhope, that the Crown was deprived of the services of Sir G. Murray as Paymaster of the Ordinance in consequence of his having lost the Perthshire election, and that the Crown was compelled to appoint another person. Again, in much more recent times, the right hon. Baronet the Member for Hertfordshire (Sir G. B. Lytton) could not join the Earl of Derby's Administration on the Accession of that noble Lord to office, because there was a doubt (which proved afterwards to have been groundless) whether, if he were appointed Colonial Minister, he would be able to get returned for Hertfordshire. Would Fox ever have been Minister, of the Crown if the Crown alone had the power of nominating? Was it not notorious that it was the influence which Fox had in the House of Commons that forced the Crown to appoint him?

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 147; Noes 240: Majority 93.

MR. GLADSTONE said, he had a proposal to make to the Committee, the subject of which, although it had been mentioned, had not, so far as they had gone, been discussed. It was to the effect that the first members of the Council should be named in the Act. He was entirely in the hands of the Committee as to commencing the subject. [*Cries of* "Progress!"] In deference to the wishes of the Committee he would move that the Chairman report progress—and his proposal would assume the form of a notice that he would move as an Amendment to insert at the end of line twenty the words, "and it shall consist of the following persons," leaving to the Government the selection of the names.

THE CHANCELLOR OF THE EXCHEQUER: Sir, as the right hon. Gentleman has moved that you report progress, I think it candid to state, without entering at present upon the discussion of the principle his proposal involves, that I think there are very grave objections to insert names in the Bill. We did upon one occasion propose names. (*Ironical cheers.*) I think I am obliged to refer to that fact in order to show that personally I have no objection to such an arrangement; but I think it right to add, that after the proposition was made we had reason to believe that its adoption would be very inconvenient and injurious to the public service, and that it would be much better not to establish such a precedent, and when the occasion offers I shall respectfully submit to the Committee the reasons we had for so thinking. I will not resist the Motion to report progress, and perhaps the Committee will allow me to avail myself of this opportunity to state the course which I think it desirable we should pursue. There are very urgent reasons why we should take Supply on Monday, and I therefore propose that we should not proceed with the Committee on the India Bill until Thursday; but I make that proposition in the hope and with the belief that on Thursday and Friday we may be able to complete our labours on this stage of the Bill. On Monday we shall take the Funded Debt Bill, and then go into Committee of Supply; and I should be very glad if it would be for the convenience of the House to have a morning sitting on Monday, in order to finish the Scotch Universi-

ties Bill; it is a matter of great importance to Scotch Members, and the wish is, I believe, unanimous that the public business should be transacted, not in haste, but with all reasonable despatch. At all events, we propose to take the Funded Debt Bill on Monday, and on Thursday and Friday the Committee on the India Bill.

The House resumed.

Committee report progress; to sit again on *Thursday* next.

SALE AND TRANSFER OF LAND (IRELAND) BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

MR. BERNAL OSBORNE said, he must protest against the Bill being proceeded with at that late hour (half-past twelve). He must also complain that Clause 51, which was one of the most important clauses of the Bill, had been disposed of at such a late hour on a previous evening in a very thin House.

THE CHAIRMAN reminded the hon. Member that he was out of order in referring to a clause which had been passed.

MR. BERNAL OSBORNE said, he should then move that the Chairman report progress, and he wished to give notice that on the bringing up of the Report he should move that Clause 51 be expunged.

MR. WHITESIDE opposed the Motion. There was no Amendment of importance on the paper with reference to this Bill, and he was surprised that any opposition should have been raised to the further progress of the Bill.

SIR ERSKINE PERRY supported the Motion for reporting progress.

MR. WALPOLE said, that Clause 51 of the Bill had been agreed to after considerable discussion, and after a division in which there were 130 in the majority, and seven or eight in the minority. He hoped that the Committee on the Bill would be allowed to proceed.

MR. MONSELL said, he hoped that no opposition would be made to the progress of the Bill in Committee, at all events by those who, like himself, regarded the measure as one of great importance and value.

MR. SERJEANT DEASY appealed to the Chancellor of the Exchequer not to proceed with the Bill at that late hour (half-past twelve o'clock).

THE CHANCELLOR OF THE EXCHEQUER said, that he should not think of proceeding with any discussion of importance at that late hour, if it were not the wish of the Committee. It was said that there was some objection to the mode in which Clause 51 had been passed, but he knew of nothing more fair than the manner in which that clause was carried; it was discussed at some length, and was then carried by an overwhelming majority. They could not re-discuss that clause then: and without unduly pressing the Committee to proceed, he hoped that they would proceed with the remaining clauses of the Bill, on the understanding that an opportunity should be given to discuss the 51st clause on a future occasion.

The House resumed.

Committee report progress; to sit again on *Monday* next.

House adjourned at One o'clock, till *Monday* next.

HOUSE OF LORDS,

Saturday, June 26, 1858.

Their Lordships met, and having gone through the Business on the Paper,

House adjourned at a Quarter to One o'clock, to *Monday* next, Eleven o'clock.

HOUSE OF LORDS,

Monday, June 28, 1858.

MINUTES.] PUBLIC BILLS.—1ª County Court Districts; Chinese Passenger Act (1855) Amendment; Commissioners for Exhibition, 1851; Railways Act (Ireland) Continuance; Portendic and Albreda Convention.

2ª Universities and College Estates.

ROYAL ASSENT.—Property Qualification; Chancery Amendment; Peace Preservation (Ireland) Act Continuance.

STATE OF THE THAMES.

OBSERVATIONS.

LORD RAVENSWORTH in presenting the Report of a Committee said, he wished to make a statement with respect to the ventilation of the Committee-rooms overlooking the river. During the time their Lordships' Committee had been sitting they found the ventilation of the Committee rooms to be eminently defective, and they suggested that the only true mode of effecting their ventilation was by forming openings at the top of the rooms.

In reply to the Duke of GRAFTON,

THE EARL of MALMESBURY said, that Her Majesty's Government had taken

immediate measures to alleviate this evil, so much and so justly complained of on Friday evening. The only measures which could be adopted were only temporary—that of deodorising the sewage during the hot months of the year, according to the plan which had succeeded so well at Leicester. That was the only way in which the Government could deal with this matter at present. The Government were ready to pass an Act, if it should be necessary, for the purpose of guaranteeing the payment by rates of any expenses which might be incurred by the process he mentioned. He begged their Lordships to remember that fear was a very bad counsellor, and that although it was very natural they should entertain certain apprehensions of disease arising, such has had been expressed on a former occasion, yet they ought not to pass any measure without due consideration. In their disturbed moments the other night it quite escaped their Lordships' notice that if they were, under the present circumstances of the river, to employ 500 or 1,000 workmen, it would possibly produce among these men disease which might spread over the whole metropolis. It would be much better to undertake at present whatever the Government might fix upon, and then adopt permanent measures in the autumn, when the weather would be much cooler. He hoped the House would be satisfied with what the Government had done, and with their assurance that they would give every attention to the subject. An officer of the Board of Health had been appointed to report upon the best means to be adopted on that part of the river which was opposite to the Houses of Parliament, and not a moment would be lost in putting the recommendations into practice.

LORD BROUGHAM, after expressing pleasure in hearing the statement just made, and at what the Government had done, said he would propose that a Commission should be speedily appointed with strong powers to act in the best manner possible. No doubt fear was a bad counsellor, but there was another counsellor much worse, namely, foolhardiness. The delay which would ensue might bring on a serious and fatal attack of cholera or typhus fever when the month of August came, and when the atmosphere would be in a most fearful state. He thought the Government ought to assume, if not arbitary, very complete powers in this matter.

THE EARL OF HARDWICKE said, the Government and the House were agreed that a great evil existed, and the Government were desirous of dealing with the question in the most expeditious and satisfactory manner possible. Men eminent in science were considering the subject, and they and the Government were exercising their ingenuity to alleviate the evil. The Government had taken the most proper step which existing machinery allowed to abate the nuisance, and that was by using 100 tons of lime or more with other chemicals to pour into the river at the mouths of the sewers, and thus deodorising the sewage. He did not see that more could be done in this sudden emergency. The question was one not only of great difficulty but of enormous outlay. If the sewers were at present opened in the town it would be very prejudicial to the health of the inhabitants. At present the Government proposed to deodorise the Thames, and then, when the weather became cooler, go on with the greater measure.

The DUKE OF NEWCASTLE hoped these attempts would be successful; but they must recollect, when reference was made to Leicester, that it was a different thing to deal with a town of 50,000 or 60,000 inhabitants and a city like London with 2,500,000. The process proposed to be taken by the Government in deodorising the sewers was not that which had been adopting in Liecester. The noble Earl seemed to think that those who had advocated larger measures on a former occasion had been actuated by fear, and that it would never do to set 500 or 1000 workmen to stir up the mud on the banks of the river in the hot months. Perhaps not, but if these works were resolved upon to-morrow, two or three months must elapse before the materials could be collected to enable the contractors to begin. That might well be done during the hot weather. He would have liked better if the measure of the Government had been more of a permanent measure, and if it had had reference to larger operations than those proposed. His noble and learned Friend had spoken of a Board to be constituted by Act of Parliament for the carrying out the necessary operations. He believed that the noble and learned Lord would be content if he were assured that the Metropolitan Board of Works aided and spurred on by the Government, could, with the machinery in existence, carry out the works that were necessary. He should like to know whether the proposed Bill was intended to have reference merely to minor measures, and whether some provision would not be

introduced in it similar to that contained in the original Act establishing the Metropolitan Board, but withdrawn in consequence of the opposition of some Members of the other House.

THE EARL OF MALMESBURY said, that the first object of the Government was temporary and palliative. The Chairman of the Metropolitan Board of Works would take the matter in hand, and power would be taken by an Act of Parliament to give him the money he might require for carrying out these measures, and to provide for its repayment. The larger measures that might be required were under the consideration of the Government; but they were so extensive that they could not be adopted without earnest and careful thought. He believed that the measures of deodorisation which had been successful in a small town would be equally applicable to a larger. In Paris there were not less than eight or nine deodorising machines in use at a trifling expense, and every one knew how much more salubrious the atmosphere of Paris had become during the last few years.

POLITICAL SERVICES OF THE CHURCH OF ENGLAND.

MOTION FOR ADDRESS.

EARL STANHOPE rose, pursuant to notice, to move the following Resolution:—

"That an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to take into Her Royal Consideration the Proclamation of the First Year of Her Majesty's Reign, commanding the Use of the Forms of Prayer and Service made for the Fifth of November, the Thirtieth of January, the Twenty-ninth of May, and the Twentieth of June; and should Her Majesty see fit to order the substitution for the said Proclamation of one declaring it Her Majesty's Royal Pleasure that only the service appointed for the Twentieth of June, being the anniversary of Her Majesty's accession, shall henceforth be printed and published and annexed to the Book of Common Prayer and Liturgy of the United Church of England and Ireland to be used yearly on the said Day."

The noble Earl said, that on calling their Lordships' attention to the Political or State Services of the Church of England, he desired in the first place to refer to the Motion made earlier in the Session upon the subject of the Liturgy by the noble Lord (Lord Ebury) who for so many years represented the county of Middlesex. The speech of the noble Lord on that occasion was admitted, even by those who opposed his Motion, to have been distinguished by excellent taste and spirit; and much as their Lordships differed as to the final issue of that Motion, there were some points on which they were all agreed. They were all agreed in one feeling of admiration for our beautiful and majestic Liturgy, so appropriate in its language and so lofty in its strain of devotion. They were all, or nearly all, agreed that some improvement might be made, if not in the services of the Church, at least in their selection and arrangement; although it was also felt that evil might arise from disturbing what had been so solemnly established. He had now to invite their Lordships' attention to a much smaller branch of the subject. He asked them to disturb what, as he would presently show, had been by no means so solemnly established. He asked them to remove services from the Liturgy which in their present form did not rest upon the votes of Convocation, or upon Acts of Parliament, but upon the force of a Royal Proclamation alone. He asked them to remove services which deserved no part of the praise to which the rest of the Liturgy — the real Liturgy —was justly entitled; but which, when viewed in juxtaposition with it, were a blot and a stain that he called upon their Lordships to remove. Their Lordships would readily believe that on a question of this moment he did not rely on his own judgment alone. On the contrary, he had taken counsel with many persons of great weight and authority in ecclesiastical matters. He might further mention that though this question was new to Parliament, it was not new to Convocation. Last year a Motion, almost identical to the one he had now to make, was brought forward by a divine who was certainly inferior to no man living in ecclesiastical knowledge and research, and whose opinion, both on that account and on many others, was entitled to the highest respect — he meant Dr. Milman, the Dean of St. Paul's. That Motion, had it been proceeded with, was to have been seconded by a divine of a different school, but also a high authority in such matters —Chancellor Martin, of Exeter; but it did not come on for discussion, not so much from any opposition, either encountered or expected, but through those forms and technicalities with which all proceedings in Convocation are beset. The subject was referred by Convocation to the consideration of a Committee and the Report of that Committee he held in his hand. In their Report the Committee declared themselves unwilling to give any opinion whether, on the ground of the Royal Proclamation or on any other ground, the use of the services as now existing was or was not legally obligatory; to give any

such opinion said the Report, would be "to intrude on the province of the courts of law." But so far as regarded the Church, and what he might call the historical part of the question, the judgment of the Committee was expressed in the following words :—

"Though in one or more of the three cases Convocation appears to have given its sanction to certain services, yet the Crown, in ordering these services, makes no reference to any co-ordinate authority in this respect of Convocation. The services as they stand at present, with alterations not unimportant made from time to time, were certainly not submitted either to Convocation or to Parliament, but rest so far on the sole power of the Crown."

It was to this conclusion, in which he entirely concurred, that he wished to direct their attention, and he hoped to be able to show their Lordships that the services as they existed did not depend on any decision either of Parliament or of Convocation, but solely on the authority of the Crown.

The first of these services was that set down for the Fifth of November, and instituted in 1605, when the King and the two Houses of Parliament had been recently delivered from a foul midnight conspiracy known as the Gunpowder Plot. An Act of Parliament was then passed, being the 3rd of *James* I., cap. 1. This Act began by speaking of the utter ruin which might have ensued to the whole kingdom had it not pleased Almighty God to inspire the King's Most Excellent Majesty with a Divine spirit to interpret some dark phrases of a letter. After this compliment to the King, on which he would make no comment, the Act proceeded to enact that a day should be set apart to celebrate the deliverence, but it did not provide any form of service. It provided nothing but that the Act itself should be read on that day in the parish churches, which he believed he might assert had never been done in any one single case, so far as was known, for at least a hundred and fifty years. It followed therefore that, so far as the Act of Parliament was concerned, unless the supremacy of the Crown had provided a service the day could not have been kept at all. The Crown did provide a service, and that service subsequently did obtain the authority of Convocation. Thus matters continued until the Revolution, when it chanced that the Prince of Orange landed in England on the Fifth of November, the anniversary of "the Gunpowder Plot." It was then resolved to new-model the service, and to make it a Thanksgiving for the landing of King William III., as well as for the deliverance from the Gunpowder Plot. In this new-modelling of the service no reference was made to Parliament or to Convocation. The task was committed to two Prelates, Bishop Sprat and Bishop Patrick, and this was the form continued down to the present day, being prescribed anew by Royal Proclamation at the commencement of every reign. It followed that the Act of Parliament directing the day to be observed would become a mere dead letter the moment that the Crown consented to withdraw the Royal Proclamation which was necessary to enforce the remodelled service. Then came the question whether it was desirable or proper to continue the service in the Book of Common Prayer. He did not for an instant deny that the deliverance of the Sovereign and both Houses of Parliament from a sudden and cruel attack of conspirators was an act of Providential mercy deserving to be held in grateful remembrance, and for which thanks were due to Almighty God ; nor was he inclined to speak in other terms than those of gratitude for the political and religious benefits which this country derived from the landing of King William III.; but he submitted to their Lordships that in all questions of this kind the lapse of time was a most important element. No man would think, for example, of celebrating by special thanks the expulsion of the Danes by King Alfred, or the return of Cœur de Lion from captivity ; and he certainly did think that after the lapse of more than a century and a half, and after so many other events of importance had taken place, the time had come when it was no longer desirable or proper to have annual celebrations of such events as were noticed in his Motion. This he would say in general terms ; but he had also special objections when he came to look to the nature of the services themselves. It was with all possible reverence that he quoted any portion of those services, and he did so with reluctance ; but he felt himself bound to read from them in order to show the nature of the objections which he entertained to their continuance. In the service for the Fifth of November we were directed, instead of the Prayer for the Church Militant, to use another, in which thanks were returned to Almighty God,—

"Who on this day didst miraculously preserve our Church and State from the secret contrivance and hellish malice of Popish conspirators."

And when it was new-modelled for the accession of King William, there was added,

"And on this day also didst begin to give us a mighty deeliverance from the cruel tyranny and oppression of the same cruel and blood-thirsty enemies."

And in another part of the same service we were warned against those who were declared, with singular alliteration, very much in the style of a party pamphlet, to "turn religion into rebellion and faith into faction." Now, he wished their Lordships to consider what was implied in those words. It was implied that there was some connection between the tenets of Roman Catholics and the practice of assassination—it was said that the enemies of King William III. were the same cruel and blood-thirsty enemies as those who had plotted the murder of King James I. He was not standing there to defend the errors and corruptions of the Roman Catholic Church, but he was bound to say in all justice and fairness that in the days of James I. there were many Roman Catholics — nay, by far the greater number of them—who were not identified in sentiment with the midnight conspirators who attempted the death of the King and the Parliament. It would be the greatest want of fairness and justice to assume that the whole Roman Catholic party in the time of James II. were identified in sentiment and principle with the band of misguided conspirators who plotted against his grandfather James I., and surely no one would venture to say that, from the Revolution of 1688, when the present form of prayer was established, down to this time, the members of the Roman Catholic church were to be regarded in the light of conspirators, actuated by "hellish malice." That was a view which no one would take in the present day, and therefore he contended that the prayer was not desirable or proper, or expressive of the true feelings of upright and honourable men——

A ROYAL COMMISSION.
ORDER OF PROCEEDINGS.

THE LORD CHANCELLOR here acquainted the House that Her Majesty had issued a Commission for giving Her Royal Assent to several Acts agreed upon by both Houses of Parliament.

The House adjourned during Pleasure, to robe.

THE MARQUESS OF CLANRICARDE shortly afterwards rose, and said that he doubted whether their Lordships' proceedings ought to be interrupted in this way, merely because the Royal Assent was to be given by Commission to certain Bills.

LORD CAMPBELL said, that whatever might be the rule in this respect, it was certain that the noble Marquess was out of order in attempting to continue the proceedings of the House after the Lord Chancellor had left the woolsack. If their Lordships pleased he would take the vacated seat.

Moved, That the House be resumed: *agreed to*; and the Lord REDESDALE, Chairman of Committees, sat Speaker accordingly.

THE MARQUESS OF CLANRICARDE repeated his objection to the proceedings of the House being interrupted by a Commission. He believed that it was not usual for this to be done except by a formal Message from the Crown.

EARL STANHOPE said, that he knew nothing of the matter, except that he was proceeding with his observations when the Lord Chancellor requested him to wait until the Commission had done its office, and he had supposed it was right to submit to the intimation of the Lord Chancellor.

LORD CAMPBELL said, he apprehended that an announcement by the Lord Chancellor that there was a Royal Commission did *ipso facto* supersede all proceedings.

LORD REDESDALE said, he did not know what was their Lordships' rule or practice on the subject; but he had never yet known an instance in which the regular proceedings of the House were not interrupted to receive a Commission. The case was the same in the other House—when Black Rod appeared at the bar of the Commons, all other business was suspended as a matter of course; and he presumed the same rule would apply to both Houses.

EARL GREY said, he did not know what was the law in the case, but he could state positively that there was one occasion on which it was thought that a Commission could not stop their Lordships' proceedings —when the Ministry of 1831 determined to dissolve Parliament on the question of the Reform Bill, and when it was thought of importance that that dissolution should take place without delay, the Ministry of that day advised his Majesty to come in person, as they were of opinion that no mere Commission, no one but the Sovereign in Person, could interrupt the business of the House. For himself he saw no objection to the Commission being now read.

House adjourned during Pleasure.

House resumed by the LORD CHANCELLOR.

Then the LORDS COMMISSIONERS having

entered the House and taken their seats, the Royal Assent was given to several Bills.

House adjourned during Pleasure.

House resumed by the Lord REDESDALE.

POLITICAL SERVICES OF THE CHURCH OF ENGLAND.

Debate on Motion of the Earl STANHOPE, for an Address to her Majesty, *resumed.*

EARL STANHOPE resumed. He said he had concluded his observations regarding the fifth of November, and would next refer to the services of the thirtieth of January and twenty-ninth of May, the first of which was commemorative of the Royal Martyr Charles I., and the other was intended to mark the Restoration of Charles II. There were Acts of Parliament relating to those subjects. By the 12th of *Charles* II., cap. 14, it was enacted that there should be universal thanksgiving on the twenty-ninth of May, but as in the other case, no service was provided, that Act was confirmed by another in the following year. The service of the thirtieth of January was established by some clauses in the 12th of *Charles* II., cap. 30, which directed an annual humiliation on that day. In neither of these cases were services provided by the Act—that was left to other authorities—and if no services had been otherwise provided the Act would have become practically obsolete. The Convocation of 1661, however, did prescribe a service, but the account given by Bishop Burnet of that Convocation did not recommend it to the religious feelings of the present day. Bishop Burnet said this Convocation took in more lessons out of the Apocrypha for the services of the Church of England—a step which there were not many members of the Church who viewed without regret.

"'New offices,' continued Bishop Burnet, 'were also drawn for two new days—the thirtieth of January, called King Charles the Martyr, and the twenty-ninth of May, the day of the King's birth and return. Sancroft drew for these some offices of a very high strain, yet others of a more moderate strain were preferred to them; but he coming to be advanced to the see of Canterbury got his offices to be published by the King's authority in a time when so high a style as was in them did not sound well in the nation."

Their Lordships could not fail to observe the similarity which existed between these services and that of the fifth of November; but although a Royal Proclamation had been issued, directing the use of the formulary to which he had just adverted, it had never been adopted by Convocation, a majority of which had opposed it as it at present stood. But a Royal Proclamation was issued directing the use of that very form which Convocation had refused to adopt. It followed, then, that the services which he had mentioned had not the authority of Convocation in their favour, and that, so far as the Act of Parliament was concerned, they would become obsolete the moment they ceased to be ordered by the Crown. Well, that being the case, was it, he should ask, desirable that they should be continued because of their own intrinsic merits? For his own part he found an objection to their continuance at the very outset. He objected, for instance, to the title "Martyr," as applied to King Charles I. That title ought, in his opinion, to be reserved for those Christians who, rather than renounce their faith, had suffered death at the hands of Pagan prosecutors; and to apply it to a King who had been put to death, however barbarously, by his subjects, however, erring and guilty, did seem to him to be a complete misnomer. Nobody would, he thought, contend that it was equally applicable to the Sovereign in reference to whom it was used as it was in the case of that "noble army of martyrs" whose praises were celebrated in another and a beautiful portion of our Liturgy. But, turning from the title of the service to the service itself, he felt assured that still graver grounds of objection to its continuance than any which he had mentioned would present themselves; inasmuch as there was throughout the formulary a parallel drawn between the sufferings of our Divine Redeemer and those of King Charles I., the text of the Old Testament prophetic of the sufferings of the Redeemer being brought out in array and applied to the "Royal Martyr." He should not read any quotations in proof of that statement, because it was, in his opinion, extremely desirable to refrain, as far as possible, from introducing texts of Scripture in the course of debates in that House. He could, however, assure their Lordships that he had by no means overstated his case, and that if they were to refer to the services in question they would find that he had given a correct description of their character. He might perhaps be told that at the time at which those services had been introduced they were in accordance with the religious feeling which then prevailed, and that they had been framed with no irreverent intention. While, however,

he was ready to admit the justice of that proposition, he must contend that they were utterly repugnant to the religious feeling of the present day, and that it would be for the advantage of religion that they should be no longer retained. But, beside the passage in which was drawn the parallel to which he had referred, there was in the evening service for the thirtieth of January a prayer, in which we spoke of Almighty God as follows :—

"Who by that barbarous murder (as on this day) committed upon the sacred person of thine Anointed, hast taught us that neither the greatest of kings nor the best of men are more secure from violence than from natural death."

Now, he would ask their Lordships whether it was desirable that the authority of the Church should be given to the affirmation that King Charles I. was the greatest of kings and the best of men? Many of their Lordships, as well as he himself, might have some sympathy with that monarch, and might side with those who regretted his fate; but there were beyond all doubt many excellent members of our church who although they would be far from justifying the barbarous treatment to which he had been subjected, yet could not concur in the propriety of the language as applied to him which he (Earl Stanhope) had just quoted. What possible useful end, then, could it answer to retain in the services of the Church a statement of so questionable a character? Would it not be more conformable to the good of the Church itself, and to the interest of the Church, to sweep away at once services which had no longer any applicability?

But he might be asked why it was he proposed to proceed by way of Address instead of advocating a repeal of the statute under the operation of which the services in question were maintained? His answer was that the statute would become obsolete the moment the Crown ceased to provide the services; and that even if there were any doubt upon that subject the form of an Address was the best form of Motion to adopt in the first instance, as being that which was most respectful to the Crown. It could not be disputed that the prerogative of the Crown stood in the front of the question; for the prerogative of the Crown in connection with the subject was set forth in the Proclamation which was to be found at the end of the services, signed "By Her Majesty's command," and countersigned by a Secretary of State; and if their Lordships were to proceed by way of repealing the statute, and to take no notice of the Queen's prerogative, they would not, he thought, be pursuing a course consistent with the Sovereign's station as regarded the Church. The first step, therefore, was to address the Queen, praying Her Majesty to remove these services from the Prayer-book. It would then be perfectly open to Her Majesty's Ministers, the Address having been issued, to advise the Crown what course should be adopted—whether the statutes should, for public reasons, be allowed to fall into disuse and become obsolete, or whether Parliament should be asked to legislate on the subject by repealing them. But whatever course they decided on taking, he felt that the presentation of an Address was the most respectful to the Crown, as at least the first, if not the only step their Lordships should take on this question. To prove to their Lordships that alterations had been made in these services at different times, he might quote the words of a divine of great weight and authority at the present day. Dr. Edward Cardwell, Principal of St. Albans Hall, Oxford, who, in his work entitled *The History of Conferences*, said :—

"Alterations have been made in these services at different times by the Royal authority—as, for instance, in the reign of James II., when the form provided for the 29th of May underwent many alterations, besides those which were rendered necessary by the death of Charles II., and in the reign of William and Mary, when prayers composed by Bishops Patrick and Sprat were added to the service of the Fifth of November to commemorate the landing of King William. In neither of these two cases does the Convocation appear to have been consulted."

With regard to the Accession service—which he believed could be traced so far back as the reign of Elizabeth, he proposed no alteration. In the time of George I. there was a case of a clergyman, who, from doubts as to the claims of the House of Hanover to the throne, was unwilling to use such service on the appointed day. Legal proceedings were commenced in his case, and he made his submission. He, however, need not enter further into that question. He thought that as loyal subjects nobody could refuse with the greatest cheerfulness to join in supporting the continuance of this service. There was no reason whatever why it should not be retained. It was remarkable, after all the orders for enforcing these days, and after the decisive manner in which the Royal Proclamation began, "Our will and

pleasure is," that it was left to the discretion of individual clergymen whether they conformed to it or not. In 1844 a book was published on these subjects, which was not perhaps free from some prepossession, but was distinguished by learning and research. It was entitled, *How Shall we Conform to the Liturgy of the Church of England?* and it was written by the Rev. J. Robertson, of Trinity College, Cambridge. After citing various authorities, Mr. Robertson summed up the practical question as follows :—

"It appears to me that for the sake of obedience to this authority we may rightly use the services as we find them, provided always that there be not in them anything which we consider wrong. But we are not obliged by our engagements to approve or to use any of these offices, since they are no part of the Prayer-book 'by law established' to which we yield assent and promise to conform."

If we looked to the celebration of these services at the present day, we should find that in very few indeed of the churches of England were any of them preserved. The exception was when any of these special days happened to fall on a Sunday, when some of the prayers were occasionally selected from the services, and were mingled with the ordinary service of the day. But the observance of these days when they fell on a week-day was, generally speaking, lost sight of. He might be asked, "Why, then, disturb the present arrangement?" But surely it was better to remove doubt on this subject, and to deal with cases in which these services were still continued. They were still very commonly used in college chapels and cathedrals, though this was not universal, and in some very recent instances the cathedrals had released themselves from the burden of these services. He was informed that this was the case at the Cathedral church of Canterbury, where the authority of the dean and chapter had been exerted in this direction, with the knowledge and sanction of the most rev. Prelate. In other cathedrals, however, the services continued, and though they might rather be expected to set an example to the rest of the Church, he thought they were bound in this matter to follow the example set them elsewhere. In former times, though not, he trusted, now, there might have been cases when the services of the Fifth of November were used for the purpose of exciting rancour against the Roman Catholics. Now, it was no doubt the duty of clergymen of the Established Church to warn their flocks against the seductions of Roman Catholicism by every species of argument they could command, but no efficacy could be given to their arguments by reciting such phrases as the "hellish malice of Popish conspirators," and "cruel and bloodthirsty enemies." He denied the propriety of such words, and where they were used it was not controversy promoted, but only rancour indulged. It was said by an eminent Member of their Lordships' House, who now for some years had passed from them, when he was asked to express in a few words the main advantage of the connection between Church and State, that "the object was not to make the Church political, but to make the State religious." It was a wise and noble saying, which deserved to sink deep into the minds of all, and so far as the main question was concerned it was a true saying. But as long as the particular service now under consideration was retained, he would ask, was not the very opposite the fact? Could it be doubted that the tendency of such services was to make the Church political? And as to making the people religious, he so far questioned this as to believe that the very best results might be anticipated from a discontinuance of these services.

On these grounds, then, he appealed for support to all their Lordships, but more especially to the members of the right rev. Bench. He asked them to remove from the Liturgy what did not form any part of it, but was rather a blot upon the beautiful service of the Church of England. He now left the matter in their Lordships' hands, and, whatever might be the issue of his Motion, he never could regret having made it, actuated as he had been throughout by the sincerest feelings of respect and attachment to the Church of which he was a member. The noble Earl then moved his Address, in the form of which he had given notice.

THE ARCHBISHOP OF CANTERBURY : My Lords, the noble Earl, in the interesting speech which he had just concluded, began by an allusion to the debate that took place some weeks ago, when my noble Friend the noble Lord opposite (Lord Ebury) proposed to your Lordships a measure for the revision of the Liturgy. I thought myself bound in duty to oppose that Motion on account of the various opinions prevailing on the subject, the painful discussions to which the measure would give rise, and the endless controversies in which it would involve the

Church. I am happy to think that the proposal of the noble Earl who has just sat down is liable to no such objection; on the contrary, the grounds on which I opposed the Motion for a revision of the Liturgy would rather lead me to support this. I am afraid that I must not anticipate unanimity of assent; but it is a subject on which the general opinion has already been pronounced—the State services are already practically obsolete, and their exclusion from our Prayer-book will be very generally sanctioned by public opinion. They make no part of the Common Prayer to which the clergy have declared their consent, and to which they are bound to conform. The noble Earl, as was to be expected, has so exhausted his subject, that little remains for me except to echo his sentiments. He has fully admitted the duty of a nation's acknowledgment of events of so great importance to the national weal as those which the State services were intended to commemorate. The providential discovery of a plot which might have endangered our Protestant confession, the restoration of legitimate Government, the establishment of a free constitution — all these were events which could not fail to rouse the strongest emotions of which the mind is capable. We cannot be surprised if prayers and thanksgivings composed under such circumstances partook of the feelings of the times and of the composers—if they were not only vehement but passionate, and sometimes savoured of politics as much as of religion. I hold it to be impossible, even if it were desirable, that we at a distance of two or three centuries should entertain the feelings or sympathize with the expressions which are found in those services. It is very inexpedient that the people should be invited to offer up prayers and thanksgivings in which their hearts take no concern. Praise or prayer which does not issue from the heart is mockery. No doubt it is from this conviction that those services have fallen into desuetude, and it is more seemly that they should be regularly abolished than irregularly disregarded. I therefore venture to hope that your Lordships will agree to the Address to Her Majesty proposed by the noble Earl.

Lord EBURY said, that, as the proposition before the House formed a portion of a larger proposition which he had submitted to their Lordships a short time ago, they would not be surprised to find that he entirely approved the Motion of his noble Friend; and he trusted that it would eventually lead to other Amendments in the ritual, which the altered circumstances of the country, in the opinion of many persons, imperatively called for. Whatever might be done in that respect, however, he hoped that the present Motion would be agreed to, and that Her Majesty's advisers would take care, not only that the Proclamation which was made at the commencement of a new reign and these services should be expunged from the Prayer-book, but that the Acts of Parliament on which these special services were founded should be repealed. These services had been performed for many years, under the Act and without any Proclamation—in point of fact it was only at the commencement of the reign of George I. that the Proclamation was first issued. It would be necessary to repeal the Act, for it was laid down in *Burn's Ecclesiastical Law* that a clergyman might be compelled to perform these services, not by virtue of the Proclamation, but by the Act. On the 6th of May, in introducing his Motion to the House, he brought before their Lordships some extraordinary instances of repetitions occurring in the course of particular services; but the most extraordinary repetition that ever he had heard occurred on the Third Sunday after Trinity, which happened to fall on the 20th of June, the day of Her Majesty's Accession. On that occasion the Sovereign was prayed for six times during the Morning Service, the principal burden of one of the Collects being that Her Majesty might be defended from the machinations of her subjects. He did not think that it could be contended that such a service was particularly appropriate to the times in which we lived.

The Bishop of LONDON said, he was not at all surprised that the noble Lord who had just addressed the House was willing to accept this Motion as an instalment of the larger reform which he had in view; but he conceived that there was the greatest difference between the proposition made by the noble Lord (Lord Ebury) some time ago and that which had just been submitted by the noble Earl. As it appeared to be the wish of their Lordships that the debate upon the 6th of May should not be protracted, many of those who desired to express their sentiments upon that occasion were unable to do so; and a sort of impression seemed to have got abroad that many of their

Lordships were precluded by fear of consequences from uttering the opinions they felt—that many of them were afraid of the slightest change in the services of the Church, because they felt that they were living in a house that was somewhat tottering, and that to begin to alter it in any way might bring it altogether to the ground. For his own part, he was glad to have the opportunity of stating that he opposed the proposition of the noble Lord (Lord Ebury) from no motives of that kind. He believed the strength of the Church of England to consist in its ability to adapt itself to the wants of the age in which we lived; and if he could have been convinced that the noble Lord's proposition was required by the wants of the age, he should not have hesitated to give his assent to it. The proposal which had been made that evening, however, differed entirely from that which had been made by the noble Lord who had just sat down. It was impossible to enter upon the revision of the Liturgy, which the noble Baron advocated, without touching on many most important points of doctrine. Some expression was given upon the occasion of the noble Baron's Motion to the sentiment that it was a sad thing that there were so many persons in the Church of England holding different opinions, and that great difficulties might be created by talking about these differences; but he objected to that proposal of the noble Baron's upon another ground altogether. On the contrary, he believed it to be the safeguard of the Church of England, that it had from the very first included within its pale persons of very different religious sentiments, who yet could all concur in the great fundamental principles of our religion; and he felt assured that such a revision as the noble Lord proposed was to be deprecated, because it would lead one party to expect, that by stereotyping their own opinions, they might get rid of the opinions of others whom it was equally desirable to retain in the Church with themselves. But the present Motion affected no point of doctrine whatsoever. Again, the noble Baron wished that the services should be curtailed, in order that they might be more suited to the wants of the age; and he had just spoken of a very long service which might have been heard in our churches on the Sunday before last. But who, he asked, was the cause of these services being so very long? There were three services of the Church of England used every Sunday morning—the Morning Prayer, the Litany, and the Communion Service. In several of our cathedrals these three services were separate, and there could be no doubt that at a certain period of the Church's history, subsequent to the Reformation, they had been separate. This, he thought, was proved in a work recently published by a distinguished prelate of the American Episcopal Church, who also showed that it required the injunction of an Archbishop to secure the union of these services. He believed that it was the opinion of all the Bishops on the bench that they had full power to authorize the separation of these services to-morrow if it were desired. If so, a clergyman had only to apply to the Bishop of his diocese, and he might order the services to be separated at once. Why was not this done by the clergy? He believed it was because no single clergyman could attempt to do it without immediately raising a storm among the laity of his parish. He believed, therefore, that it was the opinion of all who had thoroughly looked into the matter, that if the services were too long the laity might thank themselves for it. Under these circumstances, he could not conceive that it would be necessary to pass a measure through this and the other House of Parliament to do that which might be done without any difficulty by authority already existing. He had therefore opposed the noble Baron's Motion as unnecessary. He had thought it inexpedient to legislate with the view of altering doctrine and unnecessary to legislate, with the view of making the services shorter. But it might be said with regard to the Motion immediately under discussion, that it also must be unnecessary, because it was only in solitary instances, like that of Sunday week, that any person could remember to have heard these State services read. But he (the Bishop of London) had heard them very often indeed, and he contended that they were read just in the places and at the times when it was least desirable that they should be read. They were read, for example, in all our college chapels; and he put it to the House whether in the chapels which were attached to the great places of education these services ought not to cease. Greatly as he regretted that the congregations in cathedrals were not large at other times, if their Lordships went there on the occasions when the State services were used they would find the congregations diminished almost to those who were hired

to attend in an official capacity. So strong, in fact, was the feeling that the services were unsuitable to the age in which we lived, that he must say it was desirable to get rid of them. But it was said that they could get rid of them without the proposition of the noble Earl—that they were binding merely by Royal Proclamation, and Royal Proclamations had no force in law, so that in this way also the noble Earl's proposition was unnecessary. But, if that were the case, what was the position in which they placed the Sovereign of these realms? The Sovereign, at the beginning of every reign, was called upon to issue a Proclamation which had no force in law. He denied that Royal Proclamations had no force in law; but if it were so, it would be a reason for adopting this Motion. Then it was said these services were not binding and could not be binding, because they were contrary to the Act of Uniformity. It was said, "Let clergymen use their own discretion and obey the Act of Uniformity to the neglect of the Proclamation." But was it desirable that the Sovereign, at the beginning of every reign, should issue a Proclamation which a large proportion of the people believed to be against the Act of Uniformity. Again, it was urged the services had no authority, because they were not sanctioned by Convocation. And, therefore, on this ground, the noble Earl's proposition was unnecessary. If there was any force in this view, was it desirable that the Proclamation should continue to appear in the Prayer-books, and thus represent the Queen, who at all events they all regarded, for some purposes, as the head of the Church, as acting against that body. He should, if a vote were required, give his vote with the noble Earl. He was glad that he should do so under the sanction of the most reverend Prelate (the Archbishop of Canterbury), for he believed the statement which the most reverend Prelate had made would carry the greatest weight throughout the kingdom. It was not to be desired that they should keep up in the most solemn services of the Church expressions which they read with a smile in the sermons of South, written amid the agitations of his time. It was not desirable that when they approached God in prayer one word should drop from their lips likely to call up feelings of indignation in the breasts of their fellow-countrymen. Did any one suppose they would be less good Protestants if they did not use the Fifth of November service? If anything could shake their Protestantism, it would be the use of expressions which represented a large body as holding opinions which those persons positively disavowed. And with regard to the other services, was any pity for the unfortunate Charles likely to be called up by the use of the service for the 30th of January? Persons who heard an exaggerated statement were prone to take the opposite side, and the stanchest Royalist would be inclined to become Parliamentarian when he heard that service read. He begged their Lordships to consider that this question was really one of great gravity. It was a question which he thought involved a great evil. Was it desirable that the Church of England should exhibit itself, even in appearance, as retaining empty forms—for these services had become mere empty forms? It was desirable that the forms of devotion should express their heartfelt feelings, and none would regret the absence of these services, least of all those who had been peculiarly privileged to hear them, — namely, the young men in the Universities and those connected with cathedrals.

THE DUKE OF MARLBOROUGH said, that while admitting that the opinions expressed by the Right rev. Prelate, and the noble Earl who had introduced the Motion to the House were entitled to the utmost weight and consideration, he was, nevertheless, sufficiently old-fashioned to regret, in some degree, that the Motion had been brought before their Lordships. It was perfectly true, and could not be denied, that these services could not be altogether defended, as far as their expressions were concerned. Such expressions as those drawing a parallel between Charles I. and our blessed Saviour ought certainly not to have a place in the Liturgy of the Church of England, and there were expressions connected with the service for the 5th of November which were inconsistent, he believed he might say, with those views that were now entertained with regard to Roman Catholics in this country, But he would certainly have wished to have seen the Motion before their Lordships modified in some way—such as that the Crown should be requested to substitute for these services others of a less objectionable character and of a different tone. It was a matter for them to dwell upon, he thought, with thankfulness, that the laws of this country exhibited features that were not to be found in those of any other country—that its

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laws and services displayed a reference to the Providence of God. This was a matter for unfeigned thankfulness, inasmuch as these services were not to be looked upon solely for the words in which they were conveyed, but as being a national recognition on the part of this nation of acts of providential and signal deliverance, which called for our unceasing thankfulness to the Almighty God and as enduring memorials of events that ought to be perpetuated in the recollection of the nation. The noble Lord, in speaking of the authority on which these services were based, said they did not owe their place in the Prayer-book to any act of Convocation, nor could he even connect them with Acts of Parliament; but he stated that they simply owed their place to Royal authority. This was perfectly true as to the services themselves, and though the Acts of Parliament might not have enacted these special services, still they enacted that the great events of which they were memorials should be held in perpetual and continual remembrance; in the words of one Act "throughout all generations," and of another, "throughout all time." He was of opinion that these things ought to be kept in national remembrance; and that the proposed Motion of his noble Friend ought to be so far modified as not to sweep away altogether those services to which no reasonable man could object, and that a suitable memorial of these events should still have a place in the services of the Church. The noble Earl had based one part of his argument upon the great antiquity of these services. They appeared to be of antiquity, and of distant date; but, comparing them with other circumstances and events, they really were not so remote. It was possible for a man who was now ninety years of age that his father to have seen a man who was present at the execution of Charles I.: so that these events were not in reality so remote; and we should remember that events in the life of nations, as compared with the life of individuals, established a very different standard when compared with the events of national life which formed the epochs of history. The noble Earl had stated that these services ought to be discontinued on the ground of the objectionableness of some of their expressions; but to admit that argument was to admit that the entire services of the Church ought to be modified and remodelled. His noble Friend said, he hailed this measure as another stepping-stone to a further alteration in the Liturgy of the Church. Now, that was the Chief ground on which he (the Duke of Marlborough) asked their Lordships to pause and hesitate before they agreed to a measure of this moment. Where should we not find some dissentients to the expressions contained in the Liturgy? He would take the Athanasian creed, for instance, and he was bound to say that they would find throughout the country thousands on thousands of zealous and enthusiastic members of the Church of England who would cut off their right hand sooner than say they agreed with expressions that were used in the Athanasian creed. It was true that these services were in a great part inoperative: but he thought there was a great advantage in sometimes not pressing logic too far. It was true these services did remain in our Prayer-book, and there was some advantage in that, because if they went in the other direction, and addressed the Sovereign, and requested her to remove these services from the Prayer-book, they placed a definite stamp of denial on the memorials of these events; whereas, if they were allowed to be as they were, practically inoperative, there might be some inconsistency connected with it, but we should not run into that palpably illogical state in which we allowed an incongruity to exist; or if we removed them altogether from the Prayer-book we ran into the opposite extreme of appearing to deny the acknowledgment of those signal deliverances in connection with great national events.

THE BISHOP OF BANGOR said, the noble Duke had anticipated his objections to the Motion. He would not enter into the historical part of the question, but would admit that these services had emanated from the Crown, and that their continuance had been ordered by the Proclamations of successive monarchs. He considered that the question involved really was, whether they should or should not acknowledge and adore the superintending power of the Almighty in the blessings which we enjoyed as a nation, and whether we should discontinue certain acts of national humiliation for the sins and transgressions of our forefathers. In early days, and when lads at the Universities, we probably thought those services a bore; but in after life we consider the nature and origin of those services, by whom they were appointed and for whose use they are intended, form a different opinion,

of them and see the urgency. He did not defend all the expressions contained in these services, nor would he assert that they might not be modified and improved. They were, however, in his opinion, services which a pious and devout man might offer to his Maker without any scruples whatever. Their Lordships were now asked to deal with memorials and records of the most important events in our history. The first service referred to the Gunpowder Plot of the 5th of November, and was the overruling power of Divine Providence, as evinced in regard to that event, a blessing to be forgotten? The next was the service in commemoration of the death of Charles I., who sacrificed his life in his attachment to the Church of England, and who was therefore called "The Martyr." The third service related to the Restoration, and was there anything unreasonable in thanking God that the nation was restored to the state in which it was previous to the Great Rebellion? Since these events the nation had continued in all its leading features the same — the principles of the Church and the State were essentially unaltered, and he thought that their Lordships ought not to disclaim the blessings we had so long enjoyed, and the Providence to which we owed them, by asking Her Majesty to remove those services from the Book of Common Prayer. He did not see how they could ask Her Majesty to retain the service for her own accession, and to abolish those which had reference to those providential events which prepared the way for her family ascending the throne. Some alterations might perhaps be properly introduced into these services, which, instead of being obsolete, were full of vigour and power. It appeared to him that to expunge these services would be to disclaim, in some measure, the providence of God in past times, and to the gratitude which we ought to feel for the benefits he had through those events conferred upon us. He trusted their Lordships would reject the Motion of the noble Earl, and not consent to expunge the special services from the Book of Common Prayer.

THE BISHOP OF OXFORD said, he was sure that not only he, but every Member of their Lordships' House, and the right reverend Prelate who had just spoken, would at once refuse to entertain this Motion if they thought that by so doing they in any degree whatever were denying or losing sight of, or were ashamed of owning, their continued belief in God's superintending providence over this nation, or were unmindful of any remembrance of his mercies to them in times past, or of humiliation for national sins in times long gone by. He could not, however, consent to the proposition that had been laid down by his right rev. Friend, and therefore thought no such consequence ought to follow. There were two points of view involved in the question whether or not we should retain these services. The first was, whether it was right to retain special services for past events like these, even if the services were such as we could thoroughly approve of; but the other and practical question was, whether we could approve these services as being proper exponents of our national gratitude and national humiliation. He was of opinion that they were not, and he could not accept these services as being fit and proper exponents of national gratitude and national humiliation for mercies conferred. They seemed to him to be in an entirely different tone from any of the prayers of the Church of England. They were, in his opinion, far too political, far too polemical, for too epigrammatical. They had nothing, as it seemed to him, of that chastened devotion which the Liturgy of the Church of England had derived in the earliest times of the Christian Church. His right rev. Friend (the Bishop of Bangor) said they might be amended; but he (the Bishop of Oxford) ventured to think they could not be amended. They might make a new service if they thought proper, but he thought very few of their Lordships or his right rev. Friends would single out these particular events now as fitting subjects on which to frame new services of thanksgiving—in dealing with the question as a whole, which he held to be indispensable to dealing with it at all. He would ask his right rev. Friend whether the total discontinuance of these services could be nearer to a forgetfulness or public disavowal of thankfulness for past mercies than the state in which we were with regard to these services; namely, that now, although they stood prescribed for popular use, they had nevertheless sunk into disuse, so that in fact it almost looked as if we were tired of thanking God, or tired of humbling ourselves before Him. As the law stood the services were directed to be used, and the plain and conscientious dealing with the matter was to say at once that these services which we are now discussing

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are not, in our judgment, fit and proper exponents for existing national sensations and sentiments on these subjects, and therefore we propose to address the Queen to remove them. It had been suggested that these Acts of Parliament ought to be repealed, and not that the services promulgated by Proclamation should be withdrawn. He (the Bishop of Oxford) confessed he could not agree with that. He thought these old Acts, which in point of fact were obsolete, ought to remain on our statute books as testimonies to the history of past times, and as records of national gratitude. The Acts of Parliament did not prescribe the use of these services; if they did, the question would be different; but they simply prescribed that the days were to be held in remembrance. One distinctly said that morning prayer should be used, and another that such and such services should be used, not saying what specific service—it might be the ordinary service of the day. He entirely agreed with his right rev. Friend (the Bishop of Bangor) in his view of the identity of the nation and the connection of events; and he thought with him that they ought not to forget past national sins, any more than past national deliverances;—but we had many expressions in our ordinary service which did directly embody and develope this great truth. When we said, "Remember not, Lord, our offences, nor the offences of our forefathers, neither take thou vengeance of our sins," we rightly and duly joined ourselves to those who joined in prayer for mercies conferred, acknowledging God's gooodness as developed in those mercies to those who had gone before us, and acknowledging our sins in the sins of those who preceded us. In doing that we did right; but we should do very wrong if we did not do what in us lay to remove expressions of gratitude that the people of this day could not use sincerely, and expressive of humiliation before God that at this day people, looking to Him as the heart-searcher, could not truly feel. He therefore agreed that it would be well for the House to address Her Majesty to remove these three services from being annexed, as they now were, in the Book of Common Prayer. It was of great importance, however, to distinctly understand that there was in this no alteration meditated in the Book of Common Prayer. This was a great point—it was of the greatest importance that this should be understood—because the consciences of many of the clergy who had subscribed to the Book of Common Prayer as by law established, would be hurt if they thought any alteration were intended; and he thought it further desirable not to introduce any precedent in that direction; because, so far from regarding this as an instalment of any large measure, he thought it was a step that would make the Motion less likely to succeed. He objected altogether to any alteration in the Book of Common Prayer and the Liturgy of the Church of England. He felt it was one of the most blessed birthrights that God had given to us in this land, the Book of Common Prayer, according to the Reformed Church of England, and he did not believe that the present time was in any degree favourable to its amendment or to the admission of alteration in its pages. The formation of these liturgies had been a work from the earliest times of the Christian Church. We inherited in the Book of Common Prayer the earliest liturgies of the Christian Church, freed from the superstitions and abuses of modern times. It required men that had studied deep, so to speak, the science of the construction of our liturgical service, in venturing to attempt any modification or amendment; and so far from believing that a Commission or any other plan would greatly benefit the Book of Common Prayer, he should receive with the greatest fear any attempt to introduce what were called modifications, amendments, or improvements. He thought there was great danger, indeed, of changing that which religion had given to custom, and we should never forget the wisdom of the old canon, laid down by one of the greatest fathers of the Latin Church, St. Augustine, in which he distinctly said, "Consuetudinis mutatio etiam quæ utilitate adjuvat novitate perturbat." There was deep truth in that. It would be inexpedient to alter what the people had been accustomed to in their solemn devotions before God. By removing the services in question, they would not touch the Book of Common Prayer, seeing that they were merely annexed to it, and if they were removed, that Book would remain in its integrity the same. But there was one part of the Motion of his noble Friend about which he had ventured to speak to him, and also to his venerable Friend the Primate, and with respect to which, with the approval of their Lordships, he wished to suggest an alteration in the Address. It was that part of it which dealt with the

service for the anniversary of the Accession of the Sovereign. He was content to leave that service as it was, with that amount of authority which its being annexed to the Prayer-book might give it; but he thought their Lordships ought to pause before they took any step which might give any new authority to it. He should be sorry to see a Proclamation enjoining its use, unless the service was really intended to be used. He thought no such service should be added unless it had authority. This had no authority. The other State services were prepared by Convocation and sanctioned by the Crown, which gave them an ecclesiastical use. They were made in answer to an Act of Parliament, and the Act of Parliament overshadowed them; but the Accession service had no such authority. It was agreed to by Convocation in the reign of Charles II., and an Act of Parliament afterwards provided that the doings of that Convocation should have no validity whatever, and that the clergy should pay no regard to them. That was the only ecclesiastical authority for the service for the Accession, and it therefore stood on a far weaker authority than any of the other State services. But the great moral arguments against the other services were lacking here. He thought it was exceedingly desirable that there should be a service of Prayer and Thanksgiving for the reigning Sovereign, for whatever had a tendency to unite our loyal feelings to the Throne with our religious feelings to God was a blessing to the nation; and as they knew that He heard and answered prayer, he believed such a service would draw down a blessing upon the throne of the Sovereign. But it ought to be a service which they felt to be perfectly fit for the occasion, and should be used uniformly in the churches of the land. He should like to see a short addition to the ordinary service to be used on the Sunday nearest to the Accession of the reigning monarch. But he thought at present it would be well not to mention the Accession service at all; but to leave it just as it was, not asking Her Majesty either to enforce or withdraw it. They might, however, pray Her Majesty to give such orders as to Her should seem fit that the three other services should not be annexed to the Book of Common Prayer. He was not prepared to ask Her Majesty to order that which he believed, on the authority of great lawyers, could not be enforced, because it would be a violation of the Act of Uniformity; and their Lordships well knew that there was nothing in the realm of England which allowed the Sovereign to violate any Act of Parliament to which the Sovereign and the Parliament had given their assent. The best lawyers had told him that any clergyman using that particular service might be proceeded against for penalties under the Act of Uniformity. He would, therefore, with the concurrence of his noble Friend (Earl Stanhope), leave the service for the Accession on its present footing; and he should then rejoice to see the Motion of his noble Friend agreed to, because he thought it would remove from the Book of Common Prayer addresses to Almighty God, the tone of which was not such as humble, pious, and devout men, removed from the strife of party, would desire to see given to the nation as the vehicle of supplication or the instrument of thanksgiving.

THE BISHOP OF CASHEL briefly supported the Motion. The services in question, he said, had fallen into general disuse. He had been for half a century a clergyman of the Church of England, and he believed he had not heard those services ten times in his life. He asked why services which had fallen into such desuetude that the people at large were not acquainted with them should still be bound up along with the Book of Common Prayer? For the very reason that he had objected to the recent Motion of the noble Lord opposite (Lord Ebury) he gave his support to that of the noble Earl (Earl Stanhope). The noble Lord (Lord Ebury) could not bring forward any authority which could warrant the changes he proposed to make in the Liturgy. He (the Bishop of Cashel) held in the highest esteem the admirable formularies of the Church; and he contended that, with the exception of the Convocation of the United Churches of England and Ireland, there was no authority which had the power to alter or improve any of its services.

LORD CAMPBELL expressed his satisfaction at the manner in which the Motion had been received by their Lordships especially by so large a proportion of the right rev. Prelates. He believed the change now proposed would render the Prayer Book still dearer to the members of the United Churches of England and Ireland. Their Lordships were now asked to agree to do formally that which for so many years had been done informally. There was another thing wanting to com-

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plete the object which his noble Friend (Earl Stanhope) had in view. Their Lordships were aware that the daily prayers in that House included words relating to the Gunpowder Plot. He had spoken to several of the right rev. Prelates on the subject, and no one was able to tell him how the words got into the service, or how to get them out. He trusted they would consider some means by which the services might be relieved from those words.

VISCOUNT DUNGANNON said, he must not only decline to give his concurrence to the Motion, but must in the strongest manner enter his protest against it; because, though there were some defects which were open to remedy in the particular services which formed the subject of the noble Earl's Motion, he could not think that their Lordships ought to consent to a total expulsion of those national recognitions of great and important events in which the Almighty had manifested his mercy and favour to this nation by vouchsafing to it blessings which we still enjoyed. He admitted that there were errors in some portions of the appendix to our Book of Common Prayer; but he believed that the total expulsion of that appendix would be an error of another and a much more serious kind. Certainly it was a proceeding he could not but protest against and deplore. No doubt there were expressions in the Fifth of November service which were not acceptable to the views and feelings of the present day:—but modification was one thing and total expulsion another. These had been his opinions on the subject before the debate on the Motion commenced, and he was justified in them by what had fallen from that right rev. and venerable Prelate (the Bishop of Bangor), who had had a very long experience in the Church, and who, it was not too much even in his presence to say, was one of the brightest ornaments of the episcopal bench.

LORD CRANWORTH hoped the House would assent to the Motion for an Address to the Crown, and, adverting to the prayer by which their Lordships' proceedings were daily prefaced, took occasion to state that, if nobody else would undertake that duty, he should feel called upon to move the appointment of a Committee to inquire whether it was not expedient that that portion of the prayer which contained the expression of their gratitude for being delivered from the Popish Plot should be omitted.

THE EARL OF MALMESBURY said, he did not rise to oppose the Motion of his noble Friend, but he must say that he did not think his noble Friend had taken the best course to obtain that which the majority of their Lordships seemed to think he ought to obtain. His right rev. Friend (the Bishop of Oxford), who spoke on this question with that ability which characterised all his addresses in their Lordships' House, had said that the Acts of Parliament which gave rise to these Proclamations should not be repealed, but should be allowed to remain on the statute-books as memorials of the times to which they referred, and as evidences of the feelings by which the people of this country were then animated. These Acts gave origin to the Proclamation which had been issued, reign after reign, and to which objections were now taken. Now, if the Proclamations which those Acts of Parliament had produced, and produced day after day were objectionable, he (the Earl of Malmesbury) could not see on what logical ground the Acts themselves were to be kept on the statute book; he could not understand why they were to maintain the cause and abolish the effect. He thought that, having the abolition of those Proclamations in view, his noble Friend instead of praying Her Majesty to withdraw the Proclamation, ought to have asked their Lordships to repeal those statutes. If he had brought in a Bill for that purpose, and such Bill passed both Houses of Parliament, the Proclamations would fall to the ground. His noble Friend would, moreover, have strengthened Her Majesty's hand by giving the other House of Parliament an opportunity of expressing its opinion with regard to the question. As it was their Lordships' Address would, of course, go up to Her Majesty as the Address of one branch of the Legislature, the House of Commons not having been heard in the matter at all. He did not, however, wish to oppose the Motion. As the matter introduced by the noble and learned Lord (Lord Campbell) was quite a distinct question from that at present before their Lordships, he should not waste the time of the House by making any observations in reference to the noble and learned Lord's suggestion.

THE BISHOP OF CHICHESTER said, he felt called upon to express his deep re-

gret that the Motion of the noble Earl (Earl Stanhope) had been submitted to the House. He, for one, could not record his vote in its favour.

LORD REDESDALE said, he should be sorry to see that alteration made in the prayer recited in their Lordships' House which the noble and learned Lord opposite (Lord Cranworth) proposed. It could not justly be contended that the prayer, in its present shape, was too long, or that the terms in which it was framed were uncharitable. All their Lordships did in repeating those words, in a place representing that in which that great crime contemplated in the Popish plot was about to be committed, was to return thanks to the Almighty, by whom their predecessors had been delivered from a great danger, to acknowledge His goodness, and to express their trust that He would ever continue their Merciful Saviour.

EARL STANHOPE said, he did not think that the objection which he had ventured to take to the public service of the Fifth of November applied to the thanksgiving for the deliverance from the Gunpowder Plot, which was a part of the prayer offered up in their Lordships' House each day that their Lordships met.

Motion, amended on the suggestion of the Bishop of OXFORD, as follows :—

That an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to take into Her Royal Consideration the Proclamation of the First Year of Her Majesty's Reign, commanding the use of the Forms of Prayer and Service made for the Fifth of November, the Thirtieth of January, and the Twenty-ninth of May; and, should Her Majesty see fit, to give such orders as to Her Majesty shall seem meet to cause that the said Services shall no longer be annexed to the Book of Common Prayer and Liturgy of the United Church of England and Ireland to be used yearly on the said Days."

put, and *agreed to.*

Address *Ordered* to be presented to Her Majesty by the Lords with white staves.

House Adjourned at a Quarter to Nine o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, June 23, 1858.

MINUTES.] PUBLIC BILLS.—1° Pauper Lunatics.
2° Four Courts (Dublin) Extension; Herring Fisheries (Scotland).
3° Chief Justice of Bombay; Confirmation of Executors, &c.; Art Unions Act Amendment.

The Bishop of Chichester

CLYDE NAVIGATION BILL.
CONSIDERATION.

MR. BOUVERIE moved—

"That the Clyde Navigation Bill, as amended in Committee, be referred to the examiners of petitions for private Bills, with instructions to examine and report whether the Standing Orders of the House have been complied with in relation to the Amendments made in Committee:—That all petitions complaining of non-compliance with the Standing Orders in relation to the said Amendments, be referred to the examiners, with instruction to hear parties and their agents and witnesses thereupon."

His reason for making this Motion was that the Committee had introduced certain clauses, which it was urged, and with some foundation, were beyond the powers conferred by the Standing Orders, inasmuch as they dealt with the interests of parties who had no notices served upon them, as by the Standing Orders they ought to have had. The course which he proposed to take would not have the effect of reversing in any way, or in fact of touching at all, the decision at which the Committee had arrived. It was merely to refer to the Examiner of Petitions to say whether the rule had been broken through, and then to recommend the course which ought to be taken. The Committee, he believed, had introduced these clauses in accordance with certain recommendations of a Report of the Board of Trade. No doubt, abstractedly speaking, these clauses would be very beneficial, but then no recommendation of the Board of Trade, or any other Government Department, ought to over-rule the adherence of the House to that mode of procedure which was necessary for the protection of private rights. If, therefore, the House would agree with his Motion, the question would be referred to the Examiner of Petitions, and if he reported that they had complied with the Standing Orders, of course the Bill would pass without any further hindrance; and if, on the contrary, he reported that they had not, it would be for the House to decide the matter on the merits of the case, or to refer the matter to the Select Committee on Standing Orders to say whether they ought to be insisted on or not. That course was strictly in conformity with precedent. Two years ago the same objection was taken to a Bill of the London and North Western Railway. The grant was referred to the Examiner of Private Bills, and he reported that the Standing Orders had not been complied

with, the clauses in question were struck out, and the Bill was then allowed to pass. He hoped, therefore, that after that statement, there would be no objection to the Motion. The reference would not take more than a couple of days, for the Examiner would proceed to the examination of the point forthwith.

MR. FITZROY said, he did not think that the right hon. Gentleman understood fully the extent to which the Motion he had made would affect the procedure of Committees. The alterations introduced into these clauses, as the right hon. Gentleman had pointed out, were adopted on the Report furnished by the Board of Trade, and the effect of this Motion would be to put aside altogether the recommendations of the Board of Trade, so that in future these Reports, which were of so much assistance to Committees, would be so much waste paper. According to the Standing Orders, notices must be given to all parties interested in a Private Bill before the 30th December; but the Board of Trade could never see the Bill before the end of the month of January at the earliest. The consequence was that the Reports were furnished to the Committees long after the parties interested had had their notices served on them; consequently, if it were insisted on, that no parties could be dealt with by the Committee, except those who had had notices served on them, these Reports would be utterly futile for the future. Of course, if the Amendments were adopted, the Examiner has but one Report to make—namely, that the parties concerned have not had notices served on them. It must not be forgotten, that these requests had lately been much more strictly insisted on than had hitherto been the case. Not more than two months ago, a Resolution was passed to the effect, that any Committee receiving a Report from the Board of Admiralty, the Board of Trade, or any other department, and departing from those recommendations, should make a special Report to the House stating their reasons. They must, therefore, take either one course or the other. If they were to lay down a rule that no Committee was to adopt the recommendations of the Board of Trade, or any other Department, if they affect persons who have had notices served upon them, let them say at once that these Reports should be treated as waste paper henceforth. The tendency of legislation of late years had been to attach greater importance to these Reports. This Bill had been under the attention of the Committee for many weeks. There had been a great expenditure of public money on the inquiry, and the interests of the parties concerned in the alterations had been by no means damaged—in fact, he believed, they were very much advanced by the provisions which had been introduced into the Bill. He hoped that the right hon. Gentleman would not press his Motion.

MR. A. MILES said, that as a member of the Committee, he wished to state in the absence of the Chairman, that he entirely agreed in what had fallen from the right hon. Gentleman (Mr. FitzRoy). If this Motion were carried it would be absolutely fatal to the progress of the Bill this Session. He trusted the House would affirm the decision of the Committee.

MR. PUGH and MR. STEWART, also Members of the Committee, urged the House not to accede to the Motion.

MR. BOUVERIE said, he had no disposition to dispute the nature of the decision of the Committee. He had no doubt it was perfectly correct; but what he contended was, that it was beyond their powers. They had put in a clause which they were not competent to enact in conformity with the Standing Orders. He had no wish to upset that decision, but simply to ask from the regular officers of the House whether the Standing Orders had been complied with or not? and if they had not, he was perfectly ready to have the matter referred to the Committee on Standing Orders, to say whether they ought to be suspended or not. The doctrine of the right hon. Member for Lewes (Mr. FitzRoy) was certainly a most dangerous one, because it went to this, that a Ministerial Board might make reports which would have the effect of over-doing the rules which the House had laid down for the protection of private rights. If that doctrine were to be maintained, the Standing Orders must be reversed altogether; and he could scarcely believe it possible that the right hon. Gentleman had considered what his doctrine would lead to.

MR. DUNLOP insisted that the Board of Trade ought not to be allowed to override the Standing Orders in the case of a private Bill of this importance. The Standing Orders were established for the protection of private rights, and it was

palpable the Amendments made in the Bill were at variance with these safeguards.

Motion made and Question put,—

"That the Clyde Navigation Bill, as amended in the Committee, be referred to the Examiners of Petitions for Private Bills, with instruction to examine and report whether the Standing Orders of the House have been complied with in relation to the Amendments made in Committee."

The House *divided:*—Ayes 17; Noes 75: Majority 58.

UNIVERSITIES (SCOTLAND) BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

Clause 4, line 33.

Question again proposed, "That the words 'and administer its property and revenues' stand part of the Clause."

MR. DUNLOP moved, to omit from the clause the words:—"And administer its property and revenue." His object was to withhold from the Senatus Academicus the power of managing the property of each of these Universities. The Bill, as originally introduced, contained a clause, construing the word "Universities" to include "Colleges." But the clause had been struck out, and "Colleges" were no longer included in the measure. The first clause, therefore, referred exclusively to the property of Universities, and he did not know what his hon. and learned Friend, the Lord Advocate, proposed to do with regard to the property of Colleges. He (Mr. Dunlop) could not precisely say whether that property was to be placed under the control of the Senatus Academicus, or whether it was to be put under the management of the professors of each particular college; but he rather inferred that it was meant the latter arrangement should be adopted. When, however, he looked at the clause, which proposed to give a control to the University Courts over the parties who administered the funds, he found that that control was limited to the Senatus Academicus; so that it would appear that the property of the Colleges was to be administered by the professors without any control, while the property of the Universities was to be administered by the Senatus Academicus, under the control of a University Court. Now in the Universities the property belonged to the Colleges, with the single exception, perhaps, of Edinburgh, in which the property all belonged to the University. The effect of the clause would be to transfer the administration of the revenue in a University such as that of Glasgow, from the Town Council which had confessedly managed it well, to a professional body in whose qualifications for the duty it would be impossible to feel an equal amount of confidence. He believed that the management of property was not a matter which ought to be entrusted to Professors. He had, on a former occasion, laid before the House statements showing that property had been mismanaged by Professors in all colleges, and he would at present only adduce one additional item of evidence upon that point. In the Report of the Commission of 1820, which was generally regarded as a very high authority upon the subject, it was stated that,

"It might well be questioned how far it accorded with the habits of men that they should incur the responsibility of administering funds of which they could know little, unless they sacrificed a portion of their time which might be much more advantageously occupied."

He had stated instances of gross mismanagement in the University of Glasgow; and he contended that the University Court would have to expend more time in controlling the mis-management of a literary body than it need employ if the property were entrusted to ordinary men of business. Under these circumstances, he begged to move the Amendment.

MR. BLACK supported the Amendment. He did not think it would be advisable to call upon the Senatus Academicus to manage mere pecuniary affairs. He felt persuaded that the Senatus would not be properly qualified to discharge such a duty.

THE LORD ADVOCATE said, that the proposal submitted to the Committee by his hon. and learned Friend differed very materially from that which he had brought forward on Friday last. His hon. and learned Friend on that day advocated the expediency of transferring the management of the property to the University Court; but he seemed at present to be disposed to leave the administration of the funds of the University of Edinburgh in the hands of the Town Council of that city. Now, with regard to the original proposal of his hon. and learned Friend, he should observe that he did not think the University Court was a body that ought to be expected to undertake that duty; not for this reason, that it was a body that was not to be in constant action, but was, on the contrary, to exercise its powers upon only rare occasions. The Senatus Academicus, on the other hand, was a resident body, always on the

spot, and administering all the other business of the University; and he did not see why it should not be entrusted with the management of the property, subject as it should be to the general control of the University Court in all its proceedings. Then again, with regard to the proposal for entrusting the management of the property of the University of Edinburgh to the Town Council of that city, he had only to state that the House had already, on the occasion of the second reading of the Bill, pretty distinctly intimated its opinion that that was an arrangement which it was not desirable to adopt. The present proposal seemed to him to be nothing more than an attempt to reverse what had virtually been the former decision of the House; and under these circumstances he felt it his duty to oppose the Amendment.

MR. DUNLOP said, that his objection was to have that duty committed to the Senatus Academicus; but if it were removed out of their hands, there was no other body to whom he was specially anxious to see it entrusted.

MR. BLACK said, he did not understand that the Vote of the House on the occasion of the second reading of the Bill would amount to a decision upon any of its details; and all the provisions of the measure were, he thought, open to the fullest consideration in Committee.

MR. BAXTER said, he should feel it his duty to support the Amendment of his hon. and learned Friend. The Lord Advocate had said that there was no reason why the Senatus Academicus should not be entrusted with the administration of the funds of its own University. But it appeared to him (Mr. Baxter) that a very good reason against the adoption of such a proposal was to be found in the fact that the various Senatuses had mismanaged the funds in times past. He entirely agreed with his hon. and learned Friend that the Senatus was the worst body to whom the management of the revenues could be entrusted; and he hoped his hon. and learned Friend would take the sense of a Committee upon that subject.

MR. BLACKBURN said, he thought it would be unfair to conclude that because one Senatus had mismanaged its funds, every other body bearing the same name should be distrusted. A Town Council might be a good body to manage property; but it had been shown upon a former day that in one instance at least it had been found very difficult to get property out of their hands. It seemed to him that the Senatus who were always on the spot, and who would at the same time be subject to the control of visitors, would be the very best body for the discharge of that duty.

COLONEL SYKES said, it had not been shown that the Town Council of Edinburgh had abused the trust which had been reposed in them; and until that should be proved, he should vote against any proposal for depriving them of the powers they had hitherto enjoyed.

Question put, "That those words stand part of the Clause."

The Committee *divided*:—Ayes 85; Noes 22: Majority 63.

MR. COWAN moved to omit from the clause the words,

"And the Principal shall be bound to undertake and perform such duties of teaching and lecturing as may be assigned to him by the Commissioners hereinafter appointed during the continuance of their powers, and thereafter by the University Court."

It appeared to him that these would invest the University Court with a very dictatorial power. It would be derogatory to the dignity of the Principals, and almost degrading to them, that they should be subject to interference in the discharge of their duties. The system might, besides, be attended with very inconvenient results. Sir David Brewster, for instance, might be called upon to lecture on Civil Law, or some other subject on which his talents might be least usefully employed. In his opinion, the Principals as well as Professors ought to be left to determine for themselves what duties of teaching and of lecturing they should undertake.

THE LORD ADVOCATE said, he could not but think that his hon. Friend had somewhat mistaken the object of the clause. He (the Lord Advocate) had certainly no intention of converting Sir David Brewster into a professor of theology—and neither did he propose to place any of the Principals in a degrading position. But his hon. Friend did not seem to understand the difficulty with which the clause would deal. There were at present no duties of teaching assigned to the office of Principal in any of the Universities. It so happened that, in one case, the Professorship of Theology was combined with the position of Principal; but that was a mere accident; and no such duty necessarily attached to the office. He thought it desirable that some duty of teaching should be assigned to the Principals, and he did not see how that result could be attained

except by the adoption of some such provision as that contained in the clause. Any enactment for giving the right to regulate that matter to the Senatus Academicus would only be more degrading to the Principals, and it was much more natural that the power should be entrusted to the Commissioners in the first instance, and then to the University Court.

MR. COWAN said, it would appear from the statement of the Lord Advocate that the Principal was a supernumerary, and in that case it would be better to appoint one of the Professors to the office. He would not, however, divide the Committee upon that subject, as he could not calculate on the support of the Scottish Members.

Amendment *negatived.*

MR. BLACK moved to add to the clause:

"That with regard to the University of Edinburgh, the administration of the property and revenue shall remain in the Town Council of Edinburgh, subject to the control and revision of the University Court."

The hon. Member said he knew that the general principle of transferring the administration of property from the Town Councils had been adopted by the House; but he thought it was not unreasonable to ask that an exception should be made to the rule in favour of the Town Council of Edinburgh. That body had hitherto managed the property of the University in the most advantageous way possible; and although vague reflections had been thrown out against other Town Councils, no one had ventured to call in question the efficiency of the municipal authorities in Edinburgh upon this point. He apprehended that it would be a loss to the University itself to have that duty entrusted to any other hands than those by which it had hitherto been so satisfactorily performed. He should be ashamed to go back to his constituents if he had neglected to urge the claim of the Edinburgh Town Council to the favour of the Committee in that instance; and under these circumstances he should press his Amendment to a division.

Question put, "That these words be there added.

The Committee *divided:* — Ayes 22; Noes 78: Majority 56.

Mr. BLACKBURN proposed to add the following proviso:—

"Provided always that the several faculties shall, subject to the regulations of the Senatus Academicus, have power to maintain order and exercise discipline among the students belonging to them respectively, an appeal being competent from each faculty to the Senatus Academicus; and provided always that if there shall be fewer than three professors in any of the said faculties, there shall be elected only one professor as a delegate for such faculty."

Hitherto it had been the practice of the several faculties of the University to exercise a control over the students in that faculty, but by this clause that would be altered, and the whole control would be thrown into the hands of the Senatus Academicus. He thought it would be much better for the medical students to be under the control of the medical faculty, and the theological students to be under the theological faculty.

THE LORD ADVOCATE said, that the present system would be in no way interfered with by the clause, and that only was given to the Senatus which had before belonged it, in so far as it was not already provided for by the Act. The several faculties acting as Senatus Academicus would superintend the whole teaching of the University. He really thought that provision was unnecessary.

Amendment *negatived.*

MR. DUNLOP proposed an Amendment, with a view to limit the necessary attendance in course of study in faculty of arts to two years instead of four years, as provided in the Bill, after which they should be eligible as members of the Council. He observed that the effect of the clause as it at present stood would be to render the Council too exclusively ecclesiastical, for with the exception of the small Faculty of Medicine, there was no other class of students who studied in the Faculty of Arts for so lengthened a period as that named in the Bill. To render the Council ecclesiastical would be, in his view, to render the whole Bill most objectionable. One of the highest recommendations of the Scotch Universities was, that they were not at all ecclesiastical in their character, but were intended for the general education of the people. On Friday last they gave to the Council the power of appointing the high officer of Chancellor, who would name his own assessor; and, as the Bill now stood, they were also to have the main voice in the election of the Rector. He should, however, endeavour to prevent that by his Amendment. Believing that this clause would introduce a fundamental alteration in the character of the Scotch Universities, he thought it was necessary to introduce an Amendment to modify the proposal of the learned Lord. The learned Lord proposed that

all who, as matriculated students had attended the Faculty of Arts for four years should be eligible as members of the Council. But, in the case of persons attending the Faculty of Law and other Faculties, they did not require to attend the Faculty of Arts for so long a period; and yet, although they might be fully competent, they would, if this clause were adopted as it stood, be excluded from the Council. They might have an education superior to that of most country clergymen, but that would be of no avail. He thought that, if they were to depart at all from the rule of having a Degree of Art, the change ought not to be in favour of a specific body, but in favour of all classes in the University. He therefore proposed to strike out that portion of the clause rendering it necessary that there should have been an attendance of four years, and insert a provision that they should have been in attendance two years on the Faculty of Arts, and two years as two years on any other Faculty.

THE LORD ADVOCATE wished to offer just one word in explanation of his reason for assenting to this Amendment. When it was first mooted he did not quite understand his hon. Friend opposite; but he now saw that his object was the admission to the Council of persons who would probably be temporary members, and that, as it would not be necessary that such members, to qualify themselves, should attend the Faculty of Arts four sessions, they might be allowed to attend that faculty two sessions, and some other faculty two, to which they were more particularly devoted. He thought that the effect of such a provision would be to introduce variety into the Council, which was not desirable; and he, therefore, had great pleasure in yielding to the hon. Member.

Amendment *agreed to.*

MR. BOUVERIE moved that the Council should have power to approve or reject all regulations to effect improvements in the internal arrangements of the University, proposed by the University Court, as mentioned in the 12th clause. He thought that the effect of Clause 5 was to establish a Council without giving it enough to do. There was a Chancellor, an Assessor, and a Council, and they ought to take into consideration the whole of the questions affecting the prosperity of the Universities. It had been proposed that the graduates should have the power of assenting to or rejecting the bye-laws of the University; and he thought that if they were to have any share at all in the government of the University, that was the share which ought to be given to them. It would give more weight to the Council itself, and would be in every way an improvement.

THE LORD ADVOCATE could not consent to the Amendment, because it would effect a fundamental change in the whole theory and constitution of the University Courts. It was proposed to compose that Court of persons in whom the greatest confidence was placed, but if they subjected it to such an element as that provided by the Amendment, they would do very great harm. In the second subdivision of Clause 12 powers were given to effect improvements in the internal arrangement of the University after due consultation with the Senatus Academicus, and with the sanction of the Chancellor. It appeared to him that the consultation with the Senatus Academicus and Chancellor were very sufficient conditions or checks to impose upon the action of the University Court in this particular case. If they introduced over and above that the control of what in some degree must be a large and popular assembly to override what had been done by the University Court, they would, in his opinion, introduce a very great element of confusion, and probably disincline those who desired, and were the best persons to be members of the University Court, from acting as such.

MR. DUNLOP thought that it was very desirable that matters of business affecting the University should be laid before the graduates, in order that they should express their opinion upon it. No regulations could be passed without being submitted to the Council. At the same time, he agreed with the learned Lord that it would not be right to confer upon them the absolute power of veto. They certainly ought to have the power of expressing their views, but as the clause stood, it was not necessary to lay anything before them. Their opinion might be taken, he thought, with reference to the University regulations.

MR. BOUVERIE in reply said, that to create a body corporate in the University, and to give it no power of legislation whatever, would be to create one of the greatest anomalies that ever existed. In the English Universities, and in all European Universities, there was a body composed of

certain persons established for certain purposes of legislation, but to this body no other power was given than that of electing its own officers, and it was to be composed of persons who need not be members of the University at all.

Amendment *negatived.*

Other Amendments made.

Clause, as amended, *agreed to.*

Clauses 5 and 6 *agreed to,* with Amendents.

Clause 7 (Election of the Rector).

MR. DUNLOP moved that the Rector should be elected as at present, instead of by the general Council of the University, the effect of which would be said to swamp the voices of the students. He confessed that he had the utmost confidence, not only in the individual judgment, but in the united action of the young men of the present age, who were being educated in the Scottish Universities.

Amendment moved to leave out from "elected" to end, and insert "as at present."

MR. ELLICE, Jun., understood the Lord Advocate to have said, on a former occasion, that there would be no interference with the right of election of Rector by the students. It could not be shown that, on any previous election, they had abused their right of election; but, on the contrary, had always exercised it most satisfactorily. He thought there were no grounds whatever for interfering with that right.

THE LORD ADVOCATE said, that since the claim had been prepared in its present form, the Committee had given to the Council a greater amount of influence and weight than it formerly possessed; and, therefore, there were goodly grounds for reconsidering this clause, particularly in the interests of the students who, he was glad to say, had always exercised their right of election in the most beneficial manner. He was extremely happy to be able to assent to the Amendment. The provision would extend to Aberdeen.

Amendment *agreed to.*

MR. BLACKBURN moved an Amendment, providing that the Provost of St. Andrew's should be one of the members of the University Court.

MR. KINNAIRD thought that such a provision would strengthen the Court very much.

Amendment proposed, in line 42, after the word "appointed," to insert the words "the Provost of St. Andrew's."

THE LORD ADVOCATE was sorry he could not assent to the Amendment proposed by his hon. Friend behind him, and would state shortly his reasons. He was by no means indisposed to listen to any proposition which should have the effect of popularising the different bodies of which the University was composed; but the sort of popular voice which he should wish to see brought in was rather that which was represented by the General Council of the University itself. He was quite at a loss to understand why it was sought to unite municipal institutions with Universities. He thought such union by no means desirable to unite the two. He did not know what sort of popularity they expected to get; the mere situation of a University, in or near a great town, was a matter of accident, and it did not seem to him to be a very favourable accident that it should be so situated. He thought that in many cases, if the Universities were removed from the vicinity of such towns, it would be better for the health and morals of the young men receiving education at the Universities. There were no particular claims why the Provost of St. Andrews should be one of the University Court, and even if there were, the question ought to be argued more upon general principles than local circumstances. They had endeavoured to make the constitution of the Council which was to be created as liberal as they could, and he could not help thinking that the only ground upon which this claim was put forward for St. Andrews, was that which arose out of some supposed similarity in the case of St. Andrews and Edinburgh. But the case of the latter city was an extremely peculiar one. There, a connection had many years subsisted between the University and the Council, otherwise it never would have occurred to any hon. Member to have proposed forming such a connection. But the connection had always been one which the whole city had just reason to be proud of, and therefore, in continuing the connection between the city and the University, the framers of the Bill had made a graceful acknowledgment of what the University and principality owed to each other. He could not, however, find any general inherent principle, in virtue of which it was necessary that a similar connection should be made between the Universities of Scotland and the towns in or near which they might be situated, and therefore he must oppose the Amendment.

Mr. Bouverie

MR. WALPOLE thought the proposal an unsound one. The University Court had duties entirely distinct from the Town Council, and unless some special reasons were shown for the proposed connection he did not think it was one which ought to be entertained. The Corporation of London had no representative in the University of London, nor had Oxford or Cambridge in the sets of learning in those places.

MR. GILPIN thought it would be better both for the country and the Universities that the people should be brought into closer connection with Oxford and Cambridge. He certainly desired to see no contraction of the popular element in the Scottish Universities, and should vote for the Amendment.

Question put, "That those words be there inserted."

After a few words,

The Committee *divided:*—Ayes 38; Noes 99: Majority 61.

Clause *agreed to*, with Amendments.

Clauses 8 and 9 *agreed to.*

Clause 10 (Members of the University Court of the University of Edinburgh).

MR. BLACK said, he had given notice of an Amendment, that the Lord Provost of Edinburgh should be one of the members of the court; but he would not press it at that moment. The University of Edinburgh had been fostered, managed, and maintained by the Town Council of the city for nearly 300 years. The University might, in fact, be considered as their child. He considered that it was indeed but a small compliment that the Town Council should be allowed still to have the management of the University.

Amendment proposed, to insert after line 5, "First, the Lord Provost of Edinburgh."

MR. CUMMING BRUCE quite concurred with the hon. Member for Edinburgh, that the University of Edinburgh owed a debt of gratitude to the municipality of that city. The hon. Gentleman who had exercised the duties of Lord Provost was a witness to the truth of that statement.

MR. DUNLOP thought, that the mode proposed of dealing with the municipality of Edinburgh was most unusual. He thought that his hon. Friend should press his Amendment, in order that the votes of the Committee should be placed upon record. The University of Edinburgh had hitherto been upheld by the Town Council, had been fostered and regulated by them. By them it had been raised to its present position, being, it might be almost said, one of the most famous Universities in Europe. Nevertheless, it was now proposed to take the management, as well as the patronage, out of the hands of the city. But to deprive them of all control over the University, which had heretofore been managed so well, was an act not only insulting to the people themselves, but one that would prove injurious to the University. Their friends in the south seemed to have a horror of having the municipal body represented in these institutions. Whilst the English Universities were gradually opening their doors to the people, it was too bad that an endeavour should now be made to return to the exclusive days of past times in regard to the Scotch Universities.

MR. STIRLING said, as the subject of patronage was not then the question before them, it was not quite regular to discuss it; but as the hon. Gentleman had thought proper to introduce this subject, he would take the liberty of offering him assertion for assertion. He would therefore venture to say, that the University of Edinburgh had not worked admirably well, and he would be prepared to prove that statement when the proper time arrived. There were, in his opinion, strong reasons for depriving the Town Council of the management of the University, and he thought that real injustice would be done in leaving the power as it stood, rather than removing it into other hands. He admitted that the position of the Town Council of Edinburgh, in regard to the University there, was different from that held by other Town Councils, in regard to their Universities. There was no doubt that the city of Edinburgh had largely endowed this University; and in spite of the gross mismanagement, as he could show at the proper time, of the Town Council, the University had prospered considerably. In considering here the relations existing between the Town Council and the University, he hoped that the Committee would take a middle course—a course between that proposed by the hon. Member for Stirlingshire, and the one proposed by the hon. Member for Greenock.

MR. BLACKsaid, after the encouragement which he had received he would persevere with his Amendment.

THE LORD ADVOCATE said, that he could not assent to the Motion, the effect of which would be to deprive the Town Council of Edinburgh of all representation in the governing body of the University.

On the other hand he was not opposed to the appointment of the Lord Provost of Edinburgh in addition to the two Assessors. There could be no doubt that the Town Council of Edinburgh might, in a certain sense, be called the founders of the University; but they must not take too much credit for that, because, although they were the nominal founders of the University, they were enabled to become such munificent founders by means of Royal Grants. But certainly the ancient and original constitution, and the long continued connection which has existed between the municipal body and the University has led the Government to think that it is only fair and decorous that the municipal body should maintain a continued connection with the University; and he thought that the clause, as it stood, providing for the presence of two Assessors representing the Town Council, would be the best means of maintaining that connection.

Amendment *withdrawn.*

MR. COWAN said, that it was too much the practice amongst the friends of disappointed candidates and the enemies of popular institutions to find fault with the manner in which the University of Edinburgh was managed by the Town Council of that city. He believed that the main body of the students attached the greatest value to the management of that body, which had been excellent for many years past. He could appeal to the excellent appointments hitherto made in the University, as entitling the House to place a higher value on the management of the Town Council, than his learned Friend seemed willing to concede. This was a great experiment. Upon the continued prosperity and good management of the institution would depend much of the prosperity and welfare of Scotland. It was, therefore, better to proceed more cautiously than has been found the Lord Advocate seemed disposed to do. If, in the course of a few years the Corporation of Edinburgh belie the character which it had borne in times past, there would be good reason for interposing to overthrow the past management. He would move in line 13 that the name of the Lord Provost of Edinburgh should be added to the two Assessors for the Town Council.

MR. WALPOLE would suggest, and would move an Amendment to the effect that the Lord Provost of Edinburgh should be one of the two Assessors to be nominated by the Town Council of their city.

The Lord Advocate

Amendment proposed, in line 12, after the word "Edinburgh," to insert the words "of whom the Lord Provost shall be one."

LORD ELCHO said, that the hon. Member for Edinburgh seemed to think that those who opposed the insertion of additional members of the Municipal Council of Edinburgh in the University Court were opposed to liberal institutions. But he had given his support to the measure of the Lord Advocate because he thought it a very liberal measure, and because he thought that the movement to give a liberal constitution to the Court, was not by the addition to the influence of the municipal body, but by the liberality shown in the constitution of the constituencies, by which the Chancellor and the Assessors were to be elected. The Lord Advocate had given a good reason for the representative of the Town Council in the Court. But he thought when they had recognized the position of the Town Council of Edinburgh by appointing two Assessors, they had done as much as could be expected. He was much surprised at the hon. Members for Edinburgh making the speeches they had done; for every humane person must feel for the Damoclesian portion of those hon. Gentlemen who had been discussing this Bill in the presence of the Lord Provost and a deputation from the Town Council of Edinburgh. Whatever influence that might have on the speeches and votes of those hon. Gentlemen, he hoped the Lord Advocate would not be induced, by their arguments, to alter the clause as it stood in the Bill.

COLONEL SYKES said, that the Lord Advocate had stated that the Town Council of Edinburgh stood in a peculiar position to the University of that city. The citizens of Aberdeen, however, stood in the same position towards Marischal College in Aberdeen; and therefore it is not just that two Assessors should be given to the Town Council of Edinburgh, and none to that of Aberdeen.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 118; Noes 35: Majority 83.

Clause, as amended, *agreed to,*

Clauses 11 and 12 *agreed to.*

Clause 13 (Right of nomination to Professorships to be in the University Courts).

MR. BOUVERIE said, that he had given notice of an Amendment which raised one of the most important points connected with the Bill. The proposal of

the clause is that the right of nomination to Professorships, which is now possessed by the Senatus Academicus, should be transferred to the University Court. The clause said nothing about two other classes of professorships—those in the gift of the Crown, and those in the gift of the Town Council of Edinburgh and other similar bodies. They were debarred from dealing with the question, so far as the Crown was concerned, except with the consent of the Crown, and he should therefore for the present say nothing about the Professorships in the appointment of the Crown. Otherwise he should have proposed that the nomination should be transferred to the University Courts. In Edinburgh University twelve out of the twenty Professors were appointed by the Town Council, and a similar body appointed one or two Professors at Aberdeen, Now, he thought it hardly admitted of argument, that the appointment of professors in a University is not a function which could be properly intrusted to a municipal body. A Town Council is too numerous to begin with. It consisted of thirty or forty gentlemen selected for every possible reason to represent the City of Edinburgh in the Town Council, but without any reference to their power of making a good selection of literary or scientific professors. It is necessarily a political body—politics exercising a considerable influence in the election of its member. Politics were now very much mixed up with questions of religion, and thus these appointments were directly and unduly mixed up with, and influenced by associations of religion and politics. The Town Council of Edinburgh was a fluctuating body. It had no responsibility to the public. It is too numerous for that, and, therefore, without arguing a question that hardly admitted of argument, he would propose that the new Courts should be invested with the patronage now exercised by the Town Councils.

Amendment moved, after the word "thereof" to insert the words "or by any body politic or corporate, or by any public body, or any portion thereof."

MR. COWAN most emphatically denied that the Corporation of Edinburgh was liable to the imputations cast upon it by the hon. Member for Kilmarnock. He believed that there never was a more baseless charge than that they were actuated by party politics or sectarian bigotry. He believed that a large proportion of the Town Council never knew, up to the time of election, of what politics or of what religious denomination a candidate for a professorship was. It was their qualification or non-qualification for the appointment sought that was alone regarded. Of the existing Professors of the University of Edinburgh appointed by the Town Council—which, be it remembered, is a Presbyterian council—seven were members of the Church of Scotland, five were Episcopalian, two belonged to the Free Church, and one was a Unitarian. He was quite sure that the Town Council of Edinburgh were actuated by the most pure and patriotic motives, and that on every occasion they endeavoured to appoint the very best man they could find, whatever might be his country or his religious tenets. Although they might not always succeed in appointing the very best man, they in almost every instance appointed a man who was an honour to the country that gave him birth, and was likely to perpetuate the fame of a University which had so long enjoyed a high reputation.

MR. BLACK (who spoke amid continued cries for a division) said, he was determined to defend the rights of his fellow-citizens. This was not merely a question of patronage, as was so generally understood, but of property. It was a property that belonged to the Town Council and inhabitants of Edinburgh. It was one of which they had always been and still were proud—which they considered as their own—which they had nurtured, watched over, and provided for—and which they had regulated for 300 years. The hon. and learned Lord opposite had told them that it was not the inhabitants of Edinburgh that founded the University. Let him refer on that point to *Maitland's History of Edinburgh*, where it was shown that the inhabitants of that city founded the University and supported it. In the Report of the Royal Association it would be found that all that was given by King James—who is sometimes called the founder, but who was the curse of the University—was somewhere about £20 or £30. The University had in fact been founded and supported by the citizens of Edinburgh. All the grants by the Crown were insignificant. Up to 1747 the whole sum only amounted to £175 2*s*. Before then the sums paid by the Town Council were not known; but after that period, and up to 1833, they were, without interest, £54,367; and at the present day the University may be said to receive £2,000 a year from funds belonging to the city. The

University of Edinburgh was as much the property of the Town Council as was the Merchant Taylors' School of the Company to which it belonged, and the House might as well take charge of that as deprive the Town Council of Edinburgh of the patronage of the University. Would any one say that those who had paid the sums, to which he had just referred, for the founding of the University, were not entitled to the patronage which they now held by as good a right as that by which any nobleman held his estates? They had it by Royal grant, and not of Parliament; and by the fact of their being the actual supporters of it, and having maintained it for 250 years, he thought it was right to maintain that property in the Town Council. It might not be a moneyed property; but it was one that the citizens of Edinburgh regarded in a higher light than moneyed property. They had managed it well, and believed that in whatever hands it was placed it could not be better managed. They had, he thought, too, a right to complain of the manner in which this question had been brought forward. For they had been taken by surprise, and had not received fair notice that this Amendment, which would take from them the most valuable property they possessed, would be proposed. It was the opinion of the late Lord Advocate, that the appointment of the professors by the Town Council should not be interfered with. I had been said, that a Town Council were not the proper parties to have the management of an University. He begged leave, however, to trouble the House with a few authorities to show the manner in which the system had worked. Both Dr. Allan and Professor Napier expressed an opinion that the magistrates and Town Council of Edinburgh had exercised their patronage well. Dr. Chalmers—(no slight authority)—said that, looking to the experience of the previous fifty years, he did not know in whose hands the appointment of professors could be better vested, whether looking to the interests of literature or the church. Dr. John Thompson said that he thought it could be shown, by reference to the men of distinguished learning who had filled chairs in the University, and by the high place that the University had filled in its own and in other countries, that the patronage of chairs in times past had been beneficially exercised; and he added that he entertained no doubt that it was expedient that the patronage should continue to be vested in the Town Council. Professor Turner said that, looking to the history of the University and the men who had filled the chairs, he did not know how the patronage of the professional chairs could have been more purely and efficiently exercised. Would the hon. Member for Kilmarnock (Mr. Bouverie) state that no men of eminence had been appointed while the patronage was vested in the Town Council?

House resumed.

Committee report progress.

FOREST OF DEAN COLLIERIES.
QUESTION.

COLONEL KINGSCOTE said, he wished to ask the Secretary to the Treasury whether the decision given by Mr. Howard, upon the Memorial presented to him by the Colliery Proprietors in the Forest of Dean in July, 1857, was founded on the opinion of the Law Officers of the Crown; and if not, whether there would be any objection to take their opinion?

MR. G. A. HAMILTON replied, that Mr. Howard's answer was not founded on the opinion of the Law Officers of the Crown. The provisions of the Act relating to the subject of the Memorial appeared so clear that it was not deemed necessary to take the opinion of the Law Officers of the Crown upon them.

THE SLAVE SQUADRON.—QUESTION.

MR. MILNER GIBSON said, he wished to ask the hon. Member for Gateshead whether it was his intention to bring on his question relating to the Slave Squadron that night on going into Committee of Supply?

MR. HUTT said, that it had been his intention to bring under the consideration of the House the question of the Slave Squadron that evening, in conformity with the notice which he had given; but, understanding that some misapprehension prevailed among hon. Gentlemen taking an interest in the subject with regard to his intention, he now proposed to defer his Motion for the present. He would, however, certainly call the attention of the House to the question on going into Committee of Supply on the Slave Trade Vote.

FUNDED DEBT BILL.
COMMITTEE.

Order for Committee read.

Motion made and Question proposed "That Mr. Speaker do now leave the Chair."

MR. WILSON said, he rose to move the Resolution on this subject of which he had given notice. In making the Motion he could assure the right hon. Gentleman opposite and the House that he was not actuated by party motives—his only object was to afford an opportunity of considering one of the most important questions of finance. He did not intend to avail himself of any argument as to breach of trust with the public creditor, though no doubt that argument might be urged fairly when the clauses which it was now proposed to repeal had been passed so recently. What he wished was to call attention to the impolicy of repealing these clauses, which, in point of fact, contained the only legal guarantee that there was now extant for the reduction of the national debt during the time of peace. He would draw attention to the frame of mind which prevailed at the commencement of the last war, in 1854, when his right hon. Friend the Member for the University of Oxford came down to the House to ask for supplies for the Russian war. On the 6th of March, in that year, his right hon. Friend induced the House to adopt the principle, that in carrying on war it was the first duty of the House and the country to provide as much as possible for it without encumbering the resources of posterity. In accordance with that policy, the whole expenditure of 1854 was raised from taxes within the year. No doubt they did in that year issue £6,000,000 of bonds, but that was rather by way of anticipating taxes than of adding to the debt. It was contemplated that those bonds should be paid off by taxes that were considered as war taxes. In the following year the policy was laid down, and accepted by the House, that a portion of the war expenditure should be raised by taxation within the year and a portion by way of loan. He believed the proportions were nearly equal. A very general opinion prevailed, that in whatever way those loans were raised it should be on some principle that would include their early repayment after the conclusion of the war. One of the means to accomplish that object was by raising the loan by way of terminable annuities; but it would be remembered that when the attempt came to be made, his right hon. Friend the late Chancellor of the Exchequer found that he could borrow in the most economical manner for the public by availing himself of what has been termed "the sweet simplicity of the Three per Cents." At the same time his right hon. Friend was not deterred from making an attempt to pay off the debt in time of peace in accordance with the recommendations of the Finance Committee of 1828, and he inserted a clause in his first Loan Bill rendering it incumbent on the country at the conclusion of the war to create a surplus of the Ways and Means of the year to the extent of a million, so as to provide for the liquidation of the debt. That principle the House then affirmed by the large majority of ninety-nine; but no sooner had the Act come into operation than the Government of the day came down to the House the other day and asked them not to postpone the operation of the Act, but to repeal the provisions of the Act. The total addition made to the funded and unfunded debt between the commencement and the close of the Russian war was twenty-nine millions. The obligations left upon the country by enactments passed during the war were—an obligation to pay off two millions of bonds in 1857, two millions more in 1858, two millions in 1859, and one million in 1860. There was a further obligation to pay a million and a half towards what was called the Sinking Fund. Last year we redeemed the bonds falling due, and paid £250,000 to the Sinking Fund. Now, he had no desire of disturbing the financial arrangements of the present year, nor was it his intention to reopen the discussion upon the Budget; but looking to the manner in which the provisions of the Act had been rashly laid aside, he would ask the House not lightly to commit itself to a policy of repudiating obligations entered into in time of war. This year the right hon. Gentleman opposite (Mr. Disraeli) postponed the payment of two millions of bonds for several years; and as to the £1,500,000 due to the Sinking Fund, he proposed not to postpone it, but absolutely and for ever to repeal the clauses which made it payable. In recommending that course, the right hon. Gentleman confounded the character of the provision made by his right hon. Friend the Member for Radnor (Sir G. C. Lewis) with that of the Sinking Fund as recommended by Lord Stanhope and Dr. Price, and adopted by Mr. Pitt. The principle upon which that Sinking Fund was established involved several fallacies and dangers. The first fallacy was, that as the payment was to be made under all circumstances, and whether we were at peace or at war, we might have to borrow money at a very high rate of interest, in order to redeem debts which had

been contracted at a low rate. The next fallacy was, that the nation would profit by the accumulation of money at compound interest. Dr. Price had a curious theory founded upon his calculation, that if one penny had been invested at the period of the birth of Christ, by compound interest it would have swelled out to the dimension of several globes of gold by the present time. But it was altogether forgotten that the interest by which it was to accumulate must, like the principal, come out of the pocket of the taxpayer. The third fallacy, or rather danger, arose from keeping up a large fund which was really a portion of the national debt under another name, and which was entirely at the mercy of the Government of the day. In 1818 Dr. Hamilton called attention to these fallacies, and in 1823 the Government of the day abolished the old Sinking Fund, but provided instead for the raising by Ways and Means every year of a surplus of £3,000,000, which should be applied to the reduction of the national debt. To this they added what was called the dead weight—namely, two millions of annuities, making up the amount of the Sinking Fund to £5,000,000 per annum. The Committee which sat in 1828 condemned the portion of this scheme which referred to the annuities, but recommended that the surplus of three millions should continue to be raised for the reduction of the debt; and the principle of that recommendation was supported by Mr. Goulbourn (then Chancellor of the Exchequer) and Mr. Huskisson in that House, and by the then First Minister, the Duke of Wellington, in the House of Lords. With the permission of the House he would give a brief history of the national debt, in order to show that at no previous period had its aspect being so alarming as it is at present. It was erroneous to suppose that the national debt was of ancient origin. It was an engine of comparatively modern invention. The first public loan was contracted in 1690, and in 1792, at the commencement of the French war, the debt amounted to £261,000,000, with an annual charge of £9,500,000. During the next twenty-three years the debt was increased to £854,000,000, with a charge of £32,000,000 a year. Let them see what was accomplished by what was called a fallacious Sinking Fund in the following twelve years. During the period between 1816 and 1828 under various Governments, although in the face of much national suffering, the debt was reduced by £54,000,000, and the annual charge by £3,277,000. In 1828 the debt amounted to £800,000,000, and the annual charge to £29,179,000. What was the state of things at the present moment? Thirty years of great prosperity had passed over our heads, and yet the funded and unfunded debt now amounted to £808,000,000 with an annual charge of £28,500,000, so that, instead of having effected any reduction since 1828, we had, under the specious but deceptive principle of taking accidental surpluses, which no Chancellor of the Exchequer was ever allowed to retain, instead of a surplus provided by Ways and Means, added £8,000,000 to the national debt. That was not a very creditable or satisfactory result. It might be said, however, that since 1828 considerable additions had necessarily been made to the national debt. True, there had been a loan of £20,000,000 for the emancipation of our slaves, and a loan of £10,000,000 for the Irish famine, and loans of one kind or another, to the amount of £29,000,000, for the Russian war, but still it was discreditable to a great nation that during a period of remarkable prosperity, in which there had been only two years of war, it should have added £8,000,000 to its national debt without making provision for repayment as soon as possible. What prospect had we, under existing circumstances, of improving our financial position? We had in the present year postponed the payment of bonds that were due, and there was a Bill before the House to repeal those clauses in existing Acts which made it incumbent upon Parliament to provide a surplus for the reduction of the national debt. How we were to fare next year it was difficult to say. We had again £2,000,000 of bonds falling due next year, and our means would be less by £1,000,000 to pay them with, because the reduction of 2*d.* on the income tax would operate only to the extent of £1,000,000 in the present year, whereas it would deprive us of the entire £2,000,000 next year. Then we had to meet £2,000,000 of bonds in the succeeding year, and £1,000,000 in 1860. We were told that we should postpone all these engagements till 1860, because in that year terminable annuities would fall in to the extent of more than £2,000,000. But these were not our only engagements for 1860. In addition of £7,000,000 of bonds postponed till that year, it was proposed to abolish the income tax entirely in 1860 when there would also be a reduction of the tea and

sugar duties to the amount of £3,000,000. The anticipation of the public was, that what between the income tax and the tea and sugar duties there would be a reduction of taxation to the extent of £8,000,000 in 1860; but, if against that we could place a reduction of expenditure on account of the falling in of annuities to the extent of little more than £2,000,000, how, he asked, were the expectations of the country to be fulfilled? Was it wise for any Finance Minister to encourage such delusive hopes on the part of the public? He believed, for his own part, that the alleged unpopularity of the income tax had been greatly exaggerated in that House. All the best informed and most reflective people out of doors were in favour of maintaining the tax, and that in the great seats of industry, among those who wished to reform our taxation, and even among those affected by Schedule D. it would be admitted that it was a less injurious tax than any other existing. He believed that nothing would have been easier than for the Chancellor of the Exchequer to have maintained the 2*d.* which he had abandoned. In the discussion which took place the other night upon the paper duties the Chancellor of the Exchequer held out some prospect of the removal of those duties at no very distant time. Now, in the abstract he was free to confess that it was the worst tax that had ever been imposed; and, if it were to be a new tax, to be now put on, he believed it would be one of the most difficult to impose. He thought it would have been far better for the right hon. Gentleman to have repealed the paper duties than the income tax. But we were not in a condition to abolish duties of any kind, and indeed his object was to show that if we persevered in our present course we should not be able even to fulfil our obligations. The fact was, we had been burning our candle at both ends. On the one hand, they were in every possible way increasing the expenditure, and on the other, in every possible way they were pressing for a diminution of taxation. They were very properly repealing indirect taxes, but they failed to retain direct taxes. The only direct tax they seemed to have imposed of late years for the purpose of meeting the loss of the income tax was the succession duty, but the produce of the latter tax had caused disappointment, notwithstanding it was predicted at the time of the imposition of the succession duty that the tax would realize twice or three or four times the amount estimated. The estimate of his right hon. Friend (Mr. Gladstone) when he introduced that measure to the House was, that it would yield in the first year, £500,000; in the following year, £1,200,000; in the year after, £1,600,000; and in the succeeding years, £2,000,000. Previous to the year 1853 the legacy duty was annually increasing at the rate of £50,000; but as that duty since then had been mixed up with the succession duty, it was difficult to calculate its produce. In the first year of the succession duty, or for the portion of that year (1853 and 1854) the sum realized by that impost was only £3,587. In the next year it amounted to £150,000; in the following year, £320,000; and in the last year, only £148,000. So that, in point of fact, the money that had fallen into the Exchequer from this duty up to the present time was only £1,407,000, instead of £7,000,000, as estimated by the right hon. Gentleman. The Commissioners of Inland Revenue, moreover, had expressed themselves as wholly unable to account for this fact. If, then, the succession duty, which they were told was to be a sort of sheet anchor when the income tax should be repealed, had disappointed expectation, what were they to do with the various obligations crowding upon them? What were the objections which would be urged against his Resolution? He should be told, no doubt, that it was unwise to anticipate the decision of Parliament, and to tie up the hands of the House of Commons in reference to the disposal of the finances of future years; but he replied, that they had tied up the hands of the House and created great obligations, and it was their duty now in time of peace to find Ways and Means to meet those obligations. He should be told that it was illusory to enact that a portion of debt should be annually paid, unless they secured a surplus every year; but the object of his Resolution was to secure that annual surplus. The Chancellor of the Exchequer would, no doubt, say that the real Sinking Fund was the surplus at the end of the year; but what surplus had the right hon. Gentleman provided? He was afraid that the right hon. Gentleman had provided a deficit, because in the budget the right hon. Gentleman brought up the expenditure and income to a level by the addition of a spirit duty in Ireland; and then the right hon. Gentleman added that he would make a surplus of £300,000 by a penny duty on bankers' cheques. But

on what basis was that calculated? The Army and Navy Estimates were reduced by £400,000, and the Miscellaneous Estimates by a similar sum, but he was afraid that that saving had vanished. The First Lord of the Admiralty had been obliged to trench upon one portion of the saving, and with respect to the Miscellaneous Estimates it turned out that the saving was more in name than in reality. Therefore, instead of a saving of £800,000 in the expenditure, the most that could be calculated on was about £200,000; and in the present state of the Session they were really in a deficiency of about £400,000. according to the budget. Therefore, they would be deluding the country if they refrained to make in time of peace any honest effort to pay the debts incurred in time of war. They had heard a great deal about the state of the national defences and the exposure of the coast; but let them consider the danger this country would be exposed to in any great contest by being burdened with an enormous taxation arising out of the amount of the national debt. The national debt of France amounted to only £321,000,000 against the £800,000,000 of the English national debt; and the United States defrayed in peace the debts they incurred in war; and up to the present time they had kept themselves almost free from national debt. For many years past this country had been in an exceedigly advantageous and prosperous condition, and had almost monopolized the trade of the world. Was there, however, any security for the continuance of such a state of things? Positively, so far as this country itself was concerned, there could be little doubt of its continuance; but, relatively to other countries, he thought the extent to which we were losing our vantage ground was not understood. In 1847 the value of exports from France of articles produced and manufactured in that country was £28,000,000, last year it was £72,000,000. The value of British exports in 1847 was £58,000,000, and in 1856 £115,000,000; so that while our exports doubled in the interval, those of France had nearly trebled. There was no absolute guarantee for the continuance of the present satisfactory state of affairs, and he would ask, therefore, whether advantage should not be taken of the existing prosperity of the country to endeavour to reduce the national debt. He did not wish in any way to embarrass the Government, and the proposal he made was an extremely moderate one. He merely wished to assert a great principle which he desired to see reduced to practice—that it was the duty of Parliament in time of peace to make arrangements for providing out of surplus revenue for the diminution of the national debt which had necessarily been incurred during a period of war; and if the Chancellor of the Exchequer would consent to alter the Bill in accordance with his (Mr. Wilson's) suggestions, and to appoint a Committee in the next Session to consider the whole question of the finances of the country he would be quite satisfied with such an arrangement. He believed that the three great principles upon which alone the national finances could be safely managed were, that they should avoid, as far as possible, engaging in war; that they should, in case of a war, exercise the utmost possible economy in its conduct; and that in a time of peace they should make every effort in their power to repair the disasters which had occurred during war.

Amendment proposed—

To leave out from the word "That" to the end of the Question, in order to add the words, "this House is of opinion that the extraordinary expenditure incurred during a war, beyond what is obtained from taxation, should be raised in the form of terminable loans, the redemption of which should be provided for within a specified period after the return of peace; or if, with a view to greater economy, it is raised by loans in the shape of permanent annuities, that a provision should be made for the liquidation of the same by moderate annual instalments after the war expenditure shall have ceased, from surplus revenue to be provided for that purpose," instead thereof.

THE CHANCELLOR OF THE EXCHEQUER said, the Resolution involved several assertions which appeared to him to be of a very questionable character. In the first place the principle declared in the Resolution, that, "the extraordinary expenditure incurred during a war beyond what is obtained from taxation should be raised in the form of terminable loans, the redemption of which should be provided for within a specified period after the return of peace," had been acted upon during and since the occurrence of the late war. They had had a terminable loan both in the shape of terminable annuities and of Exchequer bonds; and he did not think, therefore, it was necessary for the House to endorse such a declaration with regard to the future. The second part of the Resolution declared that "if, with a view to greater economy, it is raised by

loans in the shape of permanent annuities, that a provision should be made for the liquidation of the same by moderate annual instalments after the war expenditure shall have ceased, from surplus revenue to be provided for that purpose." Now, it was very difficult to understand what the hon. Gentleman meant by a moderate annual instalments." During the late war it was determined that the first loan should be repaid by a "moderate annual instalment" of £1,000,000. Another loan was raised, and the "moderate annual instalment" for its repayment was fixed at £1,250,000. A third loan was raised, and the "moderate annual instalment" for its liquidation took the shape of £1,500,000. Then Exchequer Bonds came into play, and Parliament engaged to pay them off by a "moderate annual instalment" of £2,500,000 in one year, and a "moderate annual instalment" of £3,500,000 in the succeeding year. It was, therefore, clearly impossible by such phraseology to lay down any rule which would provide for artificially paying off debts of this description. He thought, also, that the principle laid down in the Resolution. that arrangements for the liquidation of debts incurred during war should be made immediately upon the cessation of hostilities, must be taken with considerable qualification, for it was very often impossible at once to reduce expenditure upon the termination of a war. Then it was an error to suppose that extraordinary expenditure was only incurred in time of war. A potato famine might occur, which would lead to extraordinary expenditure. They might be obliged to increase their armaments even in a time of peace, owing to the peculiar conduct of other Powers, and that would lead to extraordinary expenditure. Domestic disquietudes, and even insurrection, might occur. Many disturbing causes entailing an extraordinary expenditure might arise in time of peace, and, therefore, to lay down a fixed rule, that because the country was not at war, an artificial system for the reduction of the debt should be rigidly pursued, would, in his opinion, be most injudicious. What, then, was the practical proposition which the hon. Member placed before them? He said—"When you pay off your Exchequer Bonds (which will not be for four years) then let us institute a Sinking Fund, and, in the meantime, let a Committee be appointed to consider the national finances and to lay down principles for their management. If, however, a Committee was to be appointed he (the Chancellor of the Exchequer) would suggest that the hon. Gentleman should postpone the appeal he had now made to the House until the result of the labours of such Committee was laid before Parliament. What would be the use of their passing a Resolution in favour of an artificial Sinking Fund to reduce our debt, which is not to come into operation till 1861 or 1862. He called it an artificial Sinking Fund, although Ways and Means might be supplied by taxation for the object which the hon. Gentleman had in view, namely, the reduction of our debt. The great objection which he (the Chancellor of the Exchequer) had to the reduction of the public debt by special taxes for that purpose, was a conviction that it was a mere theoretical arrangement, that it would never work, and that the only sound principle upon which our debt could be reduced was the principle of the Act of George IV., which had for a considerable period conduced to the reduction of the debt, though the hon. Gentleman seemed to think it had practically been abortive. But, said the hon. Gentleman, what with increased expenditure and a desire for reduced taxation, it was quite clear that unless we built up these artificial barriers no reduction of the public debt of this country could be secured. In truth, they could only secure a reduction of the public debt by a conviction in the public mind that it was wise to pursue a policy for its reduction; and if they could get public opinion to embrace that principle they would then be supported, not only in the taxation which was necessary for that object, but also in the reduction of the expenditure which was chiefly required to obtain it. If they had not that public opinion sufficient to support a Minister in a policy so wise and equitable they would find in practice that it would be totally impossible to observe those regulations which they made beforehand for the reduction of the debt, and which demanded from the pockets of the people taxes for that special object. It appeared to him that the fatal objection to the theory which the hon. Gentleman had recommended the House to adopt was that it could not be put in practice. It was quite possible that they might have a large surplus revenue, and might succeed with the aid of that surplus in diminishing the public debt; but notwithstanding the impatience of taxation of which they heard so much, notwithstanding there were still many taxes in our system which required

to be modified and even to be diminished, he could not but believe that, in the long run, the finances of this country being in so healthy and prosperous a state as to produce a genuine surplus, Parliament would devote no inconsiderable portion of that surplus revenue to the reduction of the public debt. Nor could he agree with the hon. Gentleman that, even from the experience of the past, they were not justified in entertaining such a belief. There had been a considerable reduction in the public debt since the passing of the Act of George IV. In 1829 the surplus invested was, in round numbers, upwards of £1,200,000; in 1830, a little less than £2,000,000; in 1833, £792,000; in 1834, upwards of £1,700,000; in 1835, upwards of £500,000; in 1836, upwards of £1,200,000; in 1837, nearly £1,500,000. Then they came to very bad years, in which there was no surplus revenue. But why? Because they had then three bad harvests. Every department of industry in the country was then suffering, and would it have been wise in such circumstances—because they could not reduce the debt when the country was in a state of paralysis—to inflict extra taxes upon the working population of the country in order that they might be able to say they had reduced the public debt? Or could they adduce those five years as a proof that the Sinking Fund Act was a failure? But the moment that prosperity returned, and the country revived—in 1844, and in subsequent years—there were great reductions of taxation. In 1844 they again proceeded to reduce the debt. [Mr. J. Wilson here made a remark across the table which did not reach the gallery.] He did not see how that observation affected the argument in the least. Whatever might be the amount of public taxation the question to be decided was whether, with the revenue at the command of the Minister, he had the power of meeting fairly the demands of the year and of reducing the public debt. When the country had rallied again—in one year—(in 1845) the public debt was reduced by nearly £1,400,000. In 1846, after a still greater reduction of taxation than had been made in the preceding year, the debt was reduced by nearly £1,200,000. In 1847 there was a reduction of £628,000. In 1849 nothing was done; but in 1850 there was a reduction amounting to £2,321,000. In 1851 there was a reduction of nearly £3,000,000; in 1852 of more than £1,800,000; in 1853, upwards of £1,000,000. Could they say, in the face of such facts, that the Sinking Fund Act of George IV., founded, as he thought, on sound principles, was a failure, as the hon. Gentleman endeavoured to induce the House to believe? On the contrary, it was quite evident that under that Act large reductions of the public debt had taken place in many years. He had shown to the House that in the years referred to by the hon. Gentleman as those in which no reduction of the debt had taken place this country was suffering under a visitation of peculiar hardship—no less than three successive bad harvests. It suffered also from a great collapse in mercantile speculation, and from what took place in America. He, therefore, thought it would be most unwise in the House to depart in any way from the Act of 1829. But they would be departing from it if they recurred to a system of making artificial sinking funds by imposing special taxes for the purpose of creating a surplus. And, in his opinion, and he trusted the House would support him in it, they would take a most contradictory and conflicting course if, while they adhered to the law which regulated the distribution of the natural surplus in their revenue, they at the same time had a law founded on totally different principles, but aiming at the same end—namely, the reduction of the debt. The question which they had now to decide was simply this—would they maintain the Sinking Fund Act of 1829? That was the single issue before them, and he hoped the House would be firm in its resolve to support that law, founded upon the wisest principles. He had shown the House that in practice it had completely vindicated the objects of those who introduced it. It had considerably reduced the debt. It secured the devotion of the surplus revenue of this country to the great object of the reduction of the debt. It was quite evident from the facts which he had placed before the House that the natural surplus revenue did find that outlet which the advisers of that law contemplated, and had fulfilled its purposes. And if there were years, and even a series of years, in which no reduction of the debt took place, that want of power in the law arose from natural causes. Suppose that during these five dreary years—from 1837 to 1842—in which there was no reduction of the debt, they had by legislation secured a certain reduction of it—

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say, £1,000,000 or £1,500,000 each year —what additional suffering and hardship would they not have thereby inflicted upon the people of this country! It was under a feeling of that nature that Her Majesty's Government proposed their financial policy, which he was glad to say the House adopted. They could not decide upon these questions without referring to the condition of the country during the last autumn. It was impossible to forget that there was throughout all the ramifications of commerce in this country a state of considerable suffering and stagnation, and was that a time for the Minister of Finance to come forward and say we are resolved each year, this being a time of peace, to reduce the amount of our national debt and to levy new taxes in order that we may pay off those engagements of a terminable character which we entered into during the war? That, he thought, would have been most unwise, nor did he think that any Minister would have the power of carrying a measure of that kind. It was a moment when it was expedient to treat with as much tenderness and indulgence as possible the industry of this country, and he thought the House showed great wisdom in supporting Her Majesty's Government in the course which they had recommended. The hon. Gentleman had entered into a very great eulogium of the income tax, which he said was a very popular tax. He would not now enter into any question of that kind, but the hon. Gentleman blamed him for having reduced that tax. He could not claim that merit, for the real fact was, that he had found the income tax reduced by operation of law, and if he had proposed that it should be maintained during the present year at the same figure as last it would have been in point of fact to propose an increase of the tax. It was true that two new taxes had been imposed, but that was necessary in order to supply the deficiency which would arise from the reduction by law—and not by the act of the present Government—of the income tax. The hon. Gentleman had talked about the necessity of adhering to engagements. Now, he would not go into the old question whether what took place in 1853 was a compact or engagement, but certainly there was an understanding that the income tax should cease in 1860, and the Government had given due regard to that understanding. The case at issue was a very simple one, and that was, whether they would or would not adhere to the Sinking Fund Act of 1829, which, in his opinion, was founded upon sound financial principles, and which he maintained had, as regarded the intentions of its framers, completely succeeded. In prosperous times a large sum had always been contributed to the reduction of the debt; in times less prosperous a sum of a more moderate character had been contributed; and, when the country had been in a state of exhaustion, then the operation of the Act had been a faithful mirror of the condition of the public finances. He hoped, therefore, that the House would not support the Resolution of the hon. Gentleman. Apart from that greater consideration, even if its principles were sound, and did not clash with the Act of 1829, he thought it unwise and inexpedient that the House should lay down rules and regulations for a Sinking Fund that, according to the views of the hon. Gentleman, could not come into action for four years. For these reasons, because he thought it inexpedient, even if there were no Sinking Fund in operation, and because he thought the existing Sinking Fund Act was a wise and judicious measure, he should oppose the Resolution of the hon. Gentleman.

MR. W. WILLIAMS stated that there was an express condition in the Act which authorized the raising of the £29,000,000 for the Russian war, that a million and a half should be paid off every year, and of that condition the Bill before the House was a direct repudiation. The right hon. Gentleman had referred to the years in which a reduction to a small amount had been made in the National Debt under the Sinking Fund Act of 1829, but he had said nothing of those years in which the debt had been increased. He (Mr. Williams) objected to the Bill as a violation of the engagement entered into with the fundholder, and as a violation also of an important financial principle. He was not aware whether the engagement to pay off this money upon those conditions had not enabled the Government to raise the loan on more favourable terms.

THE CHANCELLOR OF THE EXCHEQUER: The condition was not in the contract.

MR. W. WILLIAMS: It was so understood.

THE CHANCELLOR OF THE EXCHEQUER: No.

MR. W. WILLIAMS observed that the condition was referred to in the debate upon the Bill. He held it to be the

duty of the present generation to pay the expense of its own wars, and not to saddle them upon posterity. The right hon. Gentleman claimed credit for having met a deficiency and reduced taxation. But he had done so by postponing the payment of £2,000,000 of Exchequer Bonds, and of £3,000,000 more which fell due next year, or the year after, till four years hence, when, if the right hon. Gentleman should still be Chancellor of the Exchequer, he (Mr. Williams) had no doubt the whole amount would be added to the permanent debt. He would support the Amendment.

MR. GLADSTONE said, he thought that the doctrine of the hon. Gentleman (Mr. Williams) who had just sat down,—namely, that by voting in favour of this Bill they would practically be guilty of an act of repudiation, ought not to go forth uncontradicted. The hon. Gentleman held that the engagement to pay off a million or a million and a half annually was part of the contract entered into with the public creditor in regard to these loans. The right hon. Member for Radnor, who was Chancellor of the Exchequer, at the time, was certainly the highest authority in the House on that subject, but unless he was himself much mistaken, he recollected that the right hon. Gentleman, in answer to a question put to him on this very point when the loans were proposed, distinctly stating that no such condition formed any part of the engagement with the public creditor, or gave him any title to interfere with the free judgment of Parliament in dealing with this question in future. With regard to the proposition of the hon. Member for Devonport (Mr. Wilson) there were topics in the hon. Gentleman's speech to which he was glad the attention of Parliament had been directed. All that related to the doctrine of making effectual provision for the payment of the public debt, and all that related to the amount of the debt and the importance of reducing it, was important, and he was glad that the hon. Gentleman had brought it under consideration. But he could not vote for the Amendment. In the first place, he was sceptical as to the soundness of the hon. Member's principles. He agreed with the hon. Gentleman that there was a distinction between the Sinking Fund of 1855 which was now about to be done away, and that of Mr. Pitt; but he was by no means sure which was the better of the two. It appeared to him that the Sinking Fund of Mr. Pitt had some reason in it, in reference to the circumstances in which it was established—inasmuch as it had a direct and powerful tendency to keep up the price of the public stocks during a period of war, and in that way conduce to economy, by enabling the estate to borrow money on better terms than it otherwise must have submitted to. Therefore the waste of public money involved in the principle of a Sinking Fund might have been in some degree redeemed by the plan of Mr. Pitt. But whether the comparison was in favour of the later or earlier form of Sinking Fund, he was not prepared to join in a vote, the apparent object of which, was to force upon Parliament and on the Government the recognition of a principle so doubtful as that which was involved in the hon. Gentleman's proposition. For to what did it amount? The hon. Gentleman said the Chancellor of the Exchequer had no surplus revenue for the present year. The hon. Gentleman said, "the budget puts before us not a surplus but a deficit." If so, why did not the hon. Gentleman make a Motion on that subject? If the Chancellor of the Exchequer had placed before them a scheme which showed an insufficient provision on the balance of income and expenditure for the wants of the year, he (Mr. Gladstone) did not hesitate to say that the right hon. Gentleman had done wrong in proposing such a scheme, and the House had done wrong in accepting it, and the hon. Member for Devonport would have been doing his duty only if he had called upon the House to reject it, and to provide by some means a surplus in the revenue of the year as compared with the expenditure. But the hon. Gentleman had done nothing of the sort, he had taken no issue upon the question. He asserted that there was a deficiency, but he took no step whatever to remedy that which, if it existed, was so gross and glaring an evil, He (Mr. Gladstone) had not followed the Estimates of the year as the hon. Gentleman said he had done, and could not say whether the hon. Gentleman was right or not; but if the hon. Gentleman thought that there were so many hundred thousand pounds short of what would be the actual expenditure, he would have done well to call their attention to that fact and propose some remedy for so glaring an evil. But he had made no such proposition, neither had he made any proposal for the repayment of the debt. He merely asked them to enter into one of those prospective and remote engagements by which, instead

of doing something themselves to relieve the public embarrassments, they were, as far as they could, to pledge and bind a future Parliament to do something. And this in the teeth of all experience, which told them that when a future Parliament came to be a present one it would resent the attempt made to limit its liberty and discretion by antecedent votes on the part of those who, it might justly think, ought to have confined themselves to minding their own business. Therefore, because the principle of the hon. Gentleman's Motion was doubtful, and because it was strictly prospective and theoretical, and because it passed over the duty which was within arm's length in order to deal with matters that were in the clouds, he could not support the proposition. It appeared to him that the hon. Gentleman had omitted the principal point in the case—which was in the state of the expenditure and the disposition of the executive Government and the House of Commons with regard to the increase or diminution of that expenditure. The Act of 1829 was amply sufficient to secure the regular application of any surplus that might arise in time of peace to the reduction of the debt under all circumstances, except such as were of an extraordinary nature, provided the Finance Minister of the day did his duty, and the House of Commons supported him in the endeavour to keep the public expenditure within due bounds. But if the executive Government and Parliament were possessed with a spirit of extravagance, and there was a sort of rivalry between Governments, and upon every occasion it was endeavoured to show how much larger the views of the Government of the day were than those of their predecessors—if the House of Commons urged upon the Government, or the Government urged upon the House increased expenses and the Government met the extravagant views of the House with but a feeble resistance, or the House fell in without resistance to the extravagant views of the Government, they would go on from bad to worse, and to talk of providing a sinking fund was useless and absurd. The true secret of an effectual sinking fund lay in public economy—and the provisions of the Act of 1829 he maintained were amply sufficient to secure all that was necessary, provided the House of Commons and the Government continued to abide by an honest desire and a strenuous effort to bring the expenditure of the country within reasonable bounds, and to reduce the public burdens as far as possible. His hon. Friend had been able to show that in former years much had been done in the way of sinking fund, but that was not so much because of any technical provisions of the law, but because Parliament and the Executive had felt that extravagance was one of the most threatening public evils, and that it was their most sacred duty to the people of England to preserve a due balance between income and expenditure, and to restrict that expenditure to objects expedient and necessary for the national welfare. And he was bound to say, although, perhaps, he had misunderstood the right hon. Gentleman, that he could have wished to hear from the Chancellor of the Exchequer a somewhat stiffer and more rigid doctrine on the subject of surplus revenue. The sound doctrine he took to be this—that it was the duty of Parliament in time of peace to make such financial arrangements from year to year as should secure the application of a considerable sum to the reduction of debt. Nor was it enough to say, "In this year we had a bad harvest, and in that year there was commercial embarrassment;" that was no sufficient reason in his mind for making an addition to the public debt; for when they spoke of a deficiency it meant generally (provide for it as they might) an addition to the national debt. Looking to the Finance Minister as the oracle of sound doctrine in that House on that subject, he hoped he had misunderstood the right hon. Gentleman as implying that such incidents as bad harvests, large armaments, or commercial depression, are sufficient to prevent the provision of surplus revenue. Intending to vote with the right hon. Gentleman, and thinking that he was right in doing away with the sinking fund of 1855, he wished not to be misunderstood with regard to the doctrine which ought to be held on the question of surplus revenue, which appeared to him to have been laid down less stringently than the times required. He could not consent to regard the public debt as a matter to be looked at with indifference, much less as one of the incidents of the State to be borne with content and satisfaction. It was, in his view, a most serious and grievous evil, the pressure of which did not fall on the possessors of property, but was felt in the condition of the masses of the people. On them the burden fell. By the consumption of capital in war you raised the price of capital, and so

eventually added to the burdens of the people. He should have been glad if the Chancellor of the Exchequer had felt himself in a position to make a bolder and larger provision for meeting the expenditure of the year, but under the circumstances he did not think that he was open to censure on that account. He trusted that the House would adhere to the principle which was established by the Act of 1829; but he was convinced that they made no advance towards the observance of that principle by endeavouring to impose on future Parliaments obligations which by their acts they showed that they were not themselves prepared to perform.

SIR GEORGE LEWIS said, he was not prepared to support the Motion of his hon. Friend on the ground of contract, because he did not understand that the subscribers to these loans were, by the clauses in the Act of Parliament, entitled to any priority over the other national creditors. He was quite prepared to argue the question upon the ground chosen by the right hon. Gentleman opposite (the Chancellor of the Exchequer), who had, he thought, placed the question on the fair issue when he asked — did they prefer a natural Sinking Fund, a Sinking Fund resting on an annual surplus, or what he called an artificial Sinking Fund? What the right hon. Gentleman called a natural Sinking Fund was the surplus which, under the existing law, was applicable to the redemption of the debt after the whole of the expenditure of the year had been defrayed. At present the Finance Minister was not bound to make any provision for the reduction of debt beyond the interest of the terminable annuities. If there should be any surplus in the revenue beyond the expenditure of the year, then the Commissioners for the Reduction of the National Debt were bound, under the provisions of the Act of 1829, to apply it to the redemption of the debt. But the analogy between the income of an individual and that of the State, which had been suggested by the right hon. Gentleman when he spoke of a natural surplus, scarcely held good. The nation had no regular income—no income except what came to it by votes of Parliament made upon the proposal of the Minister; and if the Minister did not provide for a surplus, the natural surplus of which the right hon. Gentleman spoke could have no existence. The principle he had endeavoured to establish, and which was embodied in these clauses, went to the provision of a surplus for a particular purpose, which should not be dependent upon accident or upon the volition of the Finance Minister for the time being. The right hon. Gentleman might call that artificial; but it was artificial only in this sense, namely, that it rested upon positive enactment, and the Finance Minister would be bound, unless Parliament interfered to stay the operation of the Act, to provide the ways and means to meet it. Considering the pressure always brought to bear upon the Chancellor of the Exchequer to reduce expenditure, he confessed he thought that course was a wise one, and would lead to a more certain reduction of the National Debt than would arise if the matter were left to the chances of a voluntary and natural surplus. This view of the case was confirmed by experience, because in the five years from 1823 to 1827 inclusive, when we had an artificial Sinking Fund, and were under an obligation to lay aside five millions a year, a surplus of more than that amount was provided, although 1825 and 1826 were years of great and peculiar distress. He must say that he did not understand the Chancellor of the Exchequer to say that a bad harvest or commercial distress would be reasons for creating a deficit which should be met by loans, but only that when we suffered from such evils it would be unwise to make a surplus for the redemption of debt. To a certain extent he agreed with that doctrine, but it was a principle which ought to be laid down with great reserve, and he should doubt extremely its application to the circumstances of the present year. What his hon. Friend (Mr. Wilson) stated with regard to the income tax was, that the right hon. Gentleman (the Chancellor of the Exchequer) had allowed the existing rate, as it stood at the beginning of the year, to fall under the operation of the law, and made no effort to keep it up to that amount; and he (Sir G. C. Lewis) very much doubted whether the commercial distress of last November furnished any valid reason against the continuance of the tax at the sevenpenny rate, for let it be remembered that the reduction would only operate this year to the extent of a million, or a penny in the pound, which was the whole amount of the relief which would be afforded. He could not but think that an artificial Sinking Fund, founded as it was on the principle of making it imperative upon the Government to provide a certain amount every year towards the reduction

of the debt, was sound and wise in principle. That which was now stigmatized as "artificial" was a principle that had always been acted upon by the House when they conferred powers of raising money upon subordinate bodies for local objects. When Parliament allowed corporations and other local bodies to borrow money upon the security of local taxation, they invariably imposed upon such bodies the condition of providing an artificial Sinking Fund, and required that a part of the debt should be paid off by that means every year, allowing twenty or twenty-five years, as the case might be, for the payment of the whole, and the same principle was followed by the Exchequer Loan Commissioners with regard to all loans made by them for carrying on public works. No doubt, with regard to the national expenditure and income, there were difficulties which did not exist in these subordinate bodies; but, nevertheless, he thought the principle was a sound one, and he regretted that the right hon. Gentleman, instead of postponing the payment of the Sinking Fund, should propose to repeal it; and that in laying down the doctrine of the equitable principle of providing in each year for some diminution of the public debt, he had made so little effort to carry it out.

MR. CARDWELL said, he thought the House was indebted to the hon. Member for Devonport (Mr. Wilson) for a most interesting discussion, but he was afraid it would not be wise to adopt the Resolution which he had proposed. The adoption of that Resolution would only be, on the part of the House, a new prospective engagement with regard to the liquidation of debt. Now, nothing was easier than to make prospective engagements; the difficulty was to keep them. Let them consider whether they were in a position from their performances to enter into new voluntary engagements. They began this year with Parliamentary obligations to pay two debts—namely, £2,000,000 of Exchequer bonds and £1,500,000 in connection with the very Sinking Fund now under discussion. What did they do with regard to the bonds? By the almost unanimous consent of the House the time for their payment was postponed. It was in their power either to pay the £2,000,000 of bonds or to reduce the income tax by 2*d.*, and they adopted the alternative, not of fulfilling their obligations, but of permitting a fall in our taxation. That certainly was not encouraging for them to enter into new verbal engagements. How stood the case with respect to the statutory Sinking Fund of 1855? The right hon. Member for Radnor had said that it was paid in the balance-sheet of last year. Yes, it was paid, but then the balance-sheet did not exhibit a surplus; on the contrary, it exhibited a deficiency greater than the sum charged on the other side for the Sinking Fund. If, therefore, even as regarded the last year, their performances were not so brilliant, what was the prospect for the present year? Why, the hon. Member himself did not propose that any payment should be made to the Sinking Fund in the present year. He accepted the Budget as an accomplished fact, and merely proposed that they should enter into obligations to renew their payments in some future year. Again, he said, their performances did not warrant their entering into any such engagement. The right hon. Member for Radnor had said that they always imposed conditions of this kind upon inferior bodies when they permitted them to borrow money. The difference between those bodies and Parliament was, however, very marked. Such bodies had no power to repeal their Acts of Parliament, and therefore it was not a verbal obligation, but a binding arrangement which was imposed upon them. But experience showed that the House of Commons having the power to repeal its Acts did repeal them; so that those Acts became practically inoperative, or, what was worse, had only the effect of inducing the Government to borrow more recklessly than they would do if they relied solely upon the ordinary and natural operation of their financial arrangements for the liquidation of debt. He agreed with the remarks which had been made with regard to what was a true Sinking Fund. *Magnum vectigal est parsimonia;* it must be accomplished by retrenchment of expenditure, by a jealous and vigilant economy, such as we had not seen of late years to the same extent as formerly. He trusted, moreover, that when by such means they had attained a surplus revenue, they would bear in mind the remark of the right hon. Member for Oxford University, that the chief burden of the debt fell upon the labouring classes, and in future remissions would not forget those indirect taxes which bore upon the working man and fettered the energies of trade. The abolition or reduction of duties of that description formed of itself an available Sinking Fund, for if they referred

to the history of the past fifteen years, during which so large an amount of indirect taxes had been repealed, they would find, not only that the sources of revenue had produced far larger sums at a lower rate of taxation, thereby contributing more to the Treasury while bearing with less severity upon the people, but that in every year the result of that increase had outstripped the most sanguine anticipations of the Chancellor of the Exchequer, and that the surplus at the end of the year had always been far larger than he ventured to announce as probable at the beginning, and that a sum had thus appeared at every quarter day, which, under the statute of 1829, was applicable only to the liquidation of public debt.

SIR HENRY WILLOUGHBY said, he quite agreed that the hon. Member for Devonport had done good service in calling attention to the public debt. He rose, however, for the purpose of directing attention to the fact that it was impossible to ascertain at any given period what was the exact amount of the public debt. It was quite possible that, without a single act on the part of that House, the funded debt might amount next year, not to £808,000,000 but to £816,000,000. During the war with Russia he believed a large amount of savings-bank stock had been applied to the purchase of Exchequer Bills. The amount so converted into unfunded debt was £7,600,000. By an odd construction of an Act of Parliament, if these were hereafter funded it must be at the average price of the quarter in which the bills were purchased. At that rate these bills would yield £8,624,000 of funded debt, and the Minister could fund that amount without any control of the House upon him. In fact the whole system of savings banks was an engine for increasing our funded debt, and unless some check were created it was impossible to say what might be the amount of it in any one year. The hon. Member for Devonport had pointed out the necessity of a Committee on the subject. One of the inquiries of such a Committee ought to be into the way in which the funded debt had been created. He agreed with the right hon. Gentleman the Member for Oxford that the true Sinking Fund was a rigid economy of the public expenditure. The right hon. Member for Radnor had departed from the principle laid down by the right hon. Member for Oxford, and had borrowed largely. He feared that it would be seen that monstrous extravagance had taken place in the expenditure of the public money. He could not vote for the Motion, because he had no faith in abstract Resolutions; but while he thought that, under all the circumstances of the case, Her Majesty's Government had taken a prudent course for the present year, he hoped that the next year's Estimates would be framed on a different scale.

LORD JOHN RUSSELL said, it seemed to him that there were two questions raised by the very interesting speech of his hon. Friend the Member for Devonport. One was of an abstract nature, relating to the mode of treating the public debt and the endeavours which should be made to diminish it. The other, which under the circumstances his hon. Friend could not help calling attention to, was the subject of the financial arrangements of the year. As to the first point, he entirely differed from his hon. Friend. He remembered the old Sinking Fund and the defence which was made for it. That defence was, that in time of war, when they had to raise large sums, the Sinking Fund contributed to keep up the price of the funds. But the effect could not have been great, because, if the Government wanted a loan of fourteen millions, they had to make it twenty in order to enable them to keep up the payment to the Sinking Fund; and by so much it acted on the public securities. Whatever might be the advantage of being able in years of prosperity to apply any surplus that existed in the Sinking Fund in times of depression, the Chancellor of the Exchequer had to go into the market and create as much debt as he destroyed, or else the Sinking Fund was not applied to the public debt, for the Chancellor of the Exchequer never attempted in times of distress to lay on new taxes which would be oppressive to the people at a time when their burdens required to be lightened. He thought, therefore, that the old Sinking Fund was a bad thing, while he was of opinion that the measure of 1829, which provided that half the actual surplus should be applied to the extinction of the debt, was founded on sound principles, and effected a great improvement in the old practice. He did not regret, therefore, that they were going back to it. Another question had been raised, and that was the financial proceedings of the present year. He owned that while he thought it unwise to say that any fixed sum should be applied to the reduction of

the National Debt, yet he believed it necessary to a sound system of finance to have a real surplus. Nothing but such an extreme of distress as made the revenue fall below the amount it might naturally be expected to produce should prevent our having a regular application of surplus revenue for the purpose of reducing the debt. Now, he could not say that the Chancellor of the Exchequer had this year made any provision for such a surplus. He did not think that the right hon. Gentleman was justified in saying that the country was in such distress as that the income tax could not have been retained at its existing rate; for it was during the first six months of the year that the income tax of 7*d.* in the pound was levied, and it was only during the commercial distress before Christmas that it was felt. He thought it was unwise to part with one million, for this two millions for the next year, which, if not absolutely required for other purposes, might have been uselessly employed in the reduction of the public debt. The Chancellor of the Exchequer had omitted to notice a statement of his hon. Friend, to which reference had been made by his right hon. Friend the Member for the University of Oxford. The Chancellor of the Exchequer in stating his budget had taken credit for a reduction of £800,000 in the Estimates, and his hon. Friend had said that the First Lord of the Admiralty had taken back a part of the £400,000 which had been part of the reduction in the Naval and Military Estimates. It was desirable that it should be known how much of that £400,000 had been so taken back. There was also another statement of his hon. Friend which required some answer in explanation, and that was with reference to £400,000 said to be reduced in the Civil Services Estimates. As to a great part of this sum, they knew that it was no reduction of expenditure in the present year, but a reduction of the Vote on the ground that the sums granted in the past year exceeded the money actually expended. The revenue would not be in excess by a single pound in consequence of that change. £800,000 was a considerable item to be looked to, with so small a surplus as the revenue expected from bankers' cheques; and it was desirable that the Chancellor of the Exchequer should have stated exactly how the matter stood. It was now some time since the budget had been brought forward, and the House ought to know if there was to be a surplus, and from what source it was to arise. It could not arise from the alleged reduction of £400,000 in the expenditure of the Army and Navy, and it must be small if it was to be derived from any other source. He thought it would be the duty of the right hon. Gentleman, on an early day, to make a statement on that subject. The right hon. Gentleman the Member for Oxford said that the best Sinking Fund should be made to arise from economy in expenditure. He regretted—although he did not blame the present Government for it—that such large sums had been voted in this and last year, and that the defences of the country were so inadequate to the money voted. The whole subject required revision. It must be most disappointing to the House and the country that there should be voted Estimates to such a large amount, and that when they spoke of our naval and military preparations they were checked on items which might be necessary for the defence of the country. The subject required the serious consideration of the House, and he hoped that next year they would have a more satisfactory prospect in that respect than they had at present.

MR. W. EWART observed, that some articles of food were still the subjects of taxation, and if we intended to do justice to the industrial population of the country we must abolish those taxes. He could not support the Motion, but he thought the hon. Member's suggestion for the appointment of a Finance Committee a sound suggestion.

Question proposed, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

Bill *considered* in Committee.

House *resumed.*

Bill *reported,* without Amendment; to be read 3° *To-morrow.*

MILITARY ORGANIZATION.

OBSERVATIONS.

On the Motion that the House resolve into a Committee of Supply,

CAPTAIN VIVIAN said, he rose for the purpose of calling the attention of the House to the Resolution relating to military organization which was adopted by the House on Tuesday the 1st day of June. He was exceedingly unwilling at that hour to offer any opposition to the Motion that the Speaker leave the chair, but he felt it to be his duty to call the attention of the

House to the somewhat unsatisfactory and almost unprecedented position in which the Resolution passed by the House stood, in consequence of the reply given by the Chancellor of the Exchequer on the 3rd of June to a question asked by an hon. Baronet (Sir J. Walsh). The question was, whether it was the intention of the Government to take any notice of the Resolution adopted by the House on the Tuesday preceding, and the Chancellor of the Exchequer replied that, considering the importance of the question, the comparatively small number of hon. Members who divided, and the bareness of the majority, it was not the intention of the Government to take any steps with respect to the Resolution. To a further question, whether it was the intention of the Government to give the House any opportunity of rescinding its Resolution, the right hon. Gentleman stated that he did aot understand the question, at the same time repeating that it was not the intention of the Government to take any steps with respect to the Resolution either in or out of the House. He did not now intend to detain the House by any lengthened remarks on the merits of the Resolution adopted on the 1st of June, but he would take this opportunity to remove the impression that it was the intention of those who supported the Resolution to do away with the office of Commander in Chief, and to place the whole control of the army under a civilian. It was said that in consequence of this supposed intention the army was entirely opposed to the change proposed by him. He was certainly not in a position to say what were the entire opinions of the army on the subject, but he had had the advantage of communicating and conversing with many gentlemen of the military profession of all grades, and though he should be wrong in saying that they unanimously concurred in opinion with him, in respect to the change he proposed, yet he might say that the majority of opinions was decidedly in favour of some such change, and in condemnation of the present system. And why should the army be in its favour? Had it been found so efficient in times of emergency, and so perfectly organized as to administer to the army even the common necessaries they required? The army did not forget the misfortunes of the Crimea, and attributed them, he believed rightly, to the want of proper organization in the military departments at home. The army knew that while they were almost starving on the heights before Sebastopol, heaps of provisions of all kinds were locked up in the harbour of Balaklava, but that those provisions could not be circulated among them because a proper system was not organized among the various departments whose duty it was to circulate them. There was one voice, now silent in the grave, which he wished could still be heard in that House. He wished that one who had made it his study to observe what occurred at the time were now present to describe the wretched scenes he witnessed in the hospitals at Scutari and in the Crimea; for he would repeat, what he had often stated, that the whole medical system of the army was totally and entirely wanting in efficiency, the result of the want of proper organization. When the army found our military system to be in such a condition, why should they wish that it should continue? Why should they desire a system in which advancement was owing to interest rather than to merit? He did not blame the present Commander in Chief, who had done all in his power to remedy the evil, but who was rendered powerless by the system. The army was for efficiency and justice, and they cared not whence they came so that they obtained them. He did not seek to transfer the duties connected with the command and the discipline of the army from the Commander in Chief; but he believed that the present position of the Commander in Chief must be unsatisfactory to himself, and certainly was very unsatisfactory to the country, for the highest authorities differed as to the point whether that officer was or was not responsible to the Minister. His right hon. and gallant Friend opposite (General Peel) considered the Commander in Chief entirely irresponsible as regarded the military control and discipline of the army; but the right hon. Member for Wiltshire declared that the Commander in Chief was completely under the control of the Minister for War. The Duke of Newcastle, on the other hand, considered neither of those authorities right, and thought that the present position of the Commander in Chief involved the Minister for War in legal though not moral responsibilities. Only the other night a question was asked as to whether the old power vested in the Commander in Chief of selling Commissions for certain purposes existed or not. His right hon. and gallant Friend opposite replied that the practice had been discontinued. He (Captain Vivian) ventured to ask whether it was in the power of the Commander in Chief to sell commissions,

and his right hon. and gallant Friend replied in the negative. The hon. and gallant Member might be right in his view, but if that were the case, he (Captain Vivian) thought it was a strong argument in favour of the concentration of authority which he advocated. The Commander in Chief was dealing every day with large sums of public money; he was giving away, day by day, commissions which represented public money, because every commission so bestowed must eventually be sold, or the recipient would be entitled to half-pay from the public purse when a reduction of the army took place. It appeared, however, that the Commander in Chief, who could give away these commissions, had not the power of selling them for the public advantage, if he thought it advisable to adopt such a course. He (Captain Vivian) thought the better course would be to place the power of selling or giving commissions in the hands of a responsible Minister. He by no means wished to vest the patronage of the army in the House of Commons; and if the change he had proposed should be adopted, it would, in his opinion, be necessary by some strict and rigid rule to prevent the patronage of the army from being exposed to the influence of political corruption. He conceived, however, that the Minister for War should have the power, if he thought right, to sell commissions for the advantage of the public. Such a course had been pursued to some extent by the right hon. Member for Wiltshire (Mr. S. Herbert) when he was Secretary at War. During his period of office he had sold 100 commissions for £45,000, and his conduct in that respect had been very severely criticised in some quarters. He (Captain Vivian, and those who agreed in his views, did not wish to abolish the office of Commander-in Chief, or to transfer the control and military discipline of the army to a civilian; but they were of opinion that the office of Commander in Chief should form part of a great military system, which should be under the presidency of a responsible Minister. That was the case in France. It had not been deemed advisable to publish the Report of the British officers who had inquired into the organization of the military system of France, but he believed it was no violation of confidence to state that they had strongly recommended to Her Majesty's Government the adoption of the great fundamental principle of the French military system—the consolidation of authority under one head. The same principle was adopted in Austria, Prussia, and Sardinia. When the Resolution he had proposed on this subject received the assent of the House, he thought that great progress had been made, but his delusion was soon dispelled, for at the very next meeting of the House the Chancellor of the Exchequer announced that it was not the intention of the Government to take any notice of the Resolution, on account of the small majority by which it was adopted. There were 214 hon. Members present when the division took place, and on the following day he saw in the newspapers a list of about 100 hon. Gentlemen who had paired for and against the Motion. He also observed that some hon. Members had been accidentally shut out from the division, and he had received private communications from many Gentlemen who stated that, had they been present, they would have given him their support. As the question was admitted to be one of great importance, he would ask why, if the Government objected to his Resolution, they had not brought down as many of their ordinary supporters as they could muster to aid them in their opposition. It was not for him to explain their absence; but at all events, he should have expected to see all the Members of Her Majesty's Government present on that occasion. However, five or six of the ordinary occupants of the Treasury bench were absent, and neither the right hon. Gentleman the First Lord of the Admiralty, who on a former occasion made an excellent speech advocating precisely the view he (Captain Vivian) took, nor the right hon. Gentleman the Chancellor of the Exchequer said a word in opposition. He could only presume that the absent Members of Her Majesty's Government felt so strongly the force of his case that they were not able to vote against the Resolution. It was said the Resolution was carried by a bare majority; but would not a dangerous principle be established if it were left to the caprice of a Minister to determine what was a majority which justified the action of the Government? If such a principle had been admitted in former times, many most important decisions of that House would have been utterly disregarded. Why, during Lord Melbourne's Administration parties in Parliament were so equally divided that the Government possessed what was ironically called "a good working majority of three." If the Chancellor of the Exche-

quer had come down and said the House had been taken by surprise, that he could not regard the vote as a fair reflection of the opinion of the House, and that he intended to take an early opportunity of testing that opinion again by moving that the Resolution be read at the table and rescinded, no complaint could have been made of such a course; but he (Captain Vivian) submitted whether it was not a somewhat discourteous proceeding that the leader of the House of Commons should by one short sentence dispose of a Resolution of which ample notice had been given, which had been fully debated, and which had received the approval of a majority of the House. For his own part, he regarded this question as one of very great importance, and it was acquiring so much interest in the public mind that he believed the Chancellor of the Exchequer would feel it necessary to reverse the decision which, on the part of the Government, he had announced. He (Captain Vivian) would await the result patiently. He felt confident that, if not this Session, at all events during the next, the Government would adopt the principle embodied in his Resolution; but if they did not so, he (Captain Vivian) held himself perfectly free to take whatever course he might think advisable to carry out a principle which had received the sanction of the House.

THE CHANCELLOR OF THE EXCHEQUER;—Sir, the hon. and gallant Gentleman has brought forward this question with so much candour and temper that I lose not a moment, Sir, in replying to the speech which he has just addressed to the House. I do so the more willingly because I cannot help feeling that there has been a great misconception on his part as to the course which I pursued in reference to the Resolution which he moved some days since, and I think that I shall be able to show to the hon. and gallant Gentleman and to the House that I have taken no unusual course, and that I have done nothing and said nothing with respect to his Motion which I did not believe it to be my duty both to do and to say. I will not enter into any argument upon the important subject of the original Motion, because it is evident that the hon. and gallant Gentleman does not invite discussion upon this occasion; but that his wish is to place himself in a clear light before the country. I did not, certainly, express any opinion upon the subject when the hon. and gallant Gentleman brought it before the House, because the division which was arrived at unexpectedly took place after a most complete speech in opposition to the Motion from the noble Lord opposite (Viscount Palmerston), and it appeared to me to be awkward and inconvenient that I should rise immediately after the noble Lord to repeat the same arguments with less force and to urge the same views with less authority. It is always a disagreeable thing to follow in debate an hon. Member who takes the same view as yourself, and for me to follow one who spoke with great authority on the subject, and who seemed entirely to settle the merits of the question, was, I thought, unnecessary; and it was out of no disrespect, therefore, to the hon. and gallant Gentleman, or indifference to the importance of the subject, that I did not speak upon that occasion. Well, Sir, that Motion was carried very unexpectedly; and notwithstanding the ingenious gloss which the hon. and gallant Gentleman has placed upon it, I think that it was carried very much to the surprise of the whole House. I will not analyze the number of Members present, the Members absent, or the Members that may be supposed to have been neither present nor absent. I will only say that the Motion was carried by a very bare majority; and surely a bare majority in the case of a Resolution is not to be regarded in the same light as an overwhelming majority. I admit the importance of majorities. One may go further back than the time of Lord Melbourne, when a slight majority sustained the Government for many years. Some of the most important events in our history, some of the statutes on which our liberties depend, were carried by the slightest majorities. I could refer to many instances of this sort, and no doubt the retentive memory of the noble Lord the Member for London supplies him at this moment with a variety. But they were majorities which sanctioned legislation, and, when legislation was arrived at, every one without a murmur accepted the decision of the House. In cases where repeated opportunities are given for discussion, and every means are taken to prevent measures being hurried to a precipitate conclusion, then, however slight may be the majority—though it should be as slight as that which decided the Act of Settlement, which was one of the smallest I believe in historical record—the House at once bows to that which is the only practical test—the will of the majority.

But that is not the position in which a Resolution stands, and it never has been admitted, when the House has arrived at a Resolution, that that Resolution is to be irrevocable or is to bind the decision of the House, except for that particular occasion and that particular stage; and it is quite legitimate, when a Resolution is carried by a bare majority, that that fact should be mentioned in Parliament, as it has often been by those far more competent than myself who have filled the office which I now occupy. Look at what has happened in our own time, and see the cases in which a Minister has not thought it necessary either to act upon a Resolution, or to call upon the House to express an opinion contrary to the Resolution. There was the Resolution, for example, declaring that in the opinion of this House it was desirable that the votes at the election of Members of Parliament should be taken by Ballot. That was carried a few years ago, but no action was taken upon it. Again, the endowment of Maynooth was denounced in this House, and a Resolution embodying that feeling was carried, but no notice was taken of it. Again, my noble Friend the Chief Secretary for Ireland on more than one occasion brought forward a Motion and vanquished the Government with respect to Irish distilleries, yet no Minister ever acted upon those significant expressions of the House. It may be said that in all those cases the Motion was for leave to bring in a Bill, and that that makes a distinction. Literally there is a distinction, but virtually there is none. No one will for a moment pretend that, if they had been simple Resolutions, the Minister would have acted on them, or would have been expected to act on them. It is hypocrisy to pretend it; but I give the hon. and gallant Gentleman the advantage of that objection. But much more recently we have had simple Resolutions carried upon subjects of equal importance with that which the hon. and gallant Gentleman has introduced, and in none has the Minister thought it necessary to act upon them. In 1855 there had been a Committee on the salaries of public officers, and they had reported in favour of a great reduction in the diplomatic salaries. No notice was taken of the recommendation of that Committee, and an hon. Gentleman brought forward a Resolution in which he called on the House to express an opinion that the recommendation of the Committee should immediately be carried out. There was a debate. The Motion was opposed by the noble Lord the Member for Tiverton (Viscount Palmerston), and he was defeated by a majority, not of one or two, but of fifty or sixty. What happened? Why, the noble Lord never took any notice whatever of that Resolution. And now we are told that not to take notice of a Resolution is "unsatisfactory and unprecedented." Unsatisfactory it may be, but I think I have shown the hon. and gallant Gentleman that it is not unprecedented. But not only did the noble Lord take no notice of that Resolution, he did more. The Committee to which I have alluded had particularly attacked the whole of our diplomatic service in Germany, and they recommended that the missions at the smaller Courts should be immediately terminated. After the Resolution was carried in this House, a vacancy occurred in a mission at one of those very German Courts to which the opinion of the Committee particularly referred, and what happened? Why, the noble Lord, whom the hon. and gallant Gentleman so consistently supports, took this notice of the opinion of the Committee, and of the Resolution of the House—that he immediately filled up the vacancy. Then, why did not some hon. and gallant Gentleman come forward and notice the "unsatisfactory and unprecedented" conduct of the noble Lord? The noble Lord complained of me for giving a cavalier answer to a question put to me; but he did not give even that—in words at least—although he behaved much more cavalierly than I ever did, for he acted in direct opposition to a Resolution of the House which was carried by a large majority. But I do not take the same uncharitable view of the noble Lord's conduct which the hon. and gallant Gentleman is so ready to take of mine. I have no doubt that the noble Lord acted from a strong feeling of public duty, and that he took a very different view of the value and importance of those German missions from that which had been taken by the Committee and by the House. The noble Lord therefore—acting, no doubt, upon what he believed to be best for the public service—left the hon. Gentleman who moved the Resolution to take those further steps which the forms of the House offer in Supply to an hon. Member in such a position, in case the Minister does not carry out a Resolution which has been agreed to. The principles upon which the diplomatic service and the military administration shall be conducted are, doubtless, important questions; but

surely the Civil Service of the country is not of inferior importance. The means by which the greatest amount of ability may be infused into the Civil Service, and the principles upon which that service is to be regulated, are questions deeply interesting to the public mind. They became the subject of discussion in the House, and a noble Lord (Viscount Goderich)—who thought the competitive system had not been fairly acted upon by the Government—brought forward a Resolution, which was carried by a majority opposed to the Minister. What happened? The Minister never took any notice of the Resolution, and the Minister was, I believe, the same distinguished man to whom I have already referred. Many persons may have thought it unsatisfactory. No one got up and said it was unprecedented; and surely, when we found a Resolution respecting the military service of the country carried unexpectedly, and, as the hon. and gallant Member admits, by a bare majority, in a not very full House, it was my duty to consider well the course which I and my colleagues ought to take, what was the practice of the House, and what were the precedents which, under the circumstances, ought to guide us. Sir, I cannot find that, in anything that I have done or said, I have exceeded my duty. I might have fenced with the question. I might have given an evasive answer. I might have played with the question for the rest of the Session. I might have kept hon. Gentlemen opposite and the hon. and gallant Member himself (Captain Vivian) quiet by holding out some idea that we were considering the point. But having considered the subject, and having a decided opinion upon it, I thought it was only due to the House clearly and frankly to express what was our opinion, so that the hon. and gallant Gentleman and his friends might not say they had been deceived and lost time in consequence of the evasive answer of the Government. I do not understand that the hon. and gallant Gentleman (Captain Vivian) really complains of my answer to the hon. Baronet the Member for Radnorshire (Sir J. Walsh). He cannot deny that it was frank, and I hope the House will not think it was discourteous. But another hon. Gentleman, as I thought, most unnecessarily, put another question, and my answer to him is styled by the noble Lord the Member for Tiverton a cavalier answer. I cannot imagine that any hon. Gentleman, wherever he may sit, supposes that I could ever intentionally have acted with discourtesy to any one here. My highest hope and wish have ever been to enjoy, if possible, the respect and the good feeling of all Members of this House, and I am sure the hon. Gentleman must, on reflection, see that, placed as I am here to conduct the business of the Government, I have to depend on the gentlemanlike kindness of Members, whatever may be their opinions, and am the last person, from my own interest, and I hope from disposition, to be wanting in courtesy to any hon. Gentleman. But I will confess that what I said may have been liable to misinterpretation, because neither I nor the Gentlemen on the Treasury bench clearly understood the meaning of that second inquiry. I said that I had a difficulty in answering because I did not understand the nature of the inquiry. I had stated to the hon. Baronet the Member for Radnorshire (Sir J. Walsh) that it was not our intention to take any steps upon the Resolution; and being asked whether we should take any other steps than that in this House, I said that neither in this House nor in any other place was it our intention to take any other step. And I am still at a loss to understand why it is supposed, from that answer, that I said anything discourteous. This I will say, that it was not so intended; and if I have ever said anything at any time painful to the feelings of any hon. Gentleman, I sincerely regret it. But let that pass. I have stated to the House the precedents with regard to the order of business in Parliament, which guided us in the course which we adopted; and until I hear a sufficient answer to those observations, I cannot for a moment see that the course which we took was not perfectly regular and straightforward. The hon. and gallant Gentleman seems to me not to have understood the position in which by a fortunate accident he found himself. I am willing to admit that he showed great ability, and spoke like a man who ought to have carried a Resolution; but it is not the first time I have seen men who really deserve success, and have laboured to attain it, embarrassed by unexpected good fortune. It is said that a bird never makes so much noise as when it lays the first egg; and I can easily conceive that in carrying his first Resolution, the hon. and gallant Gentleman was overpowered with excitement. But, after all, laying the first egg is only a very natural operation. So carrying a Resolution is really in the due course of Parliamentary nature;

The Chancellor of the Exchequer

and although it is not the fortune of many to meet with such good chances, everybody should be prepared for the success which he may perhaps have never anticipated. What is carrying a Resolution? You have a declaration of the House of Commons to a certain extent, and on a certain occasion, to give you warrant to proceed in the path where you have already been so successful. But, instead of proceeding in the path, the hon. and gallant Gentleman, stupified with triumph, turns round upon the Government and says, "I call on you to act. I have gained the opinion of the House of Commons in favour of the policy which I recommend. I shrink from pursuing that policy, and I ask you to come forward and rescind my Resolution. I had embarked in an enterprise in which I did not expect to be successful; but, trembling at the possibility of success, I looked forward to the safety-valve of a Minister who should rescind my Resolution." I do not agree with the hon. and gallant Gentleman, and I think his observations, to use his own language, are unsatisfactory and unprecedented. There have been, indeed, instances of Resolutions rescinded in this House. I remember two, and in both those instances, with regard to the malt duty and the sugar duty, it was absolutely necessary to rescind them, because if left unnoticed, they would have affected the revenue of the country. The Minister must either at once have given up the responsibility of office, or asked the House to take a course to maintain the fiscal system already sanctioned. But this is a different case. The hon. and gallant Gentleman had his choice between acting on the Resolution and introducing a Bill, or retiring into that select circle in which he would meet the hon. Gentleman who carried a Resolution in the diplomatic, and the noble Lord who carried a Resolution on the civil service. The hon. and gallant Gentleman is not content with either course. He will neither ask the House to assist in carrying his policy into effect nor rest contented with the barren triumph he has already achieved; but he rates and scolds the Ministers because they will not take upon themselves either to act upon the Resolution or to rescind it in the Journals of the House. I maintain that the course which we have taken has been the Parliamentary course —the course which precedent justifies— the courteous and frank course — the course which was due to the House from any one who pretended to carry on its affairs, and that we have done only that which is our duty to do throughout these transactions. The hon. and gallant Member has adduced many instances of what is done by France, Austria, and other great military States as precedents, but I cannot forget that the laws, manners, and customs of England are different from those of these great military States. If the Commander in Chief were really irresponsible I should be ready to meet the hon. and gallant Gentleman in considering a position so anomalous to the constitution and so injurious to the service. But knowing, as I practically do every day of my life, that he is under the direct authority of a Secretary of State, that he can do nothing without the approval of that Secretary of State, I am not only content, but I rejoice to know that, while the discipline of the army is left to the Commander in Chief, and while its civil administration devolves upon the Secretary of State, yet that the Commander in Chief is practically responsible upon all questions to the Minister of the day, and that Minister to Parliament. That division which confers upon the Commander in Chief the discipline and upon the Secretary of State the civil administration of the army is a system consistent with the responsibility of the Commander in Chief to the Minister, and of the Minister to Parliament, and is more consistent with our constitutional system than would be any of the centralized military systems to which the hon. and gallant Gentleman has referred. I trust that we shall not hear anything more on this subject until the hon. and gallant Gentleman has formed more mature views than I have heard in this House to-night, because the hon. and gallant Gentleman tells us that, with regard to the patronage of the army, he should be sorry to see that corrupting element introduced into the House of Commons. What we want in questions of this kind is, that Reformers should come forward with plans. We do not want mere announcements and windy Resolutions upon great changes, with a salvo that when they are discussed the obvious difficulties which surround them will be removed. Let the hon. and gallant Gentleman and his friends come forward with plans to meet these obvious difficulties, and they will then assume a more commanding position than at present. I wish to speak with respect of a majority of this House, even when it is a majority of one or two.

Such a majority might be unanswerable if it occurred, for example, on the last stage of a Bill. But when the hon. and gallant Gentleman vindicates his majority from all criticism, when he says that it ought to guard his Resolution from all further objection, and when he assumes that the opinion of the House so expressed must not be revoked or doubted, there I must join issue with the hon. and gallant Gentleman. I trust that the House will excuse me for proving that we are taking no other course than that which has been frequently and properly taken before. When the hon. and gallant Gentleman brings this question before us again, with a fair notice, I will undertake that there shall be no lack of discussion, and that, so far as we are concerned, his Resolution shall meet with that complete and ample deliberation which I admit it certainly deserves.

LORD JOHN RUSSELL: The right hon. Gentleman has said, and has said truly, that the precedents alluded to, of the practice of certain Continental States, do not apply to this country, because we have a free constitution. The difference is, that we have a representative Assembly, the resolutions and opinions of which receive respect. The right hon. Gentleman, however, has also said, that whatever may be the Resolutions of this House, it is for the Minister to decide whether they shall be carried into effect. It is for him to say. This Resolution was carried by a certain number, and in a thin or full House, and we will take this or that course in regard to it. But I do not think that matters ought to rest in their present state. It is quite impossible that the Resolutions of this House can be constantly and continually held at nought by the advisers of the Crown. The right hon. Gentleman says, there are precedents for the course which the Government have taken, but they all, except one, turn out to be inapplicable. The right hon. Gentleman quotes the Resolutions passed by the House upon the ballot, and on various other subjects upon which no Resolution would be valid without an Act of Parliament. He then quotes the precedent of the Resolution moved by my noble Friend the Member for the West Riding of Yorkshire (Viscount Goderich). But that precedent was inapplicable, because my noble Friend moved a preliminary Resolution as a preface to another Resolution that was to be carried on a future day. But when that future day came, the Chancellor of the Exchequer proposed a course which was satisfactory to my noble Friend, and he moved a Resolution which I think met with the unanimous concurrence of the House. The right hon. Gentleman has quoted one, I confess, and that is the precedent when a Motion was made that the Government should carry into effect the recommendations of the Committee with regard to the diplomatic service. My noble Friend the Member for Tiverton opposed that Resolution. I believe that the Resolution was inexpedient, but no doubt it was carried by a majority of this House, and I do not think it was right on the part of the Government of that day to neglect the vote of that majority. In my opinion the Government of my noble Friend was bound to take some action on that vote, or else to come down and ask the House for a contrary vote. The Resolution now in question was not brought forward as preliminary to the introduction of a Bill. A Bill would have been quite out of place, because this Resolution referred to a matter of administrative regulation. My hon. and gallant Friend (Captain Vivian) proposed an administrative Resolution which, in his opinion, it was advisable for the Crown to carry into effect by an administrative measure. If the right hon. Gentleman the Chancellor of the Exchequer did not think it right to carry into effect this Resolution, and if he thought it carried in a thin House, somewhat by surprise, and by a majority of only two, the proper course would be for him to propose to the House to rescind that Resolution. But I submit that it is not consistent with the dignity and position in the constitution of this House that Resolutions upon its Journals should be allowed to remain, and that they should be habitually neglected, despised, and set at nought. I think that my hon. and gallant Friend is right in not proposing to carry his Resolution any further during the present Session. The Session was advanced at the time he proposed it, and it is very much further advanced now. But I hope he will feel it due not only to himself, but to the House, next Session to ask the House to inquire what are the relations of the Minister of War and the Commander in Chief, and what ought to be those relations. I took no part in the debate, but I must say this, that my hon. and gallant Friend made a very able speech, characterized by great diffidence, and by no attempt to overbear the House, and that he did not deserve those remarks by which the right hon. Gentleman has endeavoured

to discredit him in the opinion of this House. My hon. and gallant Friend said —and he repeated it more emphatically in his reply—"What I propose is not to take away the command and control of the military discipline from the Commander in Chief." The whole argument of those who opposed my hon. and gallant Friend went upon this supposition, that he proposed that a civilian should take the entire control of the discipline and command of the army. It was evident, therefore, that one party were defending one proposition, and that the other were attacking another and totally different proposition. I think that the matter is one which requires further inquiry. I do not think that any Commander in Chief, who is wise and discreet, is likely to set at nought the opinion of this House. I remember going to the Duke of Wellington at the time Sir John Bowring proposed to move a Resolution on the subject of flogging in the army. Now, you could not more vitally affect the discipline of the army than by introducing into this House a Resolution on such a matter as that; but the Duke of Wellington did not despise the opinion of this House; he knew the powerful influence it possessed, and how much weight attached to the expression of public opinion in this country, and he showed me a proposition he had framed to meet the Motion that was to be made by Sir John Bowring. That proposition was moderate and sensible in itself, and enabled me to meet the Motion when it was brought forward. I hold, then, that the Commander in Chief must always be responsible to the opinion of this House and the country. But then the question is still one of very great doubt as to what the actual condition of the Commander in Chief is. It is irregular to refer to the precise expressions employed, but some hon. Gentlemen, in the course of the debate that formerly took place, used language that seemed to imply that the Commander in Chief should have absolute and irresponsible control. Now, that cannot be the case in this country. The right hon. Gentleman who has just spoken seems very nearly to agree with my hon. and gallant Friend, for he said the Commander in Chief should always act with the sanction of the Secretary of State for War. [The CHANCELLOR of the EXCHEQUER: He does so act.] That makes it stronger. He does act with the sanction of the Secretary for War; but still inquiry would put matters on a sure and proper footing, and prevent the confusion and misunderstanding that may possibly arise. I am glad that my hon. and gallant Friend has called forth this explanation. He was perfectly right in the argument he used when he brought forward his original Motion, that you cannot have two authorities to regulate one and the same matter without causing confusion; one authority must be supreme. As to placing the discipline and the patronage of the army under party and political influences, nothing was further from the intention of my hon. and gallant Friend. I hope that next Session of Parliament we shall have some inquiry upon this point. There are other parts of the service that require further regulation and better organization. I have no wish that this matter should be unduly pressed. I remember that the gallant General now at the head of the War Department, when out of office and sitting on the Opposition benches, showed a commendable anxiety for the improvement of the civil department of the army; I have no doubt he shows the same anxiety now, and that he is doing all in his power to improve the position of that important branch of the service; but the authority of this House may be of great value in assisting him in these efforts, and he should not therefore refuse to submit to any inquiry that the House may wish to institute. I hope, in conclusion, that such an inquiry will not be refused, as it will lead to some clear definition of the duties and powers of the several departments of that army, which deserves so highly the admiration and gratitude of the country, and I hope that we shall yet see that army placed in a better and more efficient position than it has hitherto been.

GENERAL PEEL said, that having had an opportunity of expressing his views when the hon. and gallant Member (Captain Vivian) brought forward his Motion, would not now enter into the general subject; but he must say, when the hon. and gallant Gentleman (Captain Vivian) and the noble Lord (Lord John Russell) complained of the Government not carrying the Resolution, which had been carried, into effect, that he was utterly at a loss to know how it was possible to carry that Resolution out. His hon. and gallant Friend in his reply on that occasion, and again in his speech that night, said nothing was further from his intention than to interfere in any way with the functions of the Commander in Chief with respect to the command, discipline, and patronage of the army. If

that was so, what possible object could he have in view in proposing his Resolution? The Resolution passed on the Motion of his hon. and gallant Friend implied that some changes were required with reference to the responsibilities of the offices of Secretary for War and Commander in Chief. He (General Peel) denied that there was any divided responsibility in the matter. The responsibilities attached to the two offices were so distinctly laid down in the patents by which the two offices were held that there could be no confusion. For the command, the discipline, and the patronage of the army, the Commander in Chief was directly responsible; and he (General Peel) was indirectly responsible for every act of the Commander in Chief. Suppose a case were to arise—not very likely, he confessed—in which the Commander in Chief were to commit some gross offence with regard to the discipline of the army, a question would be sure to be asked upon the subject in that House, and the Minister for War would have to reply to that question. If, on inquiry, he were not satisfied with the explanation of the Commander in Chief, it might be the duty of Government to advise the Crown to remove him; and if the Crown refused to attend to that recommendation, then the Ministers would have to resign their offices. Since he had addressed the House on this subject he had seen the Commander in Chief very frequently. They had their weekly meetings, and so far from any difficulty arising in the discharge of the duties of the two offices they had but one thought and one feeling of responsibility, and that was to promote in every way they could the interests of the magnificent army committed to their charge. The noble Lord (Lord J. Russell) said, he (General Peel) had on former occasions expressed a strong feeling in favour of the improvement of the civil department of the army. He was not disposed to deny that, but it would be remembered that when the Russian war ceased a great reduction of the army took place, and that that reduction had hardly taken effect when the war in China and in India broke out, so that it was almost impossible to judge of the real working of the department. All he would say was, that it contained a staff of officers second to none in any department in this or any other country. No doubt improvements might be made in the working of every department. They were trying to effect these improvements, and if that House would not interfere he had not the slightest doubt that the objects they had in view would be in due time fully accomplished.

COLONEL NORTH said, that his hon. and gallant Friend the Member for Bodmin (Captain Vivian) had stated that it was the opinion of the army that the Motion which he had brought forward was a proper one.

CAPTAIN VIVIAN: I said nothing of the kind.

COLONEL NORTH: Then what did you say?

CAPTAIN VIVIAN: I said I was not in a position to say what was the opinion of the army, but with regard to the opinion of those with whom I had communicated, it was decidedly against the present system.

COLONEL NORTH: His hon. and gallant Friend might have consulted half a dozen officers, but he (Colonel North), feeling a deep interest in the question, had conversed with a great number of officers, who one and all felt that a more dangerous Motion for the army was never introduced into the House. He could not help thinking that his hon. and gallant Friend, in order to get an affirmative from those whom he consulted, must have brought under their notice the position of the Secretary of State for War in the different countries to which he had alluded; and he could quite understand that there was not an officer in the army who would not feel that, if possible, in this country, the Secretary of State for War should always be a distinguished soldier, and that the offices of Commander in Chief and Secretary of War should be held by one person. To the interference of civilians with the army its officers attributed much of our disasters in the Crimea, and they did not forget the green coffee which was sent out. They had to thank Sir C. Trevelyan for that. There was quite sufficient interference of civilians with the army already; and he recollected stating that when the office of Secretary of State for War was created, the principal ingredient in the dish was omitted, for in all countries throughout Europe where a Secretary for War was appointed there was not an instance in which he was not one of the most distinguished officers in the service of that country. There was not an officer in the army who would not prefer a soldier combining the two appointments; but, as the noble Lord had stated, under a constitution like our own, the thing was impossible. His hon. and gallant Friend (Captain Vivian) took some credit to himself for the majority he ob-

tained, and said the Chancellor of the Exchequer was not supported by his followers. Now, the real state of the case was, that the noble Lord the Member for the City of London intended to make a grand speech on that occasion. He recollected seeing his hon. and gallant Friend the Member for Bodmin during the previous debate on this question continually jumping up like a Jack-in-the-box, and going over to his commander in chief (Lord J. Russell), like a faithful aide-de-camp. It was generally understood that the noble Lord the Member for London said to his hon. and gallant Friend, "Now is your time—divide," and consequently that division was carried by the enormous majority of two. He (Colonel North) recollected during the administration of the noble Lord (Lord J. Russell), when he was endeavouring to obtain the commonest justice for some of the most distinguished officers in the army, he was usually met with the observation, "Oh, you canaot do that, you are infringing on the prerogative of the Crown." He believed there never was a greater infringement of the prerogative of the Crown than the Motion of the hon. and gallant Member for Bodmin. He should like to know how the noble Lord the Member for London, if he ever again obtained power, could satisfy his Sovereign that he would protect the prerogative of the Crown. His hon. and gallant Friend referred to a question which he had put, two nights ago, to the right hon. and gallant Secretary at War. He put that question because he could not help thinking that those letters signed "Civilian," which appeared in *The Times*, had no earthly purpose but to throw discredit upon the statements of his right hon. and gallant Friend. He thought he might say, without the slightest chance of misstatement, that there was no Member of that House who enjoyed the respect and good opinion of every Member in it more than his right hon. and gallant Friend. He believed that no Minister could answer with greater honesty and sincerity every question that had been put to him since he came into office. That most honourable and gallant soldier, Sir Charles Yorke, stated, in reply to a question put to him by the Royal Commissioners appointed to inquire into the purchase and sale of Commissions in the army, as to commissions being sold by the Commander in Chief without the sanction of the Secretary for War; that he was not aware that any Commissions had been sold since 1825. That fact was corroborated by other distinguished authorities. He (Colonel North) was long enough in the army to recollect two or three augmentations and reductions. Those augmentations were effected, not by increasing the officers, but by adding certain companies to each regiment, which saved great expense to the country.

GENERAL CODRINGTON said, he wished to say a few words on this matter. As long as there existed between the Commander in Chief and the Secretary for War that unison which the House was so glad to hear at present existed things would go on smoothly, but points might arise as to which the difficulty would be to decide where the authority of the Commander in Chief and the Secretary for War respectively began and ended. Their respective powers, therefore, should be distinctly defined, in order that the public might know upon whom the responsibility of any proceeding with reference to the army devolved. He should like to see the Commander in Chief made responsible in his own name for his own acts, so that the Minister for War might in Parliament be called upon to remove the Commander in Chief for any reprehensible act if so extreme a course should be thought desirable. It was impossible for the Secretary for War, if a civilian, to be responsible for the discipline, movements, and appointments of the troops. The Commander in Chief would be able to shelter himself under the civil officer, unless there was a proper division of the departments. It was impossible to compare the management of the army of this country with that of the armies in such countries as France, Sardinia, or Austria, because in them a military man was placed at the head of the army, to whom were intrusted the command, discipline, and patronage of the army.

MR. ELLICE (Coventry) said, as he understood the question, he entirely concurred with the observations of the hon. and gallant Gentleman. There was no doubt of the fact that the Commander in Chief was not responsible to that House. He thought that the time had arrived when it was necessary to consider whether it was proper that the only person who was to take the pleasure of the Crown on military affairs should be the Secretary of State for War. In his opinion the subject should be taken up seriously by the House at the commencement of next Session. At present the Judge Advocate waited upon the Queen with the reports of the courts-martial, a practice which might be dispensed

with, as they had dispensed with the Recorder of London laying before the Sovereign the report of the cases tried at the Old Bailey sessions. He put that as an illustration of his meaning. As far as military matters then stood, he did not think that they could be in better hands than in those of the right hon. and gallant Gentleman opposite. Every one who had marked his conduct would be satisfied that they could not be in better or safer hands. But his right hon. and gallant Friend must concur in opinion with him, that, in respect to the many departments that were under separate heads, though under his control, the House required much more information to ascertain whether the consolidation principle was going on in the right direction, and whether it was likely to answer its objects. He hoped that a Committee on this subject would be appointed early in the next Session.

Sir FREDERICK SMITH said, he could assure the House that the army departments were not in that state in which his right hon. Friend who had just spoken supposed them to be; that great improvements were being made in them from day to day; and he trusted that before the next Session arrived, all the improvements which it was desirable to make would be introduced under the efforts of his right hon. and gallant Friend the Secretary for War.

Subject dropped.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

THE SAILORS AND MARINES IN GREENWICH HOSPITAL.

RESOLUTION.

Sir CHARLES NAPIER said, he rose to move the following Resolution:—

"That it is the opinion of this House that the Sailors and Marines in Greenwich Hospital should be allowed to receive their pensions for wounds and injuries in the same manner that the officers do."

The men in Greenwich Hospital ought to receive pensions for wounds the same as officers, and he could not understand how the First Lord of the Admiralty, having done an act of justice to the officers, could refuse to do the same in the case the men. He knew that great hardships arose in consequence of the men being deprived of their pensions for wounds.

Amendment proposed,—

To leave out from the word "That" to the end of the Question, in order to add the words, "it is the opinion of this House that the Sailors and Marines in Greenwich Hospital should be allowed to receive their pensions for wounds and injuries in the same manner that the Officers do," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Sir JOHN PAKINGTON said, he wished to ask the hon. and gallant Admiral whether he would have any objection to postpone his Motion till a later period. Before the hon. and gallant Admiral gave notice of his Motion, his (Sir J. Pakington's) attention had been called to the subject. He had been informed that considerable inconvenience had resulted from the practice of pensioners going into Greenwich Hospital being deprived of their pensions for wounds and injuries. He believed that this difficulty was felt more particularly in the case of married pensioners, many of whose wives had been obliged to seek admission into the workhouses of their unions. So that in several instances parishes had obtained the discharge of pensioners from the hospital so that they might resume their pensions and support their wives. Now, this was a state of things which, in his opinion, ought not to be allowed to go on. He had caused inquiries to be instituted, and the matter was at present under the consideration of the Admiralty. Under these circumstances he hoped the hon. and gallant Admiral would not press the matter further.

Sir GEORGE PECHELL said, he hoped that the gallant Admiral would adopt the suggestion of the First Lord of the Admiralty, and withdraw his Motion under the circumstances which had been stated by the Government. He wished at the same time to express his own thanks for what had been already done by the Government, which gave him hope for the future.

Sir CHARLES NAPIER remarked, that he would be very unreasonable indeed, if he did not adopt the suggestion of the right hon. Gentleman, who seemed to be directing considerable attention to those questions. He would, therefore, with confidence, leave the matter in the hands of the right hon. Gentleman.

Amendment by leave *withdrawn*.

STATE OF THE THAMES.

RESOLUTION.

Mr. ROUPELL said, that in pursuance of his notice he rose to call the attention of the House to the noxious state of the Thames; and to move "that this House considers it the duty of the Executive Government to take immediate measures for

abating the dangerous nuisance caused by the noxious state of the Thames." The difficulty the House was in arose from their having made that a local which was essentially an Imperial question. If it were not an Imperial question, on what principle could they justify the veto they had given the First Commissioner of Works upon the plans of the Metropolitan Board? Or how could they justify the levying of the special metropolitan taxes, such as the coal tax, the duty on omnibuses and cabs, which amounted to £160,000 a year, and other Imperial imposts? Hon. Gentlemen also might point to such towns as Hull, Liverpool, and Birkenhead, where works of public improvement had been carried out at the expense of those places. But those works had not been effected by direct local taxation, but in a great measure by taxes on shipping and other similar modes of levying the cost upon the general trade of the country. At the present moment, however, the metropolis was called upon to execute at its own cost great works of public utility. They were told that they must take their sewage to Sea Reach, or to the German Ocean; and he had no doubt some hon. Gentlemen would be disposed to have it carried still further. Anyhow it was to be a grand work, and to cost money. But how was it possible to raise in the metropolis the sum that would be required, say from ten to fifteen millions, by direct local taxation? They might just as well attempt to raise the whole revenue of the country by an income tax of from 10*s.* to 12*s.* in the pound. The Thames embankment, which alone would cost some £5,000,000, could not be called a local improvement. He was not arguing that the veto of the Government upon the plans of the Board of Works should be removed. On the contrary, he should look with great suspicion on any proposition of the kind; and he considered that the late First Commissioner (Sir B. Hall) deserved great credit for refusing to sanction the plans which had been submitted to him, and which were contrary to the Act of Parliament. The plans for draining the metropolis did not include any scheme for purifying the river, for the Metropolitan Board of Works had no jurisdiction over the Thames. It was the duty of the Executive Government to deal with that question. He would remind the House that what was wanted was an immediate remedy; whereas the plans that had been proposed for relieving the metropolis from the evil complained of would take from five to seven years, in which time half the inhabitants who could not get away to the highlands or the Continent, might be poisoned. He should now move his Amendment, with a view to test the feeling of the House. If the House agreed to the Resolution, he should propose another on an early day, to the effect that the Thames Committee should be made a permanent Committee, and that it should act in conjunction with the Chief Commissioner of Works and the Board of Conservancy of the River, for the purpose of improving the banks of the river, and dealing with the mouths of the existing sewers. He did not think they ought to leave that House without attempting to devise some remedy for the serious evil of which they had so much reason to complain.

Amendment proposed,—

To leave out from the word "That" to the end of the Question, in order to add the words, "this House considers it the duty of the Executive Government to take immediate measures for abating the dangerous nuisance caused by the noxious state of the Thames," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR JOSEPH PAXTON, in seconding the Motion, said that the sanitary improvements at Birkenhead, which are planned and carried out by himself, were completed without a farthing's expense upon any one except the inhabitants of the town. When this subject was last before the House, he stated that he was not prepared with any plan; but considering the gravity of it, he had devoted last Saturday to its consideration, and he had arrived at the conclusion that an efficient remedy might be applied to the purification of the Thames. He did not mean to say that it would be a permanent remedy, but he thought it would at once abate the greater part of the nuisance. He had communicated his notions to Mr. Bidder, who had directed his attention for a great many months to the subject, and he entirely approved of the plan which he recommended—a plan which he (Mr. Bidder) said was not new, but had been recommended by Mr. Hawkshaw and himself to the Board of Works last year. The plan was this—that lime should be mixed with water, and put into the sewers three quarters of a mile from their mouths in the river Thames. Lime was the only in-

gredient used by Mr. Wheatstone in his deodorising process at Leicester, and by introducing it in solution, at the places he had mentioned, the sewage water would be completely deodorised when it reached the river. He did not mean to say it would not affect the colour of the water and not kill the fish, but Mr. Wheatstone's process killed the fish; but at all events that would not be so bad as killing people. If the plan he suggested were carried out, within forty-eight hours the Thames would be in a very different state.

LORD JOHN MANNERS said, he would not enter into the general question which had been raised by the hon. Member for Lambeth, but he thought the House would like to know what steps had been taken by the Government for applying a temporary palliative for the evil. The hon. Gentleman who had just sat down had told them what he thought would relieve a great part of the evil. He was happy to inform him that the Government had communicated with the Metropolitan Board of Works, and authorized them to use a preparation of lime in the way he had suggested. He hoped that in consequence of the authority so conferred upon them, they would apply the remedy to all the chief sewers in the metropolis. If it should be found that the Metropolitan Board exceeded their authority in applying lime in this way, the Government would introduce a Bill to Parliament for their indemnity. Allusion had been made on Friday last to the state of the docks, as tending to aggravate existing evils. In consequence of this the Government had also instructed two officers of the Board of Health to visit and inspect the docks; and if these gentlemen should suggest any measures as likely to remove the existing evils, the Government would be prepared to take whatever steps might be necessary for that purpose. So far, however, as they were at present informed, it did not seem likely that the state of the docks would have any material effect upon the state of the river. When the Metropolitan Board of Works proposed to the Government any general scheme which seemed likely to effect the ends they had in view, it would receive immediate consideration, and the Government would not hesitate to afford every facility for carrying that scheme into effect.

MR. TITE hoped that the measures which were being taken for palliating the existing evil would not hinder the prompt adoption of a permament scheme; especially as he could not conceive but that they would fail. The opinion of Mr. Stephenson, Mr. Cubitt, and other eminent engineers, held that there was no adequate remedy for this gigantic evil than the construction of large intercepting sewers. There was no help for it—that scheme must be carried out; but it seemed to him that a much less cumbrous body than the Board of Works might be advantageously constitued in order to effect it. His view was to constitute a Board of five Commissioners, including the present Chairman Mr. Thwaites, the noble Lord the First Commissioner, and the Secretary of the Treasury. If the Government would borrow the money and charge it on the rates, he was satisfied that it could be obtained at a very much lower rate of interest than the Board could borrow it at themselves. The sum required would be about £2,500,000, which, spread over thirty or forty years would not add a very serious additional burden to the rates.

THE CHANCELLOR OF THE EXCHEQUER said, he thought it extremely inconvenient to prevent the House from going into Committee of Supply by any further discussion on this subject at present. The Amendment of the hon. Member for Lambeth (Mr. Roupell) applied to immediate remedies, and not to the permanent remedy referred to. He could assure the House that, as far as immediate relief was concerned, the Government had taken the most decisive measures. They had sanctioned a series of remedial operations on Saturday last, which would require the use of between 200 and 250 tons of lime per day, involving an expenditure of about £1,500 per week. This showed that the steps being taken were of no trivial character. With regard to more permanent measures, they were of too grave a nature, as well in point of expense as upon other grounds, to be conveniently discussed at that moment.

MR. COX said, that the real question in connection with this subject was, where was the money for executing the scheme of the main drainage to come from? and he intended to take the sense of the House before long upon it. It was impossible that the Metropolis could raise the requisite number of millions by direct taxation, and the Imperial Exchequer ought fairly to contribute. To say that this was not a national work, when men in that

House, representing all parts of the country, loudly cried out aganst the evil, while the people of Hornsey, Highgate, Finsbury, and various other Metropolitan districts made no complaint, was manifestly preposterous.

MR. BLACKBURN said, he hoped the hon. Member would take a very early day for such a purpose. He could promise him a pretty decided opposition. The whole question was this—the inhabitants of a very large town put an enormous quantity of dirt into their very fine river, and then they wanted the inhabitants of smaller and poorer towns to come and take it out for them. If the local authorities of London had not sufficient legal powers for effecting this sanitary improvement, let their powers be increased; but the people of other towns who had cleansed their own rivers at their own cost ought not to be taxed for the benefit of the Metropolis. It would surely be enough if the Houses of Parliament, the palaces, and public offices paid their proper quota to the rates levied for such a purpose.

SIR JOHN SHELLEY said, that the inhabitants of the metropolis did not object to pay for the drainage of their own district, but they objected to pay for carrying the sewage five or six miles below that district. Moreover, if in addition to that the House chose to have an embankment of the Thames with an esplanade, they must find the money for it. He took it for granted that the Government would pay out of the Consolidated Fund the £1,500 a week to which the right hon. Gentleman had referred, because they had no power whatever to direct the Board of Works in what way it should expend the money it had raised by rates.

MR. JOHN LOCKE said, he agreed with the hon. Baronet (Sir J. Shelley) that the Government could not interfere in the expenditure of the rates raised by the Board of Works. It was clearly a matter of impossibility to levy a metropolitan rate sufficient for the purification of the Thames. It would in fact be a confiscation of property, as the present rates were so heavy that they had put a stop to all improvements. If they had any rate, it should be an Imperial one. How had this nuisance occurred? Formerly, before this stench arose, London was drained in the ordinary manner by cesspools; but an Act of Parliament was passed compelling every parish to drain into the river. The House of Commons had done the mischief, and the House of Commons should find the remedy by levying a fair uniform rate on the whole community. He was satisfied that the various consituencies who were so attached to their Members would not grumble at anything that contributed to their comfort.

MR. BENTINCK said, that the case had become intelligible at last. The representatives of the metropolis had expressed their determination that the metropolis should not pay more than its fair proportion of the expense for purifying the Thames; so, on the other hand, the representatives of the country at large were determined that the country should not be taxed for metropolitan purposes. He should have liked to have had a more explicit statement from the noble Lord as to the expenditure which he had authorized for the temporary purpose of purifying the Thames. He had no objection to the Government giving facilities for a loan under such securities that the nation could never be called upon to pay it.

VISCOUNT EBRINGTON said, he thought the explanation of the noble Lord the Chief Commissioner of Works unsatisfactory, and he should like to know who was to pay for the present palliative—he feared imperfectly palliative—measures. He was glad, however, to see the increased interest now evinced on metropolitan affairs, as he remembered that when the Drainage Bill was before Parliament it was discussed in Houses varying from nine to twenty Members.

Amendment by leave *withdrawn*.

THE CLOTHING ESTABLISHMENT AT WEEDON—COMMISSION MOVED FOR.

COLONEL BOLDERO said, he rose to move—

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to appoint a Royal Commission to inquire into the system upon which the Books and Stock have been respectively kept at Weedon, as well as the general mode in which the business of the establishment at Weedon has been conducted, the result of such mode of conducting the business, and the state of the Books and Stock of Stores."

The system which had been pursued at Weedon during the last two years and a half had been disgraceful to the officers who had had the direction of it, and not very creditable to those in higher positions. The first error was the original appointment of the storekeeper. What did Sir T. Troubridge say upon that subject?

MR. T. G. BARING said, he rose to order. The hon. and gallant Member was about to quote evidence which had not been reported to the House.

COLONEL BOLDERO said, that Sir T. Troubridge was the inspector of clothing, and in his evidence he stated—

MR. SPEAKER said, that it was not regular to quote evidence which had not been reported to the House.

COLONEL BOLDERO said, that to avoid this difficulty he would assume that a large public department was to be created, and that there were two candidates, of whom the person most intimately acquainted with the subject was asked his opinion. One of them was an old public servant of great experience and keen intelligence, a practical man, but one whose character was not good. The other was a man not perhaps quite so keen, but one who had nevertheless proved himself to be an excellent public servant. The head of the department was consulted, and asked which of those two men he would appoint. He said, he should prefer the man whose character was irreproachable, and that man was not selected. The other had been appointed, and from that hour had been left in uncontrolled charge of affairs at Weedon, conducting them as he thought fit, without the slightest inquiry having been instituted into the manner in which the duties of his office had been performed. Now, it was not a little curious that a public officer, whose character was tainted, should have been allowed to remain in that position for two years and a half, and yet that not a single person should have been sent down from London to see how matters were getting on in his department. At the end of that period, however, the authorities in London, deeming there was something wrong, inasmuch as the accounts had never been settled since the commencement of the establishment, had sent down a practical man to bring up the arrears of the books. As soon as that officer arrived he had asked for ten additional clerks. The request had been complied with, and he had worked at his task from October to March last. In the course of the latter month an officer had for the first time been sent down from the War Office. That gentleman—Captain Marvin—was at the head of the statistical department, and the moment he arrived at Weedon he ordered a further addition of ten clerks to be made to the staff which he found already employed there. Since that time, however, a Commissary General had been sent down, and eight assistant Commissaries, but, notwithstanding those facts, he believed the accounts for 1856-7 were not yet balanced. Now, he should like to read to the House some extracts from the printed evidence of Mr. Munro, one of the accountants who had been sent down. That gentleman stated in reference to the position of affairs at Weedon that it was impossible any number of clerks could ever render the Government a true and faithful account of the amount of goods which were received and issued at that establishment; that documents were missing, no day books kept, and that there was no check whatsoever upon the issue of goods. Within the last month, Captain Gordon, who had been storekeeper at Dublin, had been sent down to Weedon, and a remarkable fact was, that it was proposed that that gentleman, who was a first-rate public servant, should have only his former salary of £550 per annum, notwithstanding the duties to be discharged at Weedon were ten times more arduous than those to be performed in Dublin, while Mr. Elliot, who was to go to Dublin, was to retain his old salary of £850 a year. He might also observe, that during the progress of the inquiry all the witnesses who had come before the Committee attempted to mislead them and to turn their attention away from the subject which was to be inquired into. They appeared, indeed, to have been subjected to some system of coercion, but the moment Mr. Elliot had left Weedon their evidence had become more satisfactory and more important. In order to show the Committee how far matters had proceeded at that establishment, he might mention that the moment patterns were sealed at the Horse Guards they became standard patterns, and in many instances the standard patterns for the articles supplied to the soldiers had, notwithstanding the existence of a Royal Warrant forbidding any such proceeding, been changed, and the contractors had received payment for inferior articles, the poor soldiers having, as a consequence, been robbed. It also appeared, that during the years 1856-7, 800,000 pairs of boots had been received at Weedon, and that 170,000 pairs had been disposed of, but where they had gone to it was impossible to ascertain. A person named Levi, who had made a large fortune, and who was rather shy about coming forward

to give evidence, had stated that he had bought 50,000 pairs, and that he had paid for them at an auction at the rate of only about 5*s.* 5*d.*, notwithstanding that they had cost the Government from 8*s.* 6*d.* to 8*s.* 9*d.* per pair. Those boots bought at 5*s.* 5½*d.* had been resold to persons who were in the habit of contracting for the army, and one of the witnesses who had been examined had honestly stated that he had supplied five militia regiments with some of the boots thus cheaply purchased, and that the Government had paid for them at the rate of 12*s.* a pair. Now, he could not understand how any member of the Committee should stand up in his place and endeavour to preclude his laying the evidence which related to such transactions as clearly as possible before the House. For his own part, he wished to conceal nothing, and he thought every member of the Committee was bound to afford him his co-operation in bringing these matters to light. He should next advert to the evidence which had been laid before them with respect to soldiers' kits. It had been laid down as a rule that the soldier on joining his regiment should receive £5 in the shape of bounty,—£2 of which sum he was to get in hand, £3 being kept to provide his kit; the actual cost of which, however, was only £2 11*s.* 3*d.*, the Government thus making a profit of 8*s.* 10*d.* on each kit. Now, a man named Isaacs was the person who was to supply these kits, and he (Colonel Boldero) had in his possession a Return which showed that a number of regiments had been compelled to return the kits which they received, in consequence of their being of inferior quality. The effect of such a system was to relax the discipline of regiments; for, if the soldier were supplied with bad articles, it was impossible to keep him in a state of due subordination. He now came to accoutrements, of which above 100,000 sets had been sold during the last two years. No fewer than 15,000 pouch-belts, made of buff leather, of admirable quality, had been sold for 10*d.* a piece, while the price paid for the accoutrements generally was 3*s.* 6*d.* a set. For 4*d.* a piece they might have been altered to the present fashion. He had already stated almost sufficient to show what the system at Weedon was, and would wind up by mentioning one simple fact, significant enough in its way. A short time before the storekeeper levanted he persuaded one of the public contractors to pay £500 into his banker's account. Hon. Gentlemen might call that bribery if they pleased; for his own part, he would refrain from giving it a name. One of the witnesses examined before the Committee—a contractor at the Tower—stated that for a considerable period he had great difficulty in getting his articles passed. A friend advised him to give money to the viewers, and for several weeks running he paid £2 a week to one man, and £1 to another. These persons, whose wages did not amount to more than 18*s.* a week, acknowledged having received £9 and £5 respectively. Here, then, was bribery proved from the highest official to the lowest, the sums varying from £500 to £5. Let it be remembered, too, that these men passed a vast deal of valuable property through their hands, approving or rejecting it as they liked. It was not right that such persons should be intrusted with so much power. A considerable change had already been effected at Weedon. Captain Gordon, immediately upon his appointment, substituted four men for one—one to receive goods, another to inspect them, a third to issue them, and a fourth to keep the rest in store—so that without an extensive combination nothing wrong could be done. He might state, in conclusion, that the Committee of which he was Chairman had been sitting for two years and a half. During that period they had encountered great difficulties, but they had finished their inquiries into two of the subjects referred to them, and with respect to a third—the system of clothing the army—their labours had been brought to a sudden but highly satisfactory close. Sir Benjamin Hawes waited on the Committee one morning and informed them that the right hon. and gallant Gentleman the Secretary for War had been looking into the system of clothing the army, and had come to the determination that Weedon should be abolished, as an establishment which had not worked economically for the public or advantageously to the soldier. That gratifying announcement relieved the Committee from the necessity of continuing their inquiries into the system of army clothing, but it did not prevent them from going on with the investigation in regard to Weedon, where they were convinced the state of things was most disgraceful. It was impossible, however, that they could get to the bottom of the matter, and what he proposed was that a Commission should be appointed, with a first-rate actuary, to make a thorough examination into the affairs of Weedon,

and, if considered advisable, into those of other establishments also.

MR. GILPIN seconded the Motion. With regard to an incident which had occurred during the speech of the hon. and gallant Colonel, to whom the House was much indebted for the attention he had given to the subject, he wished to say that if the appointment of a Commission were to be opposed, he hoped it would not be by any of the officials of a former Government, under whose management, or rather mismanagement, the greater part of the misdeeds at Weedon were committed. Nothing, he thought, would be more disgraceful than an attempt to screen from the strictest and most searching investigation the charges which had been brought against the establishment at Weedon. An independent Commission, armed with full powers, could alone conduct such an inquiry as the importance of the case demanded, or do justice to those individuals who had taken a leading part in exposing the iniquities at Weedon, and who, as was believed, in consequence had been ignominiously discharged from their employment and turned adrift upon the world. He alluded especially to the case of Sergeant Brodie, which he hoped would receive, as it deserved, the closest investigation. The House could give no better proof of its appreciation of the principle of administrative reform than by assenting to the appointment of the proposed Committee.

Amendment proposed,—

To leave out from the word "That" to the end of the Question, in order to add the words, "an humble Address be presented to Her Majesty, praying that She will be graciously pleased to appoint a Royal Commission, to inquire into the system upon which the Books and Stock have been respectively kept at Weedon, as well as the general mode in which the business of the establishment at Weedon has been conducted, the result of such mode of conducting the business, and the state of the Books and Stock of Stores," instead thereof.

GENERAL PEEL said, it was not his intention to resist the appointment of this Commission. The grounds upon which he came to that conclusion were, that he was quite certain the Commission would do justice to many gentlemen whose conduct had been unjustly called in question. He believed that a great many of the statements which had been made respecting the individuals employed at Weedon would be found, on further inquiry, not to be correct. Before his appointment to office his attention had been called through the press to the establishment at Weedon, and the first thing he did on coming into office was to inquire into the state of things there. The Report of Captain Marvin, which was printed on the 26th February, however, lulled his suspicions with regard to Mr. Elliot, whose conduct that officer had been called on to investigate. The hon. and gallant Gentleman (Colonel Boldero) would do him the justice to acknowledge that he had attempted to throw no obstacle in the way of the Committee which had sat upon this subject. When a report came to him that the kits supplied to the men were not good enough for the £3 which was deducted from the men's pay on their account, he at once directed that the contract of Mr. Isaacs should be cancelled, and that the men should be supplied by the commanding officers with kits worth that sum. The clothing system also, which every one in the War Office, including Sir B. Hawes, admitted to be a bad one, had been put an end to. He hoped and trusted that the Commission would tend to the advantage of the public service, as well as do justice to all concerned. He wished nobody to be screened, for he assured the House that the department to which he belonged were anxious that every circumstance should be investigated. But there were gentlemen very anxious to be heard in reply to the evidence which had been taken before the Committee. That inquiry, it should be remembered, had as yet been conducted on one side only, and he was sure there would be no indisposition at the proper time to hear evidence on the other side. For his own sake he desired further investigation, for nobody was so deeply interested in finding out the exact state of the case as he was. He himself had caused an inquiry to take place, the result of which he had laid before the Committee, so that it could not be said that the War Department did not desire to see justice done. It was right he should state that he had sent to other places of this kind, in order to inspect the accounts and look after the stores, and the reports he had received were most favourable. As to Weedon and the clothing departments, the great fault was not in the Ordnance regulations, but in their complete evasion. In conclusion, he would call upon the House to suspend its judgment as to the character of any gentleman who had not been examined before the Committee. There was no wish to avoid a full and fair inquiry, and he hoped that inquiry might

be conducted in such a manner as to give satisfaction to everybody.

MR. T. G. BARING said, he had heard with great gratification from the Secretary for War his assent to the Motion. He thought he was justified in the course he had taken in having attempted to prevent the hon. and gallant Gentleman (Colonel Boldero) from reading evidence which had not been reported, as no one but a member of the Committee could be acquainted with it. With regard to the conduct of the War Department in this matter, from the first moment they became aware of the irregularity at Weedon immediate steps were taken to put an end to it. Ineffectual efforts were made to get the books, and Captain Marvin made rather too favourable a report respecting Mr. Elliot. It occurred, therefore, to the War Department that an irregularity which had arisen was attributable to pressure of business rather than to any other cause. He must, however, say that the moment the attention of the authorities at the War Office was called to the irregularities, every step was taken to detect and expose them. For his part, he hoped the House would defer their judgment on this case as to the departments until the Commission had inquired into all the circumstances.

MR. JACKSON thanked the War Minister for having conceded the inquiry. The most skilful catechist could not ascertain the whole facts necessary to be sifted unless the inquiry were conducted on the spot, and he hoped that the Commission would consist not of purely military men, but of accountants and men practically qualified for such an investigation. The question was entirely a mercantile one, and the Commission should number among its members men with mercantile minds.

MR. CONINGHAM said, he thought that Sergeant Brodie had been hardly used. He had been removed from his situation, but demanded an investigation, which had been refused, and this person was fairly entitled to consideration and to justice. But inquiry could not stop short at Weedon. When they found so much corruption in this department it was a strong ground for pushing their inquiry into the whole system that prevailed at the Horse Guards. A searching investigation into all the public departments was absolutely necessary if they really wished to carry out retrenchment and to reform abuses. Circumstances had been disclosed respecting the distribution of patronage which demanded a complete explanation. ["Question!"] This was the question. Reform of the most searching kind was imperatively demanded into all the public departments, and he was not to be put down by such cries. The Horse Guards should be brought to book. He would conclude by expressing his acknowledgments to the gallant General opposite for the manner in which he had met the question.

MR. NICOLL said, he could corroborate the gross injustice done to Sergeant Brodie, who had proved only too honest for a Government department. He hoped that competent persons would be appointed on the Commission, and in that case they would be able to expose as great a mass of corruption as ever existed.

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived.*

Words *added.*

Main Question, as amended, put, and *agreed to.*

Resolved,—

That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to appoint a Royal Commission, to inquire into the system upon which the Books and Stock have been respectively kept at Weedon, as well as the general mode in which the business of the establishment at Weedon has been conducted, the result of such mode of conducting the business, and the state of the Books and Stock of Stores.

House adjourned at a quarter after One o'clock.

HOUSE OF LORDS,

Tuesday, June 29, 1858.

Took the Oaths.—The Earl Sommers,

MINUTES.] PUBLIC BILLS.—1ª Confirmation of Executors, &c.; Art Unions Act Amendment. 2ª Leases and Sales of Settled Estates Act Amendment; County Management; Independence of Parliament.

RIGHTS OF THE FIRST COMMISSIONER OF PUBLIC WORKS.

THE VICTORIA STATION AND PIMLICO RAILWAY BILL.

THE EARL OF DONOUGHMORE moved That the First Commissioner of Public Works have leave to appear by Counsel against the same before the Select Committee on the said Bill; and that certain

Documents be referred to the said Committee. The noble Earl said the objection to the scheme was the mode in which the promoters proposed to cross the river near the new bridge at Chelsea; and as the First Commissioner of Public Works was deeply interested in that bridge it was only right that he should have leave to appear by counsel before the Committee; and the Committee would then report whether his objections were well founded or not. It was quite true that his noble Friend the First Commissioner had the power of refusing his assent to the Bill, but he did not wish to exercise his power arbitrarily.

LORD STANLEY OF ALDERLEY said, that the First Commissioner on the present occasion stood in the position of a private proprietor or company, and the Motion now made being quite exceptional, he thought it ought not to be agreed to. The plans of the company had been approved of by the late First Commissioner. The effect of adopting the Motion of the noble Lord would be to postpone the Bill for the present Session. The object of the Bill was the construction of a terminus for all the railways on this side of the Thames. The assent of a great variety of persons had to be obtained to the project, and if the Bill were postponed there might be some difficulty in getting the assent of the various parties interested again, and the public might thus be deprived of the advantage of an excellent scheme.

THE EARL OF HARDWICKE thought it was a case in which the Government were clearly bound to interfere, and in which the First Commissioner ought to be heard before the Committee. If their Lordships refused to allow the First Commissioner an opportunity of being heard on the subject, the result would probably be that the First Commissioner would probably advise the Crown not to assent to the Bill.

LORD REDESDALE said, it was desirable that the House should guard against acting under false pretences; it ought, he thought, to be distinctly understood whether the property alleged to be affected stood in the position of having the protection of the Crown thrown over it. On the whole, he thought it would be better that the Motion should be agreed to.

THE MARQUESS OF CLANRICARDE said, that the Bill had passed the other House without any interference from the Board of Works; now a different course was to be taken, for no other reason than that there had been a change of Government. Three important railway companies were interested in the success of the Bill, and yet the Government threatened them with the veto of the Crown if they were not heard in Committee against the Bill. That was a most unconstitutional course. The late First Commissioner (Sir B. Hall) had given his consent to the measure in the early part of the year; now a new First Commissioner having been appointed, and being influenced by some one connected with Battersea Park, he had come down to ask their Lordships to deviate from their usual course.

THE EARL OF MALMESBURY said, that if the First Commissioner was refused a hearing on the Bill, the Government would be disposed to recommend that the Royal Assent should be withheld. The word "veto" was not the proper term to apply to the case. The late First Commissioner had not seen the plans, the present First Commissioner had, and he was of opinion that the expenditure on Chelsea Bridge would be thrown away if that plan was not modified. His noble Friend did not refuse his assent, but he asked that he might be heard.

THE EARL OF WICKLOW said, that no sufficient reasons had been shown to induce their Lordships to depart from their usual rule. All the circumstances were known to the late First Commissioner (Sir B. Hall), than whom no man in the office of First Commissioner had conferred greater benefit on the public. The companies promoting this Bill had incurred enormous expense; and if the Bill were now defeated, it was probable the public would be permanently deprived of the advantage which it would afford.

EARL GRANVILLE said, if the Government was determined to refuse the consent of the Crown, which must be given to the Bill at some stage, there was an end of the question.

LORD REDESDALE said, he was only anxious to ascertain what was the relation of the Crown to the property in question.

LORD STANLEY OF ALDERLEY said, that the late Chief Commissioner had been informed that he might petition, if he thought proper; but he had not thought it necessary to do so. The case now made against the Bill was the most frivolous that could be imagined.

LORD REDESDALE said, that the land of Battersea Park had been bought by a grant of public money, and was vested in some form or other in the Board of Works.

LORD STANLEY OF ALDERLEY was understood to deny this, and to say that the assent of the Crown was not necessary to the progress of the Bill.

After some further conversation on the question whether the property was Crown property or not,

THE LORD CHANCELLOR said, his attention had not been called to this question, which he thought was a very important one, and one on which it was very necessary that their Lordships should have some opinion. He would suggest, therefore, the propriety of adjourning the further consideration of the subject to give time for ascertaining what were the rights of the Crown in the matter; as they could have no other wish but to proceed in the regular order.

THE EARL OF DONOUGHMORE said, he had no objection to the adjournment of the debate, and he wished to take that opportunity of saying that the Board of Works had never given their assent to this scheme. The facts of the case were that the project was mentioned to the late First Commissioner of Works, who gave a general assent to the scheme, but desired to see the plans. He never did see them, however, for he went out of office before they were sent in; and they accordingly fell into the hands of his noble Friend the present Commissioner, who, as soon as he saw the plans, made that objection which was now under their Lordships' consideration.

Further debate adjourned to Thursday next.

INDEPENDENCE OF PARLIAMENT BILL. SECOND READING.

THE EARL OF MALMESBURY appealed to Lord Brougham, in consideration of the continued indisposition of the noble Earl at the head of the Government, to further postpone the second reading of this Bill.

LORD BROUGHAM said, that the Bill had been postponed so often that his apprehension was lest he should be too late to pass it this Session. He hoped, therefore, that their Lordships would allow it to be read a second time *pro forma* now, and reserve the discussion until the next stage.

LORD CAMPBELL did not object to the principle of the Bill, but protested against reading *pro forma* a measure which dealt somewhat mercilessly with the other House of Parliament.

THE EARL OF MALMESBURY admitted it was entirely the fault of the Government that this Bill was not proceeded with, but he hoped his noble and learned Friend would postpone the discussion on the principle of the Bill to the Committee.

LORD BROUGHAM assented.

Bill to be read 2ª on *Monday* next.

CHURCH DISCIPLINE—THE LAW OF SEQUESTRATION.

LORD ST. LEONARDS rose to ask the most rev. Prelate (the Archbishop of Canterbury) whether he intended to introduce a Bill for improving Church Discipline and the law of Sequestration, with a view to deter incumbents from getting into debt, and persons from advancing money to them on loan on the credit of their livings, or giving them unreasonable credit, and to compel and enable them to reside and perform their duties although their livings were under sequestration.

THE ARCHBISHOP OF CANTERBURY thanked the noble and learned Lord for having called the attention of the House to this subject, and for having given him an opportunity of making a statement relative to the subject to which the noble and learned Lord referred. The Bench of Bishops had long been aware of the imperfections of the present law regulating the discipline of the Church; and a few months ago they took great pains and devoted much time to the preparation of what they believed to be a considerable improvement of the law as it now exists, with the full hope that they would be able to lay it upon their Lordships' table, and send it, after it had received such consideration and amendment as their Lordships might deem proper to bestow upon it, to the other House of Parliament during the present Session. Having consulted, however, with those who were most competent to advise them, they were informed that, in the then state of the public business, there was very little chance of such a measure passing through both Houses in the course of this Session; consequently the Bishops were obliged to be content to postpone the Bill until next Session, when they hoped to be in a position to submit it to Her Majesty's Government for their approval, with the further hope that it might then receive the sanction of Parliament, and prove to be a considerable amendment of the law. Among the alterations contemplated by that Bill, there was one which he thought would

prove to be a valuable improvement on the existing law. It was a provision that in cases of sequestration, where the clergyman was necessarily absent from his cure, a much larger and more adequate stipend should be given to the curate than was now allowed, and that the curate should have possession of the parsonage house. Further than that he thought they could not venture, and it was hardly within their power to go. When, in the next Session of Parliament, however, the question came before their Lordships in the shape of a Bill, the Bench of Bishops would be greatly obliged to the noble and learned Lord for any assistance he might favour them with in making the measure as perfect as possible. He was in hopes himself that the particular case of sequestration to which the noble and learned Lord had recently called their Lordships' attention was an exceptional one. For his own part he believed there were very few such; but any alterations which the noble and learned Lord might propose would not, he was sure, be more stringent than his right rev. Brethren would themselves desire to see effected, provided they put an end to the evil of which there was such reason to complain.

THE BISHOP OF LINCOLN defended the right rev. Bench from any blame in reference to the cases of sequestration. If a clegyman would but reside in his parish, his living might be sequestrated, but in the case supposed the living was already under sequestration.

LORD ST. LEONARDS said, his object was to compel residence by monition or by some other means.

THE BISHOP OF LINCOLN: Suppose he will not answer to the monition?

LORD ST. LEONARDS: Then power should be given to take the living away from him.

LORD REDESDALE did not mean to say that in every instance of a clergyman getting into difficulties the living should be taken away; but when those difficulties were of such a character that they could not be met by any reasonable arrangement, he thought the living ought to be declared vacant, and some other person instituted who could command the respect of the parishioners.

THE BISHOP OF CHICHESTER said, he had proceeded against two clergymen for gross immorality, and had only been able to obtain sentences of two and three years' suspension. Such instances were rare, but he desired that when they did occur the scandal should be removed by a power of deprivation, which the Bishop did not at present possess.

House adjourned at a quarter past Seven o'clock, till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, June 29, 1858.

MINUTES.] PUBLIC BILLS.—1° Civil Bills, &c. (Ireland) Act Amendment; Corrupt Practices Prevention Act Continuance.
3° Funded Debt.

GALWAY FREEMEN DISFRANCHISEMENT BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

MR. BUTT said, he felt compelled to move that the Chairman do leave the Chair. He considered that if the Bill passed, the House would either commit a manifest injustice or involve itself in hopeless confusion. All the freemen of Galway who had been proved before the Commission guilty of bribery, had received the promise of indemnity under the Act, with the exception of seven. It was true that the House had not on former occasions shrunk from disfranchising voters who had obtained the same promise of indemnity when they formed some small minority among a whole class who were to be struck off the lists of electors. But he believed if the present measure should receive the sanction of Parliament, that would be the first instance in which the parties to whom the indemnity had been given formed nearly the whole of the body who were to be punished by the loss of the franchise. It should be remembered that the franchise of the Galway freemen was one of an essentially popular character; it was given without any reference to sectarian considerations, and it had existed from the earliest times. They were asked to do away with this franchise, while they passed by persons in a higher rank of life who were really responsible for what had taken place, and allowed the noble Lord who was elected by means of these corrupt votes to retain his seat in the House. Were they to disfranchise poor freemen, and allow to escape those rich persons who were not convicted by the Commission, but who openly avowed

that they had been a party to these corrupt practices? If the Bill went on, they must be prepared not only to punish the poor, who perhaps accepted bribes under the influence of want, but to deal with the other parties who, without any such excuse, offered and gave the bribes. It appeared from the Report of the Commission that the real mischief lay in the mode in which persons were admitted to the body of freemen, there being no substantial check to the admission of any parties who desired to possess the franchise. Believing that it was utterly impossible, by any amendment, to make the Bill consistent with justice, it was his intention to take the opinion of the Committee upon his Motion.

MR. G. CLIVE, in opposing the Motion, said that although a late period of the Session had arrived, he felt he had still a duty to perform in regard to the Bill. He thought it was due to the House and the country that they should take some notice of the Report of the Committee, which disclosed such a state of manifest bribery and hopeless corruption, and he believed that by refusing their assent to the Bill they would be acting in a manner injurious to their own character and inconsistent with their own former decisions. Under the circumstances, he felt bound, as Chairman of the Committee, to press the Bill forward.

MR. WALPOLE said, he was prepared to support the Motion of the hon. and learned Member for Youghal (Mr. Butt), because he believed that the House could not satisfactorily discuss in the course of the present Session the various questions involved in the measure. The Bill proposed to disfranchise only the freemen of the borough; but it was clearly unjust to deal with those who had received bribes without touching those who had offered the bribes, and that was a kind of measure to which he (Mr. Walpole) would never be a party. His hon. and learned Friend the Attorney General for Ireland had very properly introduced an Amendment to include those in the penalty of disfranchisement who had offered as well as those who had received the bribes. That Amendment would lead to a long discussion, and after that was settled they would have to debate the Amendment of the hon. and learned Member for Cork (Mr. Serjeant Deasy), which would also lead to a long discussion. That Amendment raised the question, whether freemen who had criminated themselves on the faith of a certificate that they should not be subjected to legal disabilities should be disfranchised. His own view of legal disabilities was, that they were disabilities imposed by a court of justice in course of law; still, if these voters had given their evidence on the understanding that they were not to be disturbed in any way in the possession of their privileges, it would be proper to consider how far they should be keeping faith with those persons if they passed this Bill. He believed that they could hardly get through the discussions upon these various subjects in the course of that day. If they did, there would be another long debate upon the third reading, and he doubted whether it would be possible to carry the Bill through the House of Lords in the course of the present Session. Under these circumstances, he should support the Motion of the hon. and learned Member for Youghal, on the ground that at this period of the Session they could not proceed advantageously with the measure; and if the Committee should determine to go on with the Bill, he should support the Amendment of his right hon. and learned Friend the Attorney General for Ireland.

MR. J. D. FITZGERALD said, he regretted to hear that it was the intention of the Secretary of State for the Home Department to support the Motion of the hon. and learned Member for Youghal. Here was bribery of the grossest character proved to have taken place, and the House was to do nothing. He cared not whether the Bill should be carried in its entirety, or whether the Amendment of the Attorney General should be sanctioned; but, unless one or other were agreed to, he contended that they would be treating the subject with levity, and upon the Government he should charge the responsibility. Out of 540 freemen, 250 by name were proved to have received bribes, and fifty others, whose names could not be given, were also proved to have been guilty of the same offence. In addition to this there were thirty-eight more such freemen proved to have received bribes in 1852; and it had been established incontrovertibly before the Committee that, with few exceptions, corruption reigned universally throughout the whole body of the freemen. Those were the men whom the Bill very properly proposed to disfranchise. The case, as proved in Galway, was infinitely worse than those of Great Yarmouth, of Sudbury, or of St. Albans, and yet the House had disfranchised the freemen of those

boroughs without remorse. The Bill had been introduced in February. On every occasion the hon. Member for Hereford (Mr. Clive), had done his best to keep it upon the paper, and it was not his fault that it was only in Committee at the end of June. If, under the circumstances, the Bill were now to be abandoned, the public would look upon the proceedings of Election Committees and Royal Commissions as sheer humbug.

MR. BERESFORD HOPE said, that if the Bill had only struck at the guilty, there might have been something to say for it, but being a measure for disfranchising the entire freemen of a borough, innocent as well as guilty, for the offences of some members of their body, it was of serious import during the present Session, when every private member was giving his own horse a canter previous to the great Reform sweepstake of next year. It might be construed into a precedent for the treatment of freemen in general under the Reform Bill. No doubt, in former times, freemen had often been venal; but in the general improvement of electioneering morality which has, without doubt, characterized these late years, that class of voters had shared in that general improvement, and it would be the height of injustice to pass a retrospective measure to disfranchise the freemen of our boroughs merely because their ancestors had been susceptible of the gentle violence of the purse. The measure was at the present time particularly unjust, when it was clear that the suffrage would have to be enlarged, and yet it was proposed to abolish a form of suffrage which was peculiarly liberal, if not democratic, being one which was acquired irrespective of property, and by apprenticeship and honest industry. It might be that at Galway the freedom was too easily acquired; but when obtained under these conditions it ought to be maintained, and he should therefore support the Motion.

MR. AYRTON said, he could not admit that there had been any wonderful anxiety evinced by the hon. Member for Hereford to get this Bill passed; because, although he had kept it on the paper on occasions when it was impossible to proceed with it, he had allowed many Wednesdays to pass when progress might have been made. But, irrespectively of that, the Bill was a most unfortunate attempt to do justice. It appeared that a noble Lord in "another place" had, contrary to the Standing Orders of that House, interfered in the election for Galway, and had placed his purse at the disposal of certain persons in order to secure the election of his son. Bribery was rampant throughout the whole affair. Of course it was gratifying to the House to know that the noble Lord who had been returned for the borough was innocent of the transaction. He was not present even at the election; but the matter was simply a money arrangement between his Lordship's noble father and the electors of Galway. One would have thought, if it were desired to do justice, that the agents who had acted in this transaction would have been sought out, and that the first blow would have been aimed at those parties, and not at those who were the least guilty. Such, then, being the state of the case, he did not think the House would be justified in delaying other useful and more pressing legislation in order to grapple with the difficulties and inconsistencies of this Bill. Besides, there was an all-important reason why they should drop this exceptional Bill. Next Session the whole question of Parliamentary Reform would have to be debated and disposed of, and this case of the Galway freemen might be well left to be dealt with in that general measure. For these reasons he should support the Motion of the hon. and learned Member for Youghal.

MR. BENTINCK said, he thought that the House was precluded by its own enactments from proceeding with this measure. He need scarcely say that he had no sympathy with what had taken place in Galway, and if a measure could be introduced to deal properly with all the parties concerned he would support it; but it appeared to him that Parliament could not, without a violation of faith, punish by disfranchisement the voters who had been induced to reveal the corrupt practices in which they had been engaged by a promise that they should incur no penalty in consequence of those revelations. He could not, therefore, adopt, as he should otherwise be disposed to do, that proposal for marking with the reprobation of that House the corruption which had taken place at the late Galway elections. He would only further add that he believed the discussion, however, had not been without its advantage, as the whole course of the proceedings in that case formed a very pretty commentary on the proposal to adopt the ballot at Parliamentary elections, because, if that form of voting had been in force, no one would ever have

heard anything of the corrupt practices of the freemen of Galway.

MR. KER SEYMER said, he hoped that in future these Bills, arising out of the inquiries of Royal Commissioners, would be taken up by the Government, as there was little chance of their ever getting through in the hands of a private Member. He was prepared to support the Bill in its integrity, and should certainly vote against reporting progress.

MR. CONINGHAM said, he thought that the hon. Member for Hereford (Mr. Clive) was entitled to the thanks of the Committee and the country in pressing forward the Bill. If they went to a division he should vote against the Motion.

MR. WHITESIDE observed, that since the Report of the Commission upwards of 100 men had been added to the list of freemen of the borough of Galway, who were as untainted with bribery as any hon. Member of that House, and what justice would there be, he asked, in punishing the innocent for the sins of the guilty? If these freemen were to be punished, surely the rich who had tempted their poverty, corrupted their virtue, used them for their political purposes, and now wished to despoil them, should not go unpunished.

MR. COLLINS said, that if the argument of the right hon. and learned Gentleman the Attorney General were worth anything, St. Albans ought never to have been disfranchised; for the same observations applied to both. He hoped the Bill would not be thrown over in the manner proposed.

MR. WARREN said, that he rose for only a moment to ask the House, which ought to regard the question before it from a strictly judicial point of view, whether they were really aware of the grave imputation to which they seemed inclined to subject themselves—that of a gross and deliberate breach of legislative faith. The House was asked to disfranchise at a stroke, with no reservation or limitation whatever, every existing freeman of the county of the Town of Galway, on the ground that gross systematic and extensive bribery prevailed among them at the last two elections. How was that fact ascertained, but by means of a number of those very freemen themselves? And how did they happen to come forward and give evidence so damnatory of themselves? Because they relied implicitly on a Parliamentary guarantee of as solemn and explicit a character as could be conveyed by words. The ninth section of the Act, on the provisions of which they relied, enacted that every person engaged in the corrupt practices specified, giving evidence touching such corrupt practice, and making a true discovery to the best of his knowledge, and receiving a certificate, under the tenth section, of his having done so, should be freed (he quoted the very words of the Act) "from all penal actions, forfeitures, punishments, disabilities, and incapacities, and all criminal prosecutions in respect of anything done by him in respect of such corrupt practice." It seemed almost insulting the common sense of the House to ask what it understood by the words "disabilities" and "incapacities" there used. What was a disability, if being disabled from voting were not one? What was an incapacity, if being incapacitated from securing that greatest of rights and privileges, the elective franchise, was not one? The two words must be blotted out of the Act, or Parliament, by disregarding them, would commit an act of most outrageous injustice and violation of public faith; yet this was what the House was asked to do.

MR. H. A. HERBERT said, he should support the Bill on account of the great extent of the corruption which was proved to have taken place at the recent Galway election.

GENERAL THOMPSON could not bring himself to think it was a proper course to induce men to surrender by a promise of individual indemnity, and then massacre them *en masse*. With respect to the onslaught on the ballot which had been made by the hon. Member for West Norfolk, he would observe that had the ballot existed in Galway, not only would these corrupt practices never have been found out, but they would never have been at all, for men were not given to pay money unless they had the means of knowing they got their money's worth.

MR. GRIFFITH said, he thought it very unfortunate that it should go forth to the public that the Conservative Government were willing to throw the shield of their protection over these corrupt practices, and that, he believed, would be the impression conveyed by their opposition to this Bill. The object of the Motion was to defeat the Bill altogether, and he, for one, could not support it.

MR. SERJEANT DEASY said he should support the Motion, as affording the only means of escape from the inextricable difficulties in which they would be involved if

they attempted to proceed further with the Bill.

MR. G. CLIVE said, he believed that the addition of the new freemen to the list in Galway was an ingenious attempt to induce the House to throw the Bill over, on the ground that there was a great infusion of fresh blood into the body.

MR. BUTT replied, and asked whether the House would be prepared, after cutting off half the constituency of Galway, to determine that henceforward the borough should only return one member instead of two.

Motion made, and Question put,—"That the Chairman do now leave the chair."

The Committee *divided*:—Ayes 90; Noes 107: Majority 17.

Clause 1,

"That from and after the passing of this Act no freeman of the said county of the town of Galway shall be entitled to vote as such in any election of a Member or Members to serve in Parliament for the said county of the town of Galway."

MR. WHITESIDE said, he should propose, as an Amendment, to leave out the words "no freeman of the," and to insert "the voters who have been proved before the said Commissioners to have given or taken bribes in the last and previous election for the." The object of the Amendment was to take care that they should not involve the innocent and guilty in one common sacrifice, and that they should punish the bribers as well as the bribed.

Amendment proposed, in page 2, line 6, to leave out "no freeman of the," and to insert "the voters who have been proved before the said Commissioners to have given or taken bribes in the last and previous Election for the."

MR. J. D. FITZGERALD said, that in 1854 both the right hon. Members the Attorney General for Ireland and the Home Secretary had expressed an opinion in reference to the freemen of Canterbury directly the reverse of the course which they now proposed. On that occasion they said, if the names of voters were mentioned in the Bill it would amount to a Bill of Pains and Penalties, and yet that was the course they now said should be adopted. He (Mr. FitzGerald) contended that the only safe principle on which they could act was to disfranchise the class in which the corruption had always existed. So long as they had any records, these freemen had always supplied the corruption which prevailed in Galway. It was the misfortune of all measures like this to punish some innocent parties; but very few innocent people would suffer from the present Bill, because all the respectable inhabitants would qualify themselves as voters for the borough. The object of the Bill was not to punish, but to root out the source of all the corruption in Galway.

SIR CHARLES BURRELL said, he saw no objection to introducing the names of the bribed and disfranchised voters in the Bill. Having sat in Parliament before the Reform Act, he remembered that the names of disfranchised voters used to be included in Bills of this nature, and that they were read over previous to the commencement of each election. Such was the practice in the old time, and he thought the same course ought to be followed now.

MR. WALPOLE said, he would ask the Committee if they were prepared to pass a sweeping clause which condemned the innocent as well as the guilty. He had only taken one course throughout with regard to this Bill. He had always said that if they dealt with the matter, they must punish the guilty, not the innocent, and secondly, that they must punish the briber as well as the bribed. The present Bill violated both these principles, as it included both the innocent and the guilty, and disfranchised the former while they well knew that they were entirely innocent. He, therefore, could never consent to such a Bill, which he believed to be totally wrong on every ground of morals, policy, and right legislation. As however the Amendment would go far to remedy those defects he should support it.

MR. W. WILLIAMS said, it did not follow that because a portion of the freemen were corrupt that the whole should be disfranchised. No doubt, many of the freemen had resisted the temptation of the briber, and it was only fair that they should not be included in the disfranchisement. He should, therefore, support the Amendment.

MR. STEUART said, the Bill had been discussed too much as one of Pains and Penalties instead of as a measure tending to greater good in the State, and also to the benefit of the freemen themselves. Corruption was so inherent in the body of Galway freemen that it was not desirable for the public good that they should any longer send Members to Parliament, and he should therefore give his support to the Bill.

MR. MAGUIRE said, that as the summer advanced, and the heat of the weather increased, the virtuous ardour of his right hon. and learned Friend the Member for Ennis (Mr. FitzGerald) became more intense; but his ardour was all one-sided, for he wished to commit the injustice of punishing the poor freemen while he allowed the great criminals to go scatheless. Where, he asked, were the magistrates who had given these bribes? Did they not still adorn the bench of Galway? Was not Dr. Brown still in his professorship? It was said that it would be a great advantage to cut off the corrupt class, but the Bill did not do that. The freemen were not the corrupt class; it was the gentry of the district who practised corruption, for their own sinister ends, and therefore if they wanted to strike a blow at corruption in Galway they should attack, not the humble, ragged voters, but those great bribers who committed a crime of far viler turpitude than their wretched tools and victims.

MR. WHITESIDE said, he wished to remind the Committee that if the Bill passed without his Amendment its effect would be to deliver over the two seats for Galway to the very men who had been guilty of these acts of corruption, one of whom was a peer of the realm.

VISCOUNT DUNKELLIN said, he must deny that the effect of the Bill would be to make Galway a pocket borough in the hands of the house of Clanricarde, as had been insinuated. The Marquess of Clanricarde had only twenty-three votes in the borough, and if this Bill were passed there would be upwards of 500 electors left. It would be absurd to say that twenty-three votes could exercise any material influence upon such a constituency. With respect to the Bill itself, although he had hitherto refrained from taking any part in the discussion, he must express his opinion that it sanctioned a violation of public faith and a breach of Parliamentary honour.

MR. MELLOR said, the fact that they could not do full and complete justice by this Bill by punishing the briber was no reason why a class notoriously corrupt should not be disfranchised. At St. Albans there were 200 immaculate voters, and yet the borough was disfranchised. The Corrupt Practices Act did not preclude the House from disfranchising freemen as a class, though it certainly protected individual voters who had given evidence under a certificate of indemnity; but as in this case no names were mentioned there could be no breach of contract in the matter.

MR. AYRTON said, when leave was asked to bring in this Bill, he was astonished to find that the Motion was seconded by the hon. Member for the county of Galway (Sir Thomas Burke). He naturally inquired what could be the reason of that? And the conclusion at which he arrived was, that the corruption sprang, not from the electors, but from persons of property desirous of returning themselves or their relations to Parliament. Well, then, to be just and equitable, the Bill should have included these wealthy parties who had brought about the demoralization of the borough. The Bill, however, was confined to Galway, and it could not, therefore, be amended so as to include all the bribers. That was why he had advocated its withdrawal at an early period of the discussion, but not being able to secure that, he had no alternative but to support the Amendment now before the Committee, as rendering the Bill less unjust than it otherwise would be.

MR. H. BERKELEY said, he wished to say one word why he should vote for the Amendment. He could not allow the wealthy to go free while the poor were punished. Nor could he consent to disfranchise the freemen as a class. He would only punish those who were proved to be guilty.

MR. BUTT remarked, that he should support the Amendment; but, at the same time, he thought the proper remedy would be found in the establishment of more stringent regulations for the admission of freemen.

MR. SERJEANT DEASY urged the Attorney General for Ireland and the Committee to allow his Amendment to be engrafted upon the one under consideration. The object of his Amendment was to prevent the Bill applying to any freeman who had obtained a certificate of indemnity from the Commissioners before whom they gave evidence.

MR. G. CLIVE said, he must oppose the Amendment, as he concurred in the principle which had been often expressed by the late Mr. Hume that it was the system that was at fault, for it was the system that corrupted the candidate. He was anxious, therefore, to disfranchise the freemen of Galway as a class, because, as the hon. Member for Dungarvan had truly remarked, they were "a ragged lot,"

easily open to bribery and undue influence. If the Committee adopted the Amendment, he should wash his hands of the Bill, and leave it at the disposal of the right hon. and learned Gentleman who had moved it.

MR. MAGUIRE said, the hon. Gentleman appeared to forget that when a ragged army was disbanded, the officers who had corrupted them were also punished for their misconduct. Now, why not follow that rule here, and visit the briber with the same punishment as the poor and less offending freemen? At all events, he would urge the propriety of postponing the whole matter till next Session. If it should then appear to be necessary to disfranchise all the freemen of Ireland, let them do so, but he protested against their inflicting a palpable injustice in order to serve a party manœuvre.

Question put, "That the words 'no freeman of the,' stand part of the clause."

The Committee *divided*:—Ayes 101; Noes 158: Majority 57.

House resumed

Committee report progress; to sit again *To-morrow*.

BUSINESS OF THE HOUSE.

THE CHANCELLOR OF THE EXCHEQUER, in moving that on Tuesday next, and every succeeding Tuesday during the present Session, Government Orders of the Day should have precedence over Notices of Motion, said, that he should not have placed this Motion on the paper had it not appeared to be the general wish of the House that the public business should not be retarded, and he hardly knew any means by which the efforts of hon. Members to accelerate the progress of business could be made so effective as the proposition he had now to submit to the House. He did not wish to insist on such a Motion, if any considerable body of Members were opposed to it; but if he had not misunderstood the feeling of the House, they desired to expedite the business, and this was the best way of doing so. He had examined the notice paper, and upon the whole it appeared to him that no subject would materially suffer by the adoption of this Motion.

COLONEL WILSON PATTEN said, he wished to inquire of the right hon. Gentleman whether it was the intention of the Government to continue the morning sittings so incessantly as they had done during the last fortnight?

MR. SERJEANT DEASY said, he would beg to ask the Chancellor of the Exchequer whether it would be convenient for him to state what Government measures he proposed to proceed with, and what were to be dropped?

THE CHANCELLOR OF THE EXCHEQUER said, that the Government certainly intended, with the permission of the House, to avail themselves of morning sittings as much as possible. There were several measures of great importance to which morning sittings were already allotted. With regard to the Government business, it appeared to them that the India Bill, the Transfer of Land (Ireland) Bill, and the Scotch Universities Bill, were measures of such importance that they must be pressed forward to legislation, and there were many other Bills before them of great importance. Indeed, he was not prepared to say at present that there were any measures which the Government intended to give up. Their proceedings in that respect must depend very much on the progress they made in the three essential Bills to which he had alluded, and which it was of great public importance should be passed. The House would also recollect that the Government must yet appeal to Committees of Supply for considerable items of the public revenue. That, it appeared to him, was all the information which he could at present give with respect to the public business.

COLONEL WILSON PATTEN said, that if it was not intended to have morning sittings every day, it would be very convenient if the House could be informed what days of the week would be so appropriated.

VISCOUNT GODERICH said, he would beg to ask what the Government intended to do with respect to the Local Government Bill which was down for the morning sitting to-day, but did not come on?

MR. LABOUCHERE said, he wished to inquire whether the Government had made up their minds what course they would take with regard to the Bill for the reform of the Corporation of London; whether it would come on for discussion; and if so, what day was fixed for it?

MR. WALPOLE replied, that the Bill for the reform of the Corporation of London was not, strictly speaking, a Government measure. It was introduced by the late Government, and since the present had been in office they had given it all the assistance they could in order to get it put into shape. An experiment was made the other day to proceed with it, but such was

the opposition that it entirely failed. He really did not see, in the present state of public business, and at this period of the Session, that there was any prospect of going on successfully with the measure—a circumstance which he very much regretted.

MR. STUART WORTLEY said, he rose to ask whether it was not the fact that, since the discussion to which the right hon. Gentleman had alluded, the Government had received a memorial passed unanimously by the Common Council of London, praying that the Bill should be proceeded with, and offering to give it every assistance, and urgently requesting the right hon. Gentleman to use all the means in his power to secure its passing into a law this Session?

MR. WALPOLE said, that it was true that he had received a communication from the Common Council to the effect stated by the hon. and learned Member—whether they were unanimous or not he could not say. [Mr. WORTLEY: Yes, unanimous.] But he might add that, within two hours after receiving that communication, he received another from the Liverymen of London requesting that the Bill should not be proceeded with.

Motion *agreed to.*

Resolved—

"That upon Tuesday next, and on every succeeding Tuesday during the present Session, Government Orders of the Day shall have precedence of Notices of Motions."

THE ENFIELD RIFLE, ETC.

QUESTION.

COLONEL SYKES said, he wished to ask the Secretary of State for War whether any experiments, for the purpose of testing the relative superiority of the Enfield, Whitworth, Jacob's and other Rifles, has been made since last Session; whether there is any Report made to the Government; and if so, whether it will be laid on the table before the close of the present Session. He also wished to know whether the iron cup at the bottom of the rifle ball has been abandoned and a wooden cup substituted, and if that is the case if the right hon. and gallant Gentleman can inform the House whether it is not probable that the wooden cup may soon be dispensed with.

GENERAL PEEL said, that there had been two Committees appointed on the subject—one, called the Small Arms Committee, whose duty it was to test the merits of all descriptions of arms; and a second, to test the merits of the Enfield, Whitworth, and Jacob's Rifles. That Committee was about to assemble almost immediately, and the only delay which had arisen was in consequence of some of Mr. Whitworth's Rifles called for last year not having been yet furnished. There was no question more important than that of the ammunition to the efficiency of the Enfield Rifle. The iron cup alluded to by the hon. and gallant Member had been done away with, but up to the present moment it had been found impossible so to shape the bullet as to do away with the wooden cup substituted. Experiments were now going on with respect to the ammunition which he could assure the House were highly satisfactory. No Report of course had yet been made, nor was there the slightest chance of a Report being made in time to be laid on the table of the House during the present Session with respect to the comparative merits of the different Rifles under trial; but he believed that there was no doubt that in some respects Mr. Whitworth's Rifles had been found superior to the Enfield: whether they were more fitted as weapons of war would most probably be decided by the result of the forthcoming experiments.

RETIREMENT OF BISHOPS.

QUESTION.

MR. STUART WORTLEY said, he would beg to ask the Secretary of State for the Home Department whether it is in the contemplation of Her Majesty's Government to introduce, during the present or the next Session of Parliament, any general measure to facilitate the retirement of Bishops disabled by infirmity or old age?

MR. WALPOLE replied, that it was certainly not the intention of the Government to introduce any Bill during the present Session, with regard to the subject, which was one of the most difficult they had to deal with. He could assure the right hon. and learned Gentleman that the matter would have the fullest consideration during the recess.

THE CORPORATION OF LONDON.

QUESTION.

MR. LABOUCHERE said, he would be glad if the right hon. Gentleman the Home Secretary would tell them what

course the Government intended to pursue with regard to the Bill relating to the Corporation of the City of London.

Mr. WALPOLE said, the right hon. Gentleman would remember that that was not strictly a Government Bill. It was a Bill introduced by the late Government. He had given his best assistance with the view of putting it into shape, and the other day, he tried to get it into Committee, but unfortunately the attempt failed. He must now frankly say that in the present state of the Session he saw hardly any prospect of the Bill passing, though he very much regretted the opposition which was made to the Motion for going into Committee.

Mr. STUART WORTLEY said, he would beg to ask the right hon. Gentleman whether he has not since the discussion to which he has referred received from the Common Council a communication, agreed to unanimously, praying that the measure might be proceeded with.

Mr. WALPOLE said, he had received such a communication—whether it were unanimous or not he could not tell—but within two hours after receiving that communication he received another from the Livery of London, praying that the Bill might not be proceeded with.

Mr. Alderman CUBITT hoped Government would persevere with the Bill.

AUSTRIA AND THE PORTE.

QUESTION.

Mr. GRANT DUFF said, he would beg to ask the Under Secretary of State for Foreign Affairs whether Her Majesty's Government has been informed of, or believes in, the existence of any agreement, written or verbal, between Austria and the Porte, whereby the former power engages to give assistance to the latter in case of an outbreak in European Turkey,

Mr. SEYMOUR FITZGERALD said, the hon. Gentleman had put a very comprehensive, and, as he thought, a very unprecedented question to him, and he hoped he might, without giving offence, express a doubt whether any advantage could be derived, either by that House or by the country, from putting questions of such a vague and roving character. He could only say, in reply, that no communication of the character described had been received by Her Majesty's Government, and the hon. Gentleman would pardon him if, in the absence of any facts, he refrained from expressing any belief on the subject.

Mr. Labouchere

HAINAULT ALLOTMENT.—RESOLUTION.

Mr. CAIRD* said, that he had to bring under the notice of the House the system of management adopted by the Office of Woods and Forests on the Hainault Estate, in Essex. Last year, when he (Mr. Caird) took occasion to comment on the general management of this department, the then Secretary for the Treasury instanced Hainault as an example of the inauguration of a better system. A return has since been presented to Parliament which shows, within a narrow compass, the kind of management which the Office itself puts forward for criticism, and affords to this House an example of the general system on which the whole estates of the Crown are conducted. Within the last three years the gross revenue of these estates has considerably increased — from £383,757 to £445,688. But the surplus income is chiefly swallowed up by increased expenditure. Thus, with a gross income in 1856 of £410,330, the surplus balance handed over to the Exchequer was £281,515; while, with a gross income in 1857 of £445,688, the surplus handed over to the Exchequer was not more than £284,857. With an increase of £35,300 in the revenue, there was an increase of only £3,342 to the Exchequer. While the revenue increased between 9 and 10 per cent, not a tenth part of that increase reached the Exchequer. The expenditure was thus increasing more rapidly than the income, and it might be useful to the Commissioners themselves that their proceedings should be reviewed by Parliament. On a private estate of any magnitude constant vigilance was needed to keep the staff of management within bounds. Much more was it needed when that staff was not under the vigilance of personal interest.

That branch of the Crown Estate which he now proposed to examine was the Royal Forest of Hainault, in Essex, ten miles from London. It was originally 3,000 acres in extent, and the average net income derived from it for the five years preceding the disafforestment was about £500 a year. It was much frequented by the people of London for recreation, during certain seasons of the year, and was full of beautiful forest scenery. The propriety of enclosing it at all, and thus excluding the public was very open to question. It might well have been doubted, even in an economical view, whether the gain of a few thousands a year is worth a moment's compa-

rison with the advantage to the pent-up thousands of London of an open breathing space to which they can easily resort. A tract of 3,000 acres of wild forest scenery, within half an hour of the most crowded part of the City, has been changed into a vast garden farm of 1,900 acres, the remainder being likewise about to be subdivided and enclosed. Nothing could justify this, short of the prospect of a vastly increased revenue. What are the money results of the change? The future gross rental at which the Crown Allotment has been let for the next thirty years is £4,248 a year, from which must be deducted 10 per cent. for costs of management, leaving a net annual income of £3,824. But the capital expended in the change, £67,600, if invested at 5 per cent. would have yielded £3,380—and when to this is added the average net return formerly realized from the Forest, £500, the advantage as a mere money speculation is less than nothing. Under a more business-like management the result would, no doubt, have been different. But the Commissioners of Woods would have exercised a wiser discretion by commencing their improvements on some of those numerous unproductive tracts of country in more distant localities, where their operations could not have interfered with the convenience of the public, but would have been undoubtedly beneficial to all. However, after due consideration, the policy of breaking up the ancient Forest of Hainault was decided on. An Act was obtained in 1851, and in 1852 an allotment of 1873 acres was awarded to the Crown, besides the timber, worth £21,500, on the remainder of the Forest, allotted to the commoners. In May, 1853, the Office of Woods began their operations, and within three years and a half the Crown Allotment was cleared of timber, grubbed, drained, enclosed, and provided with roads and farm buildings. In that time they managed to spend, one way and another, £67,606! and the gross produce realized from the timber, bark, and underwood, on the whole 3,000 acres, was £79,322. Here it is worth while to pause a moment, and consider the actual receipt for the entire timber on this Forest, which had been growing to maturity for many hundred years, under a system of which the defence was, the vast value that would at some future day be realised from it. It is totally cut down and disposed of, and it realizes exactly £26 13*s.* an acre! After the disturbance which occurred in the Office of Woods a few years ago, the Treasury sent three gentlemen to advise on the future management of the Royal Forests. They were not persons known to the public, but believed, nevertheless, to be highly respectable men. These advisers recommended a continuance of the system of management hitherto adopted in the Royal Forests. They deprecated the impatience of the public, "who, ignorant of the main object for which the Royal Plantations were made," expected some annual income from the 150,000 acres of forest property, and consoled us by telling us to wait for seventy-eight years longer, and then the crop would be worth £600 an acre! The same excuse was made to Nelson more than fifty years ago, when he complained of the inadequate supply of navy timber from the Royal Forests. We have been waiting since the time of the Conqueror—some eight centuries—and are told to wait only seventy-eight years longer for their full maturity! Instead of £600 an acre, Hainault has yielded only £26 13*s.* But if the yield of timber has come short of what we have been always led to expect, the money laid out on improvements far exceeds ordinary experience. The total expenditure was £67,606 6*s.* 8*d.*, of which £4,674 13*s.* 10*d.* was paid for the expense of the Commission, for compensation, police, and law, and for hewing timber: so that the net expenditure on the 1,900 acres allotted to the Crown was £62,931 12*s.* 10*d.*, or £33 2*s.* 6*d.* an acre! Let us briefly analyze this. The drainage of 1873 acres, including outfall, cost £18,581: very nearly £10 an acre. The average distances apart were eight and a half yards, and they were four feet deep. Drain-pipes were made on the spot, at a very central and convenient point for carriage, and about a tenth part of the extent was executed by Fowler's steam drain-plough at a low rate of cost. A full estimate for drainage, under all circumstances of time and place, and computing all to have been done by hand, would be £6 10*s.* an acre; so that on this item alone there appears an access of £6,407. Two circumstances are mentioned by the Commissioners as excusing this vast excess, namely—the unusually short period of time in which the work was executed, and the cost of cutting drains in a soil intersected with roots. The first, instead of being an objection, is an advantage, for all works of this kind can be done more

economically on a large than a small scale: and as for the second, the Commissioners seem to forget that an expenditure of £15,586 had been previously made in grubbing up the roots and preparing the land for subsequent operations. There were thus no circumstances in the case which should have led to an excessive outlay on drainage. Nor is this extravagance exceptional on the Crown Estates, for on a purely agricultural farm in Sussex the Commissioners are now laying out upwards of £9 an acre in drainage. Farm buildings next demand our attention. The cost of these may be put down at £14,000. For this sum there is a plain farmhouse, three stables for twenty-eight horses each, three barns and cart sheds, and thirteen labourers' cottages. The greater portion of these buildings, notwithstanding this enormous outlay, are unfinished, the stables unpaved, the roads around them unformed, no means of enclosing them, no piggeries, no accommodation for cattle. There is not even adequate accommodation for the horses of the farm, a great number of which are lodged in the cart sheds, and the carts and waggons are houseless; at the best the buildings cannot house all the horses and implements of a market-garden farm, and should that system be found unprofitable on so large a scale, a new outlay must be made to provide accommodation for farm stock. He did not hesitate to say that one half the cost of these buildings had been thrown away. £7,000 prudently and wisely expended, would have produced accommodation greatly superior to what has here been obtained for £14,000. The clearing of the land and the preparation of the roots for sale cost £15,586. It is difficult to test this outlay, and he was unable to offer any opinion upon it: and the same may be said with regard to the subdivision and boundary fences. The roads have been very costly, upwards of £5,200 for five and a half miles of road. The public roads, however, are wide, with footpaths and fences. But there was subsequently constructed one mile and a half of farm road, which furnishes a test of this branch of the expenditure. This road cost £1,000; it is about ten feet wide, with no inclosure, no drainage specially constructed for it, not more than fifty yards of cutting, and that only three feet in depth, and the gravel was got on the adjoining hill. Part of this road, between the farm buildings and the public road, had been so badly constructed that the surface had become a mixture of clay, gravel, and root-wood, the latter placed on it by the tenant to keep his carts from sticking fast in the ruts. The cost of this road is about one-fifth the cost of a cheap line of railway! It is literally a gross imposition. A good, thoroughly-drained road might have been made for £400. So that on this small item there has been £600 thrown away. And, if we add the sums charged for repairs on roads, fences, and ditches (all of which should have been completed for the money expended on them), there will be a sum here altogether of £1,400 which has been needlessly expended. But the most startling charge in this account, and the one most deserving of the attention of the House, is that which is scattered through the account, in many separate items, for Surveyor's Commission and Superintendent's Wages. These items amount, in the aggregate, for the three and a half years' management, to the modest sum of £7,870! This is equal to £1 3*s.* 6*d.* per acre per annum, which is a little more than the Estate has been let for, exclusive of interest to be paid on improvements—so that the clear annual value of the land has been exhausted in paying for professional superintendence. But even this is not enough, for the principal surveyor is likewise the receiver on the estate, and is allowed a separate commission on the rental. Let us analyze this account. For mapping, and valuing, and perambulating the land before the improvements began, three sums, amounting to £1,294 3*s.* 7*d.* are charged. This is equal to 8*s.* 7*d.* an acre over the 3,000 acres. The odd 7*d.* should have nearly paid for this duty. The Irish surveyors are at this moment complaining that the Attorney General for Ireland, in his new Irish Land Bill, intends to cut them down unfairly from their present rates of 3*d.* per acre for survey, and 4*d.* for valuation. In their wildest imagination their claims have never approached within 1,000 per cent of that which is given as a matter of course to the Surveyor of the Royal Estates. We find next £164 16*s.* 1*d.* charged for commission on the sale of £1,990 worth of timber, rather more than 8 per cent. There is next a charge of £925 17*s.* 3*d.* for selling the timber on the Commoners' Allotment—£18,015 worth—a little over 5 per cent. Then we have £918 charged for valuing the timber on the Crown Allotment. Now

this requires peculiar notice. For this modest sum the surveyor told the Commissioners that their timber was worth £36,749. It actually fetched £48,319, or £12,000 beyond the valuation. This may have arisen, and probably partly did arise from an increase in the value of timber at the time, but the Commissioners might have been misled to sell the timber at one-third below its real value,—and at all events, it is quite clear that this valuation, which cost £918, was utterly thrown away. However, the surveyor was not done with this yet. He had taken only the first bite. He took a better hold the second time, as he now charged his commission on the total sum realized, including the £12,000 beyond his own valuation. This time he charges £1,182 10*s.* 4*d.*, and, when this is added to the £918 already charged for the same timber, we find that he nets £2,100 on this branch of the business! Whether this exhausts the professional charges on the timber was more than he could say. As the surveyor is also the receiver on the estate, he may, perhaps, with perfect fairness deduct likewise his commission as receiver of the price before passing the balance to the hands of his superiors. Then follow a series of separate charges for commission and superintendence on pipe drainage, arterial drainage, grubbing roots, farm buildings, roads, &c., amounting in the whole to £3,486 14*s.* 8*d.* The grand total for three and a half years' management of this estate of 1,900 acres being thus close upon £8,000. Now, let any gentleman apply this to his own property. Would any sane man suffer this waste, even if he could afford it? What would have been the course followed on a private estate? A properly qualified resident agent would have been appointed, who would have devoted his sole attention to it, under whose eye and authority every operation would have been skilfully and economically carried out. He (Mr. Caird) could get a dozen perfectly qualified men of character and reputation within a fortnight who would gladly undertake the duty for £500 a year. If that course had been adopted, the direct saving in the cost of management alone would have been £6,240; and, adding this to the sums he had already shown to have been wastefully expended on drainage, buildings, and roads—all of which would have been avoided by a competent resident agent — there might have been a total saving of upwards of £21,000. Having thus shown the excessive character of the costs of management, he would proceed to the second branch of the subject—namely, the unsatisfactory nature of the subsequent arrangements, and the policy adopted in letting the land. There was evidently no plan or forethought, for at page 3 it is stated that an ineffectual attempt having been made to let the land for grazing without clearing it of the underwood and rubbish, and without under-drainage, it was then determined to drain and otherwise improve the estate. Shortly after this commenced, about two-thirds of it was let for a term of thirty-one years, at 5*s.* an acre for the first year, 10*s.* for the second, and 23*s.* an acre for each of the remaining twenty-nine years. In the following year the remainder of the land was let to the same tenant, at 9*s.* an acre for the first year, 14*s.* an acre for the second, and 40*s.* an acre for the remaining twenty-eight years—the tenant engaging in the first case to pay interest on drainage and farm buildings, and in the last on drainage only. Now, there are two points which would have struck a competent land agent as to the disposal of the estate in connection with its proximity to London and the nature of the soil. First, the prospect of progressive increase of value, and therefore the impolicy of letting on a thirty-one years' lease; and, second, the advantage of subdividing the estate into moderate-sized farms, suitable to market-gardening operations. When a landlord parts with the control of his estate for so long a term as thirty-one years, it is done in consideration of the tenant undertaking permanent improvements at his own cost. In this case, however, the most lavish outlay was made at the sole cost of the landlord, and the inconvenience that the tenant might be put to at the commencement of his lease in bringing this new land into cultivation was fully compensated by the reduced rent charged for the first two years. For the prospect of an increase of value he could appeal to the Chancellor of the Exchequer, who, a few nights ago, in speaking of the increased value of the Exhibition Estate at Brompton, said, that it would be a sign not merely of the decay of London, but of that of the Empire, if such property had not materially risen in value within only

five years. It was clearly impolitic, then, to part with the control of this large tract for thirty-one years without an adequate return. Here is fresh land of good staple and quality, tithe free, within ten miles of London, let for thirty-one years at 23*s.* an acre, exclusive of interest on permanent improvements. Two-thirds of the estate were so disposed of, and the following year the remaining third—contiguous land, but more remote from London, and of inferior quality—was let to the same tenant at 40*s.* an acre on a thirty years' lease, the only difference in the latter case being that no interest was to be charged for farm buildings and road. Here was at once a practical illustration of the impolicy of letting on so long a lease, for within one year the same tenant takes inferior land at nearly twice the rent. Up to this point the Office of Woods and their Surveyor clearly misapprehend the value of the land, for, after the bargain for thirty-one years was concluded, the tenant kept in his plan, and determined to turn the whole tract into a vast market-garden for the supply of vegetables to London. To this they at once assent; and no one can inspect the ground without seeing at a glance how correctly the tenant estimated its capabilities for market-garden cultivation. But the change from common farming to market-garden cultivation may involve a future responsibility on the part of the Crown of which they may be unaware. A market-gardener's claims for manure, and compensation on giving up possession, are sometimes equal to the value of the fee simple. And landowners do not commonly let lands suitable for market gardening at the same rent as for ordinary farming. In short, if the land is suited to market gardening, it is worth more than twice the rent; if it is not, it was imprudent to allow the system to be so altered. His own impression was, that the greater portion of the estate is suited to market gardening, and he believed that a competent land agent would have perceived this at once, would have arranged the estate accordingly, and would have let it in several moderate-sized farms, not too large for the personal superintendence of the occupier, without which it is extremely questionable whether market gardening can be made remunerative.

If the wasteful expenditure which he had shown, and the impolicy of the disposal of the property were confined to Hainault, the matter would be a comparatively small one in the grand scale of our public expenditure. But it is not so, for he found on going through the General Report of the Commissioners of Woods for last year that the same policy governs other branches of the Crown property. Other estates are being let on thirty-one years' leases, the landlord making the whole permanent outlay. A series of forests are going through a like process with that of Hainault. Requisitions for the drainage of ordinary farm land, at an estimated cost of more than £9 an acre, are being complied with, and the ubiquitous surveyor not only conducts all these operations, but buys and sells estates for the Crown, and receives the Crown rents in Kent, Surrey, Lincoln, Essex, &c. His total remuneration for these duties last year from the Office of Woods was probably not much, if anything, under £10,000. He could trace upwards of £5,000 of it; and on the same scale the surveyor's fees for other services done will amount to nearly as much more. Now, who is this gentleman who receives from one department of the Government for his services as much as we pay to both the Prime Minister and the Chancellor of the Exchequer? His name is Mr. John Clutton, a highly respectable land and timber surveyor, but a name quite unknown to the public as having taken any part in the advancement of agriculture. If Government desire to improve their property, why should the best men not be called in? Men like Josiah Parkes, Hewitt Davis, or Mr. Bailey Denton, who are not only celebrated drainage and agricultural engineers, but are men who by their writings have rendered the State some service? The truth is, the error is more deep-seated. You have appointed gentlemen as Commissioners who have less confidence in themselves than you have who appointed them. Distrustful of their own practical knowledge, they lean with absolute confidence on that of another. Anxious to remove the blot that has so long lain on the Crown Estates, they let themselves be led into a lavish expenditure. It is another case of double Government. We pay the Office of Woods to manage the Crown Estates, and give them an ample staff for every necessary duty. But their functions resolve themselves into little more than a record of what is going on. The real manage-

ment of the property is devolved on a surveyor. He does the work — is well paid for it, and has none of the responsibility. He advises what should be done, orders its execution, buys and sells property, receives the rent, and charges his commission. We have two Offices of Woods and Forests in Whitehall Place—the one, the ostensible one, which we pay by an annual vote of Parliament of more than £20,000; the other, Mr. Clutton's office, where the real business is done, and the cost of which, not much short of the chief office, is dispersed in separate scattered items through the annual account, or never appears at all, as it is deducted from receipts, and the balances only brought to the public credit. Now, either Mr. Clutton should at once be put at the head of the office with a suitable salary, or the Commissioners themselves should do their own work. He had not the least doubt that either of the gentlemen who at present hold the office, could, if they would only rely on themselves, and throw themselves heartily into the business, transact it with greater economy and efficiency than at present. A man of honour and sense, who is not afraid of work, will soon become more capable than any irresponsible agent, whose other multifarious duties necessarily compel him to rely on clerks and subordinates.

There is an important question involved in the right management of the hereditary Estates of the Crown. The Civil List of the Queen, £385,000 a year, would be repaid to the country if the surplus income of the hereditary estates could be made to exceed that amount. An addition of 10 per cent to the income, and a reduction of 10 per cent from the present average expenditure, both perfectly practicable, would leave the country a debtor to the Sovereign. It is now twenty years since Her Majesty came to the throne. During that period similar estates have vastly increased in value. Building land in the better parts of London and in the manufacturing districts, mineral property, and all those sources of wealth, which almost without an effort on their part have so vastly increased the wealth and incomes of several of the great landholders of this country, ought equally to have raised the income of the Crown Estates. If that has not been so, it is the fault of the management. He had shown in the case of Hainault that the management had been wasteful, and the expenditure excessive; it was the duty of Parliament to mark this with its disapproval; and he therefore called on the House, in no party spirit, for party had nothing to do with it, to affirm the Motion.

MR. LINDSAY seconded the Motion.

Motion made—

"That it is the opinion of this House, that the costs of management on the Crown Allotment of Hainault, since the date of the Act under which it was disafforested, have been excessive, and that the management generally has not been satisfactory."

MR. G. A. HAMILTON said, that the Resolution proposed by the hon. Gentleman was in effect a condemnation of the management of the Woods and Forests in reference to this particular estate known under the name of the Crown allotment in the Forest of Hainault. The Resolution was virtually a censure upon a gentleman (Mr. Gore) who he (Mr. Hamilton) had no hesitation in saying was one of the most efficient and useful officers in the service. He would shortly state to the House the real circumstances of the case. The hon. Member began by stating, that his Motion had reference to the Forest of Hainault, comprising 3,000 acres, but the expenditure upon which he proceeded to comment was the expenditure upon the Crown allotment of 1,900 acres. The truth was, however, that Hainault Forest comprised an area of 17,500 acres. In 1851 Commissioners were appointed to ascertain the boundaries of the forest, and to allot to the Crown such parts as might be deemed compensation for the forestry and other rights which the Crown had agreed to abandon. For the discharge of those functions the Commissioners themselves, and not the Woods and Forests, were answerable. Under the authority conferred upon them by the Act of 1851 the Commissioners, after making the necessary surveys and inquiries, allotted to the Crown, 1,900 acres in full satisfaction of all the rights possessed by the Crown in the forest, with a few trifling exceptions, including, likewise, compensation for timber cut on parts not allotted. The Act of Parliament directed that the expenses connected with the various functions of the Commissioners should be defrayed by the Woods and Forests, and afterwards, in the 15th section, that those expenses should be re-

paid out of the timber that might be cut on the common. The hon. Gentleman spoke of an expenditure of £67,000 on 1,900 acres, but he (Mr. G. A. Hamilton) would state the real facts in respect to that point. The total expenditure connected with the whole process of disafforesting and reclamation in reference to this forest amounted to £67,660, but of that sum only £42,000 were properly expended in reference to this Crown estate of 1,900 acres, the remainder being expenses not of the Woods and Forests but of the Commissioners under the Act, for the various duties they had to discharge; and, therefore, when the extravagant management of the Woods and Forests Department is spoken of, he must confine the hon. Member to that sum of £42,000 expended on the 1,900 acres, constituting the Crown estate, which, including the expense of reclamation, amounted to £21 15*s.* per acre. From a passage in a Report laid on the table, the House might judge of the nature of the works which the Woods and Forests had to engage in with respect to the reclamation of this part of the forest. First, there was the grubbing and the clearing of the land, which formed a laborious undertaking in consequence of the close growth of the timber trees and underwood; and the total expense in the first instance of grubbing, making roads, and of arterial drainage amounted to £11,415, or about £6 4*s.* an acre. The hon. Gentleman admitted, that previous to the reclamation of this forest the whole of it produced about £500 a year, but by the process of reclamation, grubbing, making roads, and effecting arterial drainage, the 1,900 acres produced a rent of about £1 5*s.* per acre. The next point on which the hon. Member touched was the expenditure upon drainage, which amounted to £8 19*s.* per acre. He was ready to admit, that £8 19*s.* per acre formed a large sum for drainage. He had not himself inspected the estate, but he had been informed that the ground was a complete mass of entangled roots, and the cost of drainage was therefore necessarily large; but if the cost was large, the expenditure had been made with the consent of the tenant, who paid 5 per cent upon it, and if the tenant was satisfied with the expenditure, it was a *primâ facie* and rather strong proof that the expenditure had not been so extravagant as the hon. Gentleman seemed to consider. The third item of expenditure referred to was that which arose out of buildings, and which made up the total sum of £42,000. As he had observed, he had not had an opportunity of inspecting these buildings, but an expenditure of £14,000 had been incurred for these buildings with the consent of the tenant, who paid 6 per cent on the outlay. Therefore these expenses, with the exception of the expenditure for disafforesting, grubbing, making roads, and arterial drainage, had been expenses incurred with the consent of the tenant. The general result was, that previous to the disafforesting the forest produced £500; and four years after the reclamation, the 1,900 acres, the portion of the forest allotted to the Crown, being cleared and fenced, and furnished with buildings, produced a rental to the Crown, including the payment of interest, of £4,250. A tenant of one of the farms had written to say that the drainage on all the lands, with slight exceptions, was very effective, the work having been faithfully done, and, though the expense had been great, that gentleman did not think that it could have been done at a cheaper rate; and though the buildings were insufficient, he considered the scheme successful in converting in so short a time what was a useless piece of land into a productive and valuable farm. That was the testimony of a tenant mainly interested in this matter. The hon. Member had spoken of the payment to surveyors, and he must complain that the hon. Gentleman, having access to the information contained in the paper on the table of the House, had not done justice to the surveyors, whose emoluments he stated to be so very great. He spoke as if the payment made to the surveyors was simply for their business in connection with these 1,900 acres. The total of £5,888 paid to them in respect to the process of disafforesting was not paid by the Woods and Forests, but by the Commissioners under the Act, who paid £3003; so that the sum paid by the Woods and Forests to the surveyors was only £2,885 with respect to the reclamation of the 1,900 acres. The whole payment made to the surveyors in respect to this portion of Her Majesty's estate was somewhat less than 5 per cent on the buildings, and 5*s.* an acre for drainage, the latter being the sum allowed by the Inclosure Commissioners, and both being upon the ordinary scale of allowances. He thought, therefore, that the House would be indisposed to pass a

vote of censure as regards the management of this estate, for so he considered the Motion in reference to this matter. The hon. Member had from the outset confounded the expense connected with the disafforesting the whole forest with the expense connected with the Crown allotment of 1,900 acres. With respect to the general management of the woods and forests, the hon. Gentleman repeated a statement he made last year, that by increasing the amount to be received by the Woods and Forests by 10 per cent, and diminishing the cost by 15 per cent, a sum might be obtained equivalent to the amount of the Civil List. But the House should bear in mind that the property of Her Majesty, managed by the Woods and Forests, was of a peculiar nature. The total annual rental of lands and houses was £300,000, but no less than £80,000 were in fee farm rents admitting of no increase, and £90,000 were ground rents for such places as the Athenæum, the Carlton, and Reform Clubs, built on Crown property, let for long leases at a small rent. With respect to the payments to surveyors, he was informed that the hon. Member was inaccurate in his statements; but as the hon. Member gave no notice of his intention to bring that point under the notice of the House, he was not prepared with details in respect to it. The hon. Gentleman spoke of a surveyor receiving £10,000, but he had no doubt that the hon. Gentleman would find himself mistaken in that statement. On the whole, he trusted that after the facts he had mentioned, the House would agree with him that it would be most unjust to visit the Woods and Forests with the censure conveyed in the Resolution of the hon. Gentleman, for their management of this particular portion of the Crown estates.

SIR JOHN SHELLEY said, it appeared the tenant had agreed to pay 5 per cent for drainage by wood, and he could only express his surprise that any man should have made such an arrangement.

Mr. G. A. HAMILTON said, he had not referred to drainage by wood, but drainage through a wood.

SIR JOHN SHELLEY: He understood, however, that Mr. Alison had only held the farm two years, that he had only recently come to this country, and that he was imperfectly acquainted with the profits likely to be derived from the farm. He could not, therefore, consider of great importance the fact that he had agreed to pay the interest which had been mentioned upon the outlay. He thought the sooner they got rid of these small forests the better, if the cost of improving them was to be anything like the sum that had been expended on Hainault Forest.

SIR JOHN TROLLOPE said, that if the Forests of Hainault were adapted for building purposes, it would have been far better for the Crown to have sold the land in small lots, than to have spent a large sum in reclaiming it. The work must necessarily be done by deputy, and that deputy must have a deputy, each of them getting his commission. If private individuals managed their land in the same way that the Crown managed its land, they would soon be compelled to go into the market to sell it. He objected to the Crown selling land, and their going into the market to buy other land, for the public had then to pay two commissions. He should prefer that the money be paid into the Exchequer. It appeared to him that £8 19*s.* per acre for draining was excessive; £5 per acre was the maximum, and, allowing £1 extra for the nature of the ground to be drained, £6 was the utmost that ought to have been paid. He thought this large expenditure was owing to want of supervision. He did not wish to join in a vote of censure upon any public officers, but he thought that it would be well if at the head of the Boards charged with duties of this kind they had a man of practical knowledge.

MR. WILSON observed that no man who had the common feelings of honour towards public servants who were not present to defend themselves, could be deserving of the respect of the House if he were not prepared to defend the character of those public servants when unable to speak for themselves. As far as Mr. Gore was concerned, he had the honour of knowing that gentleman, and he assured the House that no public servant had ever discharged his duties with a more conscientious sense of what he owed to his employers. The right hon. Baronet opposite had asked why the Government had not sold this property, but he must remind the House that the Government only held the property in trust for the Crown. It was true that some small outlying plots of land in the neighbourhood of Stamford and other towns had been sold on very favourable terms under the authority of an Act of Parliament, but the proceeds of these sales had been in-

vested in the purchase of property contiguous to other Crown estates. The value of the Crown property had thus been increased, while its management had been economized. It had been suggested, that the land in Hainault Forest might have been sold for building sites; but that experiment had been tried and had failed, because the Government could only grant leases, and could not give a freehold title. He denied, however, that the operations carried on in that forest had been unprofitable; £42,000 had been expended in the improvement of the forest. Before these improvements, the annual income derived from it was £500. Since then an income of £4,280, or a profit of £3,700, had been obtained in the short period of three years, thus giving interest at the rate of about 9 per cent upon the outlay. Was it, he would ask, unprofitable, to let land on a thirty-one years' lease at such an improved rental to a tenant with a capital of £35,000? Instead of proving that the Crown had been embarking in unwise and speculative operations, he thought the facts showed that, although they were constrained by Act of Parliament to do what they had done, it was about the most profitable operation which they could have undertaken. He hoped the House would not assent to the Motion of the hon. Member.

SIR HENRY WILLOUGHBY said, he could not understand how the hon. Gentleman (Mr. Wilson) made out his calculations of profit.

MR. WILSON said, that the property consisted of 1,900 acres. Before the improvements this forest land brought in a net income of £500. The sum of £42,000 was laid out in drainage, farm buildings, and other improvements, and an improved rental of £4,280 was then obtained.

SIR HENRY WILLOUGHBY said, that was what he understood. The £42,000 must have been provided by some one, and must bear interest; and therefore the only gain was the difference between 5 per cent upon £42,000, and the £3,700 improved rental that had been obtained. The Committee upon Crown Property, of which Lord Seymour was the Chairman, declared that there was no conceivable abuse to which property was subject that could not be found in the Crown property. The Committee suggested that it was not only desirable the account should be presented to Parliament, but that an estimate of expenditure ought to be laid upon the table before it was actually incurred. Parliament might have concurred in this outlay of £42,000, but he thought that its assent ought to have been given to this expenditure before it was incurred.

MR. CAIRD, in reply, reasserted that the whole expense he had mentioned applied to the 3,000 acres, but whether £67,000 or £42,000 the House must agree that it was a wasteful expenditure. That the drainage was more difficult than usual was contradicted by the fact that it had all been done by the steam plough, and the same charge was made to Government for ordinary agricultural land in Sussex. As he was satisfied with the discussion he had obtained, he would not press his Motion to a division. He hoped, however, that the Government would in future remember that the public had an eye on their movements, and that they would see the necessity of doing their own work.

ENDOWED SCHOOLS (IRELAND).

RESOLUTION.

MR. KIRK said, he rose to call the attention of the House to the Report of the Commissioners of Endowed Schools in Ireland, and to urge the necessity of prompt remedies being applied to the evils and abuses which that Report disclosed. He had been led to make this Motion through a circumstance which would be in the recollection of the House. The Report, in four volumes, was so large, that it was said it would be impossible for any hon. Member to read it; but the fact was that the whole pith was contained in a book of 280 pages, than which the library of the House did not contain a more important volume. On that book his Motion was founded. In that Report the Commissioners pointed out that there were many evils and abuses existing in regard to the endowed schools of Ireland, but this was not new. Complaints of the same kind had been made from the earliest periods. The public endowed schools of Ireland consisted of five classes. The first were the Diocesan Free Schools, described in the Commissioners' Report as having been established in the reign of Elizabeth, and at the present moment were amongst the best conducted schools in the country. There were also the Royal Free Schools of Ulster, endowed

by James I. in 1608. Another class of schools were those founded by Erasmus Smith, which were endowed by that gentleman, who was an alderman of London in the time of the Protectorate. These schools were some years afterwards handed over to the Government by charter, but the provisions of that charter had been evaded by expending the funds which were to have been employed in extending the means of educating the poor in the erection of new buildings, and presenting a library to the richly endowed Trinity College. A fourth class were what were called the Schools of the Incorporated Society, or Protestant Charter Schools; and a fifth class those which were established in 1792 by the Society for Discountenancing Vice. But all these bore a sectarian character; besides all these five large classes of schools, there were numerous private endowments. Complaints had been frequently made even from an early period after their establishment, that abuses had crept into the two first classes of these schools. And in 1723 the trustees of Erasmus Smith's schools, finding that they were not acting strictly in obedience to their charter, had obtained an Act of Parliament to sanction their departure from it. Since then they had founded 179 free English schools, which they had no right to do under that charter; and under these circumstances they were quite open to legislation. By the 7th of *William* III. (in 1695) it was enacted that no person of the Popish religion should publicly teach in schools, or instruct youths in learning in private houses or elsewhere within the realm. That remained the law of the land till the time of Howard the philanthropist, at whose instance it was repealed. Commissioners of inquiry in 1791 made a Report to the Irish House of Commons, in which they recommended that no distinction should be made between the scholars of different persuasions; but it was not until 1813 that that Report was acted upon. In that year that great and good man Sir Robert Peel, while Irish Secretary, established what was known as the Clare Street Board. A great many of the evils pointed out by the Report were then remedied, but as a body they were not in public estimation fit to manage the schools intrusted to them. By that time the House of Commons had become aware of the importance of the question; and in 1818 Lord Glenelg, being then Secretary for Ireland, a Parliamentary Grant was made. In 1824, there was a Commission of Inquiry, which reported in 1828, and that report was referred to a Select Committee of the House. That Report laid the foundation of the establishment of the present system of national education in 1831 by Lord Stanley, now the Earl of Derby, which had rendered education in Ireland almost universal, though not of very prime order. In 1834, there was a Commission appointed to consider the working of the national system. In 1835, a Committee was appointed, of which Mr. Wyse was Chairman, which took evidence in 1835 and 1836, was reappointed in 1837, and reported in 1838; and it was mainly in consequence of that Report that the Queen's Colleges were afterwards established in Cork, Belfast, and Galway. He would give a brief summary of the endowments, which he would divide into four classes, all of which, however, had been grossly mismanaged. There were at the present moment 976 endowments in operation, the total value of the lands with which they were endowed being £68,570. a year. There were 296 endowments not in operation — the value of lands being £7,170 a year, and there were 29 contingent endowments — the contingencies which were to bring them into operation not having yet arisen; the value of these was £883 a year. Lastly, and worse than all, there were 170 lost endowments, the present value of the property with which these were endowed being £2,574 a year. The object of all the endowments, to afford free education to the poor, had been defeated for want of proper management. In the royal schools, with £9,000 a year, there were but 36 free scholars, and these had only been admitted since the agitation on the subject had arisen. In the Erasmus Smith schools, only £700 a year was expended in the fulfilment of the charter, although the total income was £8,000 a year; and in all the others the same disregard of the objects of the founder was observable. He believed the great evil was in the constitution of the boards of management, which generally consisted of church dignitaries, judges, and state officials, who had other and weighty duties to attend to. Numerous though the members of those boards were, it was with difficulty that a quorum could be got together at the periodical meetings for the transaction of the necessary business. Then, again, their accounts did not deserve that name, and in one case there was a ledger that had not been balanced for eleven years.

The great and important educational feature in Ireland at the present time was the national system, which carried the benefits and blessings of education into the most distant corners of the land, and was especially valuable to the working classes. He believed it was efficiently worked and admirably administered. He knew that the opinion prevailed in England and Scotland that the schools were of the character which was called "Godless," but that was not the fact. The truth was, that at particular hours of the day secular instruction went forward; but after that had been given a board was put up with the words "Religious Instruction," and then any child that objected had leave to walk away. None were compelled to receive religious instruction, but it was offered to all. That was the kind of school suited to such a country as Ireland, where the majority of the people were Roman Catholics, who looked with extreme jealousy upon any attempt at religious conversion. With regard to the Church Education Schools, he did not believe that they were exercising any influence in the way of conversion, though their friends were very sanguine of that result. It was said that there were 13,500 Roman Catholic children attending these schools, and he had no doubt of the fact. Indeed, his only wonder was that the number was not considerably larger. But the Church Education Society, in their returns, gave no account of what these 13,500 children were learning. The extent of the teaching they received was the alphabet and the first rudiments of reading. The moment the child was capable of anything beyond, the priest exercised his influence, and the child was taken from the school and taught the Roman Catholic catechism. He mentioned this to show how inefficient, as a means for general education, the much-praised Church Education Society's schools were. He would just say, before he left this part of the subject, that if it was the intention of the Government to give separate grants to the Church Education Society, how could they resist giving separate grants to the Roman Catholics? If you gave clergymen of the Established Church grants to enable them to teach their doctrines, how could you refuse the Roman Catholic clergy similar grants for teaching theirs? If that, however, was done, instead of the children in the schools continuing to go on together, they would split up into parties, and the utmost discord would prevail. He trusted that on this subject the Government would be firm and maintain the national system of education in all its integrity. But there was a circumstance which arose out of the establishment of the national school system on which he wished to observe, more especially as it was not looked for by the founders of that system. Prior to 1832, when the national school system was established, there was in every town in Ireland a schoolmaster, who taught not only the ordinary rudiments of education, but something of science and a good deal of classics. When the national schools came into operation, they put an end to this scientific and classic teaching. In fact, the national schools had run the old schoolmaster off the road just as the railway had run off the old stage coach. In order to remedy this defect, he thought that the endowed schools, if their funds were properly managed, should be made to form the foundation of a system of education for the middle classes, a system of schools which should stand between the National Schools and the Queen's Colleges. It was most important to the progress of society that there should be afforded to the sons of farmers, and tradesmen, and the middle classes, that education which the state of society required. Science and chemistry were useful in the pursuits of agriculture and manufactures. Those acquirements were to be obtained at the Queen's Colleges, but a lad of the middle class educated in these colleges was seldom well fitted to enter on the duties of agriculture and manufactures peculiar to his class in life. He then read letters from persons in the north of Ireland urging the establishment of a system of intermediate education such as he had alluded to. The necessity for remodelling the endowed schools was felt through the whole of the north of Ireland, and he believed that the time for movement on the part of the Government had arrived. He would probably be asked if he was prepared to point out a remedy. He thought the remedy was easy. He would appoint a Board in Dublin which should fairly represent all classes in Ireland. He would give that Board, by Act of Parliament, the sole management of the endowments. He would vest the appointment of its members in the Crown, and, with great diffidence, he would suggest there should be no *ex officio* members upon it. He would give them power to do away with the boarders on the one hand,

Mr. Kirk

and the free scholars on the other, in the endowed schools. With some such arrangement, and with attention to details, he had little or no doubt that the schools could be made self-supporting. When a locality wanted a school it should be required to subscribe a third of the expense before any grant was made. He would have the schools, land, and premises, conveyed to the Board, so that they could become the property of the State, and it would be impossible for them to lapse into the hands of individuals. Let the endowments which were given not be permanent, but varying during pleasure, and let the amount be regulated by the requirements of the town or locality, and let the Board fix the school fees to be paid, so as to make the school self-supporting. The middle classes had a strong claim on the Government for prompt action in the matter of endowed schools, and he hoped this matter would receive their attention.

Motion made, and Question proposed—

"That in the opinion of this House prompt measures ought to be applied to the evils and abuses which are disclosed in the Report of the Commissioners of Endowed Schools in Ireland."

LORD NAAS said, he did not think that the hon. Gentleman needed to have made any apology for having called attention to this important question. There was no question more worthy of the consideration of the House, and the result which might follow would be of great general benefit to Ireland. The position of intermediate education in Ireland, he agreed, was very unsatisfactory, and it was on that account that a Commission was appointed, so far back as 1854, by the late Government, to inquire into the subject. The Commission entered on their labours very soon after their appointment, and they had exhibited an energy and industry seldom exceeded. Their Report had been the subject of some animadversion and of some facetious remarks in the House and in the newspapers; but he believed that when it came to be examined it would be found to contain information most valuable and interesting. The Commission divided their Report into several heads, comprising the history of their own labours, the state of the Endowed Schools, and the manner in which they recommended that the State should deal with this important question. He admitted that the Report did disclose an extraordinary state of things in the schools. There was a great want of inspection, and of trained masters; the endowments were often small, and insufficient for the purposes of the schools; and the rule under which the pupils were admitted to education. For this vague and ill-defined state of things there ought to be a speedy remedy. But while the Commissioners had succeeded in showing the evils which existed in the present system, and the great want of intermediate education in Ireland, he could not say that when they set about to suggest the remedy they were as successful in doing so. The Commission was, on the whole, fairly constituted. Three of the Commissioners represented opinions in favour of the mixed system of education in Ireland—namely, the Marquess of Kildare, Dr. Graves and Dr. Andrews. The fourth Commissioner, Mr. Stevens, represented the opinions entertained by a large majority of the Members of the Established Church in Ireland; and the fifth, Mr. Hughes, formerly Solicitor General for Ireland may be supposed to represent the opinions of the Roman Catholics. The result was that those three classes of opinion found in the Report three separate exponents, and the only agreement that existed was among the three members representing the National system of education. He wished to put before the House the great difficulty which, on account of this difference of opinion, beset this question. Any Government which approached the solution of the question must do so with apprehension, since, after these able men had given immense time and great labour and attention to the subject they had not found it possible to agree on the principle on which the remedy was to be founded. He would point out the leading features on which the Commissioners disagreed. The suggestion of the three members representing the National system—the majority—was, that it was possible to separate secular and religious education in intermediate schools so far as to enable scholars of different religious denominations to receive a common education without danger to their religion. On that principle the recommendation of the majority of the Commissioners was founded. They recommended that non-exclusive schools should be placed under a board nominated by the Government, on which the different religious persuasions should be represented; one of the Commissioners to have a salary, and to devote his whole time to the duties of the Board. A definition was given of

the institutions they considered ought to be regarded as non-exclusive schools; and they further recommended that the exclusive schools should be transferred to the incorporated society, and be placed under its superintendence. In the outset Mr. Stevens, on the part of the Established Church, differed from the three Commissioners as to the definition of non-exclusive schools, and on the propriety of Royal and Diocesan schools within that category. He complained that the plan of the majority would have the effect of severing these schools from the churches to which they belonged, and of defeating the object of the founders. Now the Royal Diocesan schools formed the most important and largest portion of the schools affected by the Report. Mr. Stevens also proposed that a Minister for Education for Ireland should be created, and a Board formed, consisting of a Minister for Education and three other Commissioners—one of the Established Church, one a Roman Catholic, and one a Presbyterian; and he proposed to give the power of visitation of Church schools only to members of the Church. These two recommendations, it would be seen, differed from each other in the most essential manner. When, however, we come to Mr. Hughes, who represents the opinions of the Roman Catholic clergy and people of Ireland, the difference is still wider. He denounces the principle of mixed education altogether, and declares himself in favour of a separate and denominational system—under which alone he believes these schools would be successful. Now, having stated fairly to the House the points upon which the Commissioners differed, he thought it must be obvious that at the present period of the Session, and so soon after the Report of the Commission had been laid upon the table, it would be impossible for the Government to indicate the course in reference to the subject which they would be prepared to take. The difficulties by which the question was beset were very great, and it was only after mature consideration that a satisfactory solution of those difficulties could be arrived at. He could, however, assure the House that the subject would, during the recess, occupy the serious attention of the Government. He might state that the Lord-Lieutenant of Ireland had already given great attention to this subject; he was diligently applying his mind to the matter, and he (Lord Naas) was not without hope that in the ensuing Session the Government would be able to submit a scheme on the subject to the House. It was to be regretted that the magnificent endowments which were in existence should have been left so long in their present position; and if any scheme could be devised to extend to the middle classes of Ireland cheap and useful education, it would be conferring one of the greatest possible boons on the country.

MR. GREER said, that while he did not think it would be fair to call upon the Government to legislate upon the subject under the notice of the House during the present Session, he was at the same time of opinion that they might have heard more of the outline of the plan of the Government than had been stated by the noble Lord, and whether it was founded on the principle laid down in the Report of the Commissioners. The Government must have made up their minds with regard to the principle which should pervade the measure they were about to introduce next year. They were indebted to the hon. Member for Newry (Mr. Kirk) for bringing forward this subject, as well as for having, four years ago, been the means of getting a Commission appointed, which had sifted the state of things connected with endowed schools in Ireland. He hoped that the Government would be able to establish a system of intermediate education, which would be as satisfactory to the middle classes as the national schools were to the lower, and the colleges to the upper classes. There might have been a difference of opinion among the Commissioners as to the system to be adopted, but they all agreed that there were great abuses in the present system, and that any system was better than that. If the Government meant to support a mixed system of education for the lower classes, he did not see how they could adopt any other in the intermediate schools. He hoped that in any scheme they adopted they would carry out the principle on which the system of national education was founded.

MR. GROGAN said, he would willingly admit that the hon. Member for Newry had done good service in bringing the question forward, but in making that admission he must not be supposed as agreeing in all the suggestions and recommendations which the hon. Member had made. One good effect of bringing the question forward was the promise given by the noble Lord, that the Government would grapple with the question during the recess. There could not

be a more important question as regarded the social improvement of Ireland than the question of establishing a good system of intermediate education, and he believed that evening's discussion would have the happiest effect in leading thoughtful minds to reflect upon the best mode of supplying that want. These old endowments for instruction in the principles of the Established Church were apurtenances of that Church, and could not be justly applied to the support of any "mixed" system of education from which the Bible was expressly excluded. Every effort ought to be made to secure funds to those for whom they were intended, and he should protest at all times against grants by Government to schools from which the Bible was excluded. It had been shown that the Commissioners were not at all agreed on the subject, and yet the hon. Gentleman (Mr. Greer) seemed to expect that the noble Lord should be ready, in the middle of a busy Session, with a cut and dry plan on the subject of these schools. He should have regretted had the noble Lord taken such a course, for it would have shown that he hardly appreciated the difficulties of the question. With due management he believed that the funds of the endowments in question might easily be increased, and he thought that the question as to whether there ought to be a Minister of Education for Ireland was one well deserving of consideration.

MR. LEFROY said, that if the hon. Member for Newry had confined his remarks to the subject of the notice which he had placed on the paper, he should not have troubled the House with any observations on the subject. He had thought that the hon. Gentleman did not intend to do more than to call attention to the Endowed Schools mentioned in the Report. The Report would require the most careful consideration, and he was happy to learn from the noble Lord that it would receive the attention of the Government during the recess. The hon. Member had gone beyond that Report, and had attacked schools which did not come under the Report in any way. He could not understand why the hon. Gentleman had attacked the schools of the Church Education Society. These schools belonged to a purely voluntary Association which received no grant of public money. On the proper occasion he should be prepared to show that the management and teaching of these schools were calculated to do honour to all those who supported them. He might, had he been prepared to meet the attack of the hon. Member, have read letters to the House to show that, if time had been allowed, thousands of signatures would have been affixed to petitions in support of the principle of the schools of the Church Education Society. He did not wish to see the National system in Ireland interfered with. On the contrary, he was for giving it full play; and with that view he desired to see it liberalized. What he and the other supporters of the Church Education Society wished for was, that funds should be granted to those schools in which the Bible was read, and not merely to those schools in which the Bible was not read. He did not wish to detain the House by reference to documents, but he hoped they would permit him to read two extracts, to corroborate what he had stated. One was from a Scotch gentleman, in no way connected with Ireland, who had been appointed by a missionary society in Glasgow to visit England and Ireland, in order to ascertain what was the best system of education. That gentleman reported that the model schools in Ireland were a complete failure, and that there was no religious instruction given in them at all. Then there was the Report upon the agricultural schools lately published, from which it appeared that the offices of the great majority of these schools consisted only of a school-house and piggery. These Reports showed how gross were the defects in the management of the National system in Ireland. He also would refer to an article in the *Irish Quarterly Review* on the subject of national education, in which the reviewer denied that there was such a thing as national education in Ireland—ridiculed the appearance of the National schoolmasters, and stated that almost all the schools were under the management of clergymen chiefly of the Roman Catholic Church, who had the religious teaching for the most part in their own hands. He had been obliged to state these facts; the terms of this Motion forced him to do so. He would only add that when he had heard the noble Lord the Member for London express himself in such decided terms in favour of religious education in England, he regretted that the noble Lord did not apply the same principles to Ireland. He regretted that the noble Lord set up a distinction between the two countries in the matter of religious teaching. The day, he trusted, would come when the noble Lord would change

his opinions. He (Mr. Lefroy) believed that both the present Government and that of the noble Lord the Member for Tiverton were in advance of the House on this subject, but felt reluctant to appeal to Parliament. He hoped, however, that the Government would adhere to their principles, and he trusted it would not be long before this House would cheer on a Minister who manfully avowed his conviction that the Bible was the best and soundest food for education both in England and Ireland.

Mr. DOBBS said, he thought all Ireland was indebted to the hon. Member for Newry, but that part of Ireland which was most indebted to the hon. Member was the North; because hitherto education in the North of Ireland had been at a great disadvantage, and he was glad to find from the speech of the noble Lord the Chief Secretary, that he was fully aware of that fact, and that he intended to place the North of Ireland on a level, with respect to education, with the rest of the kingdom. The upper classes in Ireland had the universities, and the lower classes—the lowest of all—had, from the operation of the Church Society's schools, and the National Society's schools, ample means of education; but for the intermediate class, between these two, there was little or no provision. Now, it happened that in Ulster there was a larger manufacturing population than in any other province, the district was more flourishing, and from that cause there was a larger intermediate class of the population than in any other part of Ireland, and the want of the means of education was there felt the most. Former systems of education had proved insufficient to educate that class, but the Government had now promised to devote their attention to the subject, and the consequence, he hoped, would be that those persons would have the same benefits of education as were enjoyed by other classes.

Mr. HASSARD said, he took exception to a statement of the hon. Member (Mr. Kirk) that the middle schools of Ireland were all destroyed, with the exception of Belfast, as he could instance the case of the school in Waterford, which town he represented and where he himself was educated, as a proof to the contrary. That school was not only most efficient, but boys of different denominations were educated there in perfect harmony.

Mr. KIRK, in reply, said he did not mean to disparage the school of Waterford. After the promise, slight as he felt it to be, made by the noble Lord the Chief Secretary for Ireland, he thought he should best consult the convenience of the House by withdrawing his Motion.

Motion by leave *withdrawn*.

ORANGE LODGES (IRELAND)—APPOINTMENT OF MR. CECIL MOORE.

RESOLUTION.

Mr. J. D. FITZGERALD said, that in rising to call the attention of the House to the appointment of Mr. Cecil Moore, the Grand Secretary of the Tyrone Orange Lodge, to the office of Crown prosecutor of Tyrone, and to move an Address thereon, he regretted that the late hour of the night (ten o'clock) would oblige him to shorten his observations and to omit many facts which he had intended to bring under the notice of the House. His Motion, which in his opinion was one of great practical importance, both as regarded this and the sister country, related to the Orange Confederacy, a subject which it would be remembered occupied public attention very much in the years 1835 and 1836. A Select Committee was appointed in 1836 at the instance of Mr. Finn, the Member for Kilkenny, and it ended in disclosing to the House and the public that a state of things existed highly dangerous to the welfare of the community, and of such a character as to create most just and well-founded alarm. The labours of the Committee disclosed that there existed an armed confederation bound, not by oaths, but by secret tests, having in Ireland, at a low computation, 225,000, in England 145,000, and in Scotland an unascertained number of Members—in fact, embracing the colonies and every part of the earth where an English regiment set foot, all acting under the absolute will and direction of one man—the Grand Master of the Orange Association. The object was one of a strong political character, undertaking to control the Legislature and the Executive, and cloaked under the hypocritical pretence of religion. It was further disclosed that from the birth of the Association, in 1796, to what he must now call its pretended death, in 1836, its course was marked by anarchy, systematic disregard of law, and too often by bloodshed—that it polluted the source of justice, intruded itself upon the bench, and, worst of all, ranged the inhabitants of the country, and especially of Ireland, in two hostile bands detesting each other, and rendering union

and amalgamation impossible. One of its most dangerous characteristics was that it embraced men of high and honourable feeling, while among the body there existed sinister and revolutionary designs, which might be carried out, and at the contemplation of which one almost shuddered. Such being the general character of the confederation, as disclosed by Mr. Finn's Committee in 1836, the subject was brought pointedly under the notice of the House by the late Mr. Hume; but Mr. Hume's Resolution was not put to the vote, because the noble Lord the Member for the City of London moved a more moderate Amendment. It had been said more than once that the position of the Orange faction at the present day was different to what it was at that time. The alleged distinction between the state of affairs then and now was that under the new constitution the members were not bound by secret oaths, and the Association was not illegal. The speech of the noble Lord, however, in 1836, which for moderation was quite worthy of his character, threw over altogether the disputed legality or illegality of the Association. The noble Lord said:—

"I wish to consider the Society simply as one affecting the peace and well-being of the country, the due authority of Government, and the proper administration of the law. The moment you create such societies and organize them into districts and lodges, and so forth, you make a distinction between them and the other parts of the King's subjects, who immediately form into similar societies under some other denomination, and thus you institute a perpetual and ever-recurring source of quarrelling, discontent, and insubordination."

The noble Lord, having pointed out the great evils of divided allegiance, proceeded:—

"It is another evil of these societies—and I am speaking now of their natural constitution—it is another evil that, being thus supported by their leaders, and imbued with party feeling, they hold to that party feeling in spite of the supremacy of the law. Thus a State comes to be divided into parties suspiciously fearful of each other; and when a case is brought into a court of law, instead of its being decided on the principles of justice, those united in these societies think the prosecution is directed against them, and in this way hostile party feelings are generated, which are most injurious to the pure and quiet course of justice."

The noble Lord called attention to a letter of Lord Dunsany as to the appointment of a magistrate, and the reply of Lord Morpeth, in which Lord Morpeth said:—

"His Excellency must, therefore, repeat that, unless Mr. Smith either denies his connection with it, or signifies his intention of withdrawing from it, he must decline to nominate him a deputy lieutenant for the county of Meath."

He proposed to show that if the organized Orange confederation of 1836 was open to objection, so was that of 1858. Sir Robert Peel took part in the debate, and his language was worthy of attention. Sir Robert Peel did not oppose the Resolution of the noble Lord, but merely suggested that the words "Orange lodge" should be left out of it. Sir Robert Peel said:—

"The question, after all, was not as to the precise legality of that association. It was possible that such associations might be in strict conformity to the law, and yet that all the evils to which the hon. Member had adverted might be lasting. These evils would not be cured by making them conformable to law, because the real danger was not a breach of the law, but the encouragement and dissemination of angry feelings and the remembrance of feuds which ought to be buried in oblivion. To those who wished well to the tranquillity of Ireland he would say, they ought not to set the example of maintaining these dangerous associations."

The object of the present Motion was not the suppression of the association by force, but that Her Majesty's Government should not give encouragement to what Sir R. Peel designated as "dangerous associations." The noble Lord's Amendment was carried without a division, and was in these terms:—

"That an humble Address be presented to his Majesty, praying that his Majesty will be graciously pleased to take such measures as His Majesty may deem advisable for the effectual discouragement of Orange lodges, and generally of all political societies, excluding persons of different religions, and using secret signs and symbols, and acting by means of associated branches."

The Address was answered graciously from the Throne in accordance with those terms, and he proposed to show that the present Orange Society possessed all the characteristics mentioned, which called down the condemnation of the House in 1836, and that the House now ought to be prepared to pass a Resolution in similar terms. The effect of the Resolution was that the Duke of Cumberland, the Grand Master, authorized Mr. Maxwell to make this statement to the House in February 1836:—

"I am directed by his Royal Highness the Duke of Cumberland to state that, in consequence of his Majesty's wish expressed in answer to the address of the House of Commons, his Royal Highness has taken steps, in concert with all the leading Members of the Orange Society now in London, to recommend to them the dissolution of that society. And I am further directed by his Royal Highness to state that it is his intention immediately to take steps for the dissolution of

the Orange Society of Great Britain and the Colonies."

The public believed that it was intended to carry out that pledge, but whatever might have been the intention of noblemen and gentlemen of high honour, the pledge was not, in substance, carried out by the members of the association. The dissolution was merely formal, and he held in his hand an Orange warrant, not a copy but the original warrant, of as late a date as May 19, 1837, from Boyne Lodge, 485, in the district of Down, signed by the master, the deputy-master, and the secretary, and issued under the seal of the lodge. It appeared to have been issued just fifteen months after the pledge given by the Duke of Cumberland, and after the time when the public supposed that steps had been taken to dissolve once and for ever the confederation condemned by that House as dangerous to the welfare of the kingdom. Before he concluded he would make it appear that, on this as on other occasions, the dissolution of this confederation was nominal and not real, for it was afterwards re-organized, was composed of the same members, and partook of the same character. He had before him a remarkable document; it was the original book of the Grand Orange Lodge of the county of Donegal, with the list of members and entries, commencing in 1813 and coming down to 1823. It contained a communication from the Grand Lodge of Ireland, dated 28th July, 1823, stating that at a meeting in Dublin it was resolved that, in consequence of the then Act of Parliament preventing the administration of unlawful oaths having virtually suppressed the Orange Institution, that institution was dissolved, and that all warrants issued by the Grand Lodge were cancelled and annulled. Nevertheless, on the 4th of August 1823, only a week afterwards, it was resolved at a numerous and respectable meeting of Protestant gentlemen—Colonel Blacker in the chair—that it was advisable to establish in a manner strictly conformable with the law a Loyal Orange Institution. The re-organization consisted in striking out the rules which required the taking of oaths; and that was the same society which was condemned in 1836. In 1835 there were two Committees to investigate Orangeism both in this country and in Ireland. The Committee for Ireland did not report, but laid the evidence they had received before the House. The Committee for England made a most valuable Report. Of that Report he would refer to only one passage, to which he invited the attention of hon. Members, as it was not lengthy, and its details were of a most alarming character, and if they found the same confederation disturbing the Colonies at the present moment, particularly that of Canada, they would feel the importance of the inquiry. The Committee of 1835 reported that the obvious tendency and effect of the Orange Institution was to keep up an exclusive association in civil and military society, exciting one portion of the people against the other; to increase the rancour and animosity unhappily too often existing between persons of different religious persuasions; to make Protestants enemies of the Catholics, and Catholics enemies of the Protestants; to excite, by processions on particular days, to breaches of the peace; to interrupt the course of justice, and to interfere with the discipline of the army. It was on the basis of that Report that the House proceeded and concurred in the Resolution of the noble Lord. One valuable result arising from that Report they could not be deprived of, and that was the passing, in 1836, of the Constabulary Act, in which provision was made that the members of that force should take an oath to the effect that they did not and would not belong, while holding their office, to any political or secret society. That provision applied as well to the stipendiary magistrate as to the constable. He could scarcely bring forward more important evidence as to the opinion of the House that the profession of Orangeism was incompatible with the proper administration of criminal justice, and therefore he sought to apply it even to more important cases. Matters then went on, the organization of the society continuing, processions taking place, and confusion, crime, and bloodshed following on them. However, they would not have had legal evidence of the existence of the society, for its proceedings were essentially secret in character, had not Lord Enniskillen supplied it. Last year very serious riots took place at Belfast, which were a disgrace to the town and the country, and the Government sent down a Commission of Inquiry into the cause of the evil. Lord Enniskillen volunteered to appear before the Commissioners, and in spite of their protest, forced them to inquire into the Orange lodges, and insisted on laying before them the books containing the rules of the society, and a

record showing from year to year what were the objects of the institution. The noble Lord's allegation was, that they were acting under the opinion of an able lawyer, who stated that their proceedings were within the law, and that upon that opinion the society was reorganized. The noble Lord added that he did not seek to conceal the rules, and he accordingly produced them. He (Mr. FitzGerald) had in his hand the rules of 1845, when the society was professed to be reorganized; also the rules of 1824, after the Act against illegal oaths, and the rules of 1836. The authenticity of his copies would not be disputed, for on the title-page was the name of "James Verner, G. S.," and he was told it was in the handwriting of a respectable individual, who was Grand Secretary of the Orange Institution. He had compared the different rules together, and he defied any one to point out in what elements the rules of 1824, 1836, and 1845 differed. He would call attention to the rules laid before the Belfast Commission. A case was submitted to the present Lord Chancellor of Ireland, and, after giving his opinion on the law, the present Lord Chancellor of Ireland concluded with this caution:—The noble and learned Lord stated that he wished it to be understood that he did not mean to express or even insinuate an opinion as to the propriety or prudence of the course on the legality of which he was requested to advise; that popular confederacies were very perilous, because they generally became unmanageable, but that experience showed that under a free constitution circumstances might exist requiring such united vigour as they called into action. He (Mr. FitzGerald) would go further than that cautious expression of opinion, and would say that a society based on religious distinctions, acting by affiliated branches, and having secrecy as its foundation, was not only perilous, but, in bad hands, was apt to be diverted day by day to illegal and prejudicial courses. At page 271 of the rules of this Orange Society, he found them arrogating to themselves that they had been founded in support of the glorious and immortal memory of King William III., whilst in every one of their proceedings they violated the characteristics of William III. He believed that if that monarch had followed the dictates of his own mind he would have been in favour of universal toleration. He believed that this country owed to King William the free institutions which it now enjoyed, and he hoped the time might come when they would all join in celebrating his memory. He (Mr. FitzGerald) had examined the records of the Orange Lodges, and he found that the members of those institutions had uniformly opposed the progress of rational liberty and reform. In fact, the political organization of the Orange confederation had been used to defeat every measure of progress. Yet the men who composed this confederation professed to maintain the principles for which King William III. contended. He found the same hypocritical pretence in the rules of 1824 and of 1836. He thought he was justified in saying that there was a hypocritical pretence when the professed object of the institution was the maintenance of the public peace, and the result of its proceedings was the disturbance of the public peace. He conceived that there was a hypocritical pretence when, in opposition to the statements made on behalf of the association, persons who entertained different political views were insulted on account of the opinions which they held. ["Oh, oh!"] Well, if hon. Gentlemen doubted his statement he would read them some passages from the last song book of the Orange Society. [*Cries of* "Sing!" *and laughter.*] The rules of the Orange Societies provided that no person who had been a Roman Catholic should be admitted into an Orange Lodge, except after producing testimonials to character by the unanimous vote of the Grand Lodge of Ireland. Certain forms of prayer were prescribed to be used at the opening of the lodges, expressing humble and hearty thanks to the Almighty for the manifestation of His favour to this Protestant nation at divers times of great peril, and for that Providence which had so often interfered to defeat Popish plots and machinations. Hon. Gentlemen opposite must not suppose that he objected to their entertaining these opinions. He did not war against individuals, but he did object to confederations which were formed to carry out such extreme views as those to which he was calling attention. He was reminded, by the conduct of the supporters of these institutions, of the Resolutions adopted by the early Puritan settlers in Massachusets. They adopted these Resolutions:—first, "The earth is the Lord's, and the fulness thereof;" secondly, "The Lord has given the earth as an inheritance to his saints;" and, thirdly, "We are the saints." It would appear that the members of the

Orange Societies, also, had come to the conclusion that they were the saints, and that the earth had been delivered to them as their inheritance. One of the regulations of the Orange Societies prohibited a member from revealing any of the counsels of his brother Orangemen in lodge assembled, unless to a brother Orangeman, well knowing him to be such, or until he should be permitted to do so by proper authority. The body was, therefore, a Secret Society, and he could bring forward instances of members of this organized body having been ignominiously expelled for disclosing its secrets. There was, however, a higher order of members in the society, who were forbidden to disclose the secrets of the body even to Orangemen. What those secrets were he did not pretend to know, but it would be absurd to suppose that there were no secrets when such rigid provision was made for their keeping. He found, among other cases, that one member was expelled for theft, and several others for marrying Papists. Indeed, it appeared that Orangemen had a fancy for Papist wives, as he could mention from forty to fifty instances of expulsion on that ground. Several persons were also expelled for divulging the secrets of the institution. Since the Address of 1836 there had been a regulation that no man who was in the army or militia should be a member of a political organization, and he now sought to extend this rule to another class of Her Majesty's subjects. He had now described the character and rules of the society in 1836, and he defied hon. Members to show any substantial difference between the reorganized society and the institution as it existed in that year. He therefore called upon the House, by an expression of its opinion, to put a stop to the course of this society, because much as Orangemen loved it they loved place more. ["Oh, oh!"] Hon. Gentlemen might cry "oh, oh!" but the Grand Secretary himself said that his duties were so onerous that he could not attend to the numerous applications which were made to him to obtain places under the Government for Orangemen. What was the result of the reorganization of this society? Having had his attention called to this subject, at the close of last year, he moved for and obtained from the constabulary reports which showed that in a period of six years no less than 433 cases of offences had arisen from Orange processions. Of these 130 occurred in the county of Down, where the institution particularly flourished, and whose boast it was that in 1835 it was enabled to assemble at Hillsborough upwards of 75,000 Orangemen at one time; and whilst there were nine in the province of Leinster, none in the province of Connaught, and only one in Munster, all the rest occurred in the province of Ulster. During the last half year that he was in office he directed proceedings at the assizes for offences arising out of processions in Down, in one case in which death ensued, and in thirty-two cases of rioting. In Antrim there were several cases of riot and two of manslaughter. He had also obtained from Mr. Maxwell, the Crown Solicitor of the north-eastern circuit, a return, showing that, since 1850, fifty-five cases of a serious character had been tried at those assizes—the greater portion of these cases being tried at Quarter Sessions. ["No, no!"] From three years' experience he could assert that such was the fact. Such had been the character of this institution since 1845, and what was it before that date? He would take no doubtful evidence, nor would he cite the opinion of a single Roman Catholic, but he quoted the statements made by Lord Caledon and Lord Gosford, who said that the effect of the operations of this institution was the reverse of preserving the public peace, that magistrates and jurors sometimes neglected their duties in consequence of its influence, and, in the words of Judge Fletcher, adopted by the latter noble Lord, that the fountains of justice were polluted by it, and magistrates had in some instances violated their duty and their oaths. It further appeared that the funds of the society were systematically applied to the defence of Orangemen who had committed breaches of the law. That was a serious charge; but he was prepared to prove it. In the returns from the institution in 1836 ["Oh, oh!"]—Would hon. Members produce the accounts since that period? He could not get at them, and it was for those who supported this organization to show that it was not the same in 1858 as it was in 1836. In the accounts of the latter year he found an entry, "Defence of the brethren in Cavan, £100 2*s.* 9*d.*" In another case the sum of £10 was paid for the defence of a person named Macbeth, who was charged with murdering a man with an oyster knife. A further sum was given from the funds of the county lodge for the defence of a man in Newry, and after he was convicted about £300 was collected in his behalf. The same thing

took place in England. On one occasion the Mayor of Liverpool had the boldness to interfere with an Orange procession. A law suit was instituted, and the Grand Lodge of England gave £200 towards defraying the expenses of the proceedings, in the course of which it was clearly proved that the parties had been guilty of an infraction of the law. The evil extended even to Scotland, where, upon an Orangeman being charged with the murder of a policeman, the Grand Lodge of England subscribed £63 for their brother in misfortune. A Dissenting minister, named Bridges, was asked to give a character to an Orangeman charged with murder. He refused to do so, and the consequence was that his chapel was attacked and he was ultimately obliged to leave the place. The Orangeman was hanged, but poor Mr. Bridges had to suffer likewise. [The CHANCELLOR of the EXCHEQUER: What is the date?] The case happened in 1827 [*Laughter.*] He saw nothing in the facts which he had stated to justify the loud laughter of the right hon. Gentleman who had assumed the leadership of that House. Did it alter the character of the Orange Society that the case of Mr. Bridges happened in 1827? Was it becoming the Chancellor of the Exchequer to laugh at the statement that a gross outrage was committed in 1827?—an outrage arising from the principles of the Orange confederation. Take another case. In 1835 a magistrate named Hancock ventured to commit twelve individuals for taking part in an illegal procession, and the result was that his house was attacked and he himself burnt in effigy by the Orangemen of the district. Such were the incidents which he found in the Report of 1836 with reference to the working of the Orange Association as far as it affected the administration of criminal justice, and they knew from the evidence of Lord Enniskillen that the organization and principles of the institution were the same now as they were in 1836. But the evil was not confined to England and Ireland. In 1836, the Duke of Cumberland gave what was called an itinerant warrant to a person of the name of Ogle Gowan, who proceeded with that authority to Canada in order to organize the Orange Society there. Gowan succeeded in effecting such organization in Canada—the Society had continued there from that time up to the present, and had got a hold upon the Legislature as well as the country of Canada. In 1856, the organized body in Ireland presented an address to their brethren in Canada congratulating them upon the progress they had made. He had before him a Canadian paper giving a curious account of an occurrence that took place in Kingston, Upper Canada. It appeared that in the House of Representatives a gentleman applied for the passing of an Act prohibiting Orangemen from serving upon juries and from being appointed magistrates, observing that if the application was refused the party with which he was connected would be compelled to take certain steps for their defence. The Speaker of that House considered that the language of the gentleman was not proper; but the Attorney General declared that the language might be excused. A petition was also prepared containing the same sentiments, but it was not received from want of form. The bad character of Ogle Gowan was brought to the notice of the Duke of Cumberland; nevertheless that man was allowed to proceed on his mission, to array Catholic against Protestant, and to pollute the very sources of justice. Finding, then, that an important appointment had recently been made in Ireland of a distinguished member of the Orange Society, he felt it his duty to bring the matter under the notice of the House. He received a verbal communication yesterday that this Gentleman was not now a member of an Orange institution, but he found recorded in the return on Lord Enniskillen's Motion of 1854 the name of Mr. Cecil Moore with the initials A. D. G. S., which was to be read assistant deputy grand secretary. He found the name of Mr. J. H. Moore also in this return as deputy grand secretary. He understood that this gentleman was the brother of Mr. Cecil Moore. In 1855 Mr. Cecil Moore was advanced to the post of deputy grand secretary, while his brother in the same year was elected grand treasurer of the lodge. In 1857 Mr. Cecil Moore was elected grand secretary for the county of Tyrone. He did not intend to urge one word against Mr. Moore in his private capacity. ["Oh, oh!"] His observations were only intended to apply to him as a member of this confederation. Mr. Moore's office was that of Sessional Crown Prosecutor of the county of Tyrone. The salary was not more than £150 or £870 a year, but the duties were very important. Mr. Moore had charge of all prosecutions for the

Crown. Those sessions were not attended by counsel, and the criminal jurisdiction of the Courts of Quarter Sessions in Ireland was much larger than the sessions of this country. The business under his control embraced all criminal cases except such as were capital. He had control of the prosecution; he addressed the jury; and he had the power to set aside such jurors as the Attorney General could set aside were he present in person. He was in fact the representative of the Attorney General in the Court of Quarter Sessions. He would assume that Mr. Moore's pledge to this institution would not lead him to depart from his duty to the Crown; but if there were a prosecution against Orangemen, might it not excite a well-founded suspicion when the administration of the law was in the hands of a brother Orangeman? He understood the right hon. Gentleman the Attorney General for Ireland to intimate on a former occasion, when this subject was mentioned, that he was not responsible for this appointment, that it had been made on the recommendation of the Members for the county, and that the Attorney General did not know that Mr. Moore was an Orangeman. He supposed that the appointment had been made on the nomination of the noble Lord (Lord Claud Hamilton), who was one of the Members of the county. Now, the noble Lord was in 1835, under circumstances of great peculiarity, decorated with emblems and publicly chaired through a town in the county of Tyrone. He received a remonstrance yesterday, stating it was true Mr. Moore had been a member of the Orange confederation, but that a document had been sent to the Attorney General which had been signed by a Catholic bishop and by several Catholic priests, in favour of Mr. Moore, because he was such a good man, and alleging that he had ceased to be a member of the Orange confederation. Now, if every Catholic bishop and priest in Ireland had signed this recommendation on the allegation that Mr. Moore had ceased to be a member of the confederation, it would not alter his position that, having regard to the character of this body, it was the bounden duty of the Government to discourage it, and not to appoint a person to a legal office who continued to be a member of such a body. He was told that it might be stated that while he filled the office of Attorney General for Ireland he appointed as sessional prosecutor a gentleman who was one of the leading rebels of 1848. He supposed that something of that kind would be charged; but he should not advert to it at present further than to say that should such statement be made it would have his entire denial. The allegation was untrue, and he would, if occasion required, prove its utter untruth. He knew that his Motion would create many enemies for him in the sister country, but he cared not for that. He felt that he was discharging a duty, and from that duty he would not shrink. He found it stated in the organ of the Orange lodges, the *Downshire Protestant*, that five Members of the Earl of Derby's Government had been returned by the Orangemen of Ireland, and that if the Government did not oppose his (Mr. Fitz-Gerald's) Motion, no Member of that Government would be returned by the Orangemen in future. He, however, begged to call the attention of the Government to the report to which he had so frequently referred in the course of his address, which report showed that his Motion was well founded.

Motion made, and Question proposed—

"That in the opinion of this House the appointment to offices connected with the administration of the Criminal Law of members of the Orange Confederation, or of any other political confederation founded on principles of religious exclusion, inculcating secrecy on its members, and acting by means of delegates or representatives, and of affiliated branches, tends to create well-founded jealousy and suspicion highly detrimental to the ends of justice, and ought to be discouraged."

MR. WHITESIDE said, he shared the regret expressed by the right hon. and learned Gentleman that he should have been forced, no doubt by an overwhelming sense of duty, to introduce the important question which he had submitted to the House at such a moment for its consideration. Great questions awaited their decision. Several useful measures were lying on the table. The right hon. and learned Gentleman possessed abilities and knowledge, and, as the House had seen, considerable industry; but he had exhausted their time and wasted his talents, not in endeavouring to compose differences; not in endeavouring to insure peace and tranquillity to his country, but in reviving forgotten calumnies and raking up disagreeable topics for their debates. And by what arguments and facts did he do this? By stringing together shreds and passages from old newspapers, by exploded reports, and by little bits culled out from

one document and another, connected by no chain of argument and sustained by no force of reasoning, though he was free to admit the right hon. and learned Gentleman's eloquence was spicy and sarcastic. What was the complaint of the right hon. and learned Gentleman? Did any man in that House clearly understand him? What had happened? What had the Government of the country done which required that the attention of the House of Commons should be called to it by a speech such as that which they had just heard? What were the right hon. gentleman's facts? Why, that an honest, respectable, competent man, had in his native country been appointed to a small place worth £140 a year, for the performance of the duties attached to which the right hon. and learned Gentleman was compelled to admit he was pre-eminently qualified. He did not deny that it was the right of any hon. Member of Parliament to lay his finger on an abuse of patronage and denounce it. He had seen men in office that deserved to be hanged. He had seen criminals promoted. He had seen men on the Treasury bench who were dishonouring their country, who would have corrupted the virtue of any assembly, would have destroyed public morality, and sold the liberties of their native land. He could understand a man complaining of such persons being elevated to place and power; but to search out, in the ordinary and daily distribution of the patronage of the Government, for the case of a gentleman who had got a small place in Ireland, and to object to him on public principles, to impeach his appointment, not because he was an immoral, profligate, or ignorant and incompetent man, but because he was a member of an Orange confederation, was to trifle with the judgment of the House. Well there was always something to be learnt from a debate of this kind. Therefore let them look closely at the speech they had heard from the right hon. and learned Gentleman, and see if it was possible to glean from it anything that was practical or useful. The right hon. and learned Gentleman began with events that happened before some of the Members of the House were born, and dwelt long on the history of the Orange Confederation. He began at the beginning. Macaulay had written the history of that association, and described the services it rendered in other days, and it was not necessary to be always bringing forward historic events in that House, or to be reviving recollections that all good men should strive to forget. The right hon. and learned Gentleman made an attack on the Orange Association, and spoke as if the Government of the country had taken that Orange Association under its protection, and had, by some unequivocal act, declared to England, Ireland, and Scotland, that the Government was to be conducted on the principles he had described. What were his proofs? He said that in 1836 there was the report of a Committee of inquiry—and so there was—and he referred to the speech of the noble Lord the Member for the City of London—a moderate, sensible, and skilful speech, meant to induce those whom he addressed to use their influence in dissolving a society which was then considered by many good and wise men to have outlived the purposes for which it was originally intended. On that occasion many hon. Gentlemen spoke temperately and moderately, and among them Mr. O'Connell, who expressed a hope that from that day party quarrels would cease in Ireland. The Resolution which the noble Lord (Lord J. Russell) moved on that occasion, though he refused to omit from it the words "Orange Confederation," was levelled at all secret associations bound together by tests, by oaths, and by secret compact, and the noble Lord truly said, what no man could deny, that the very existence of such associations proved that there was something wrong in the body politic. He subscribed to that doctrine. Those who framed the happy constitution under which we lived made no provision for Corn Law Leagues, Repeal Associations, or Orange Confederations. But he must be a narrow-minded and prejudiced observer of history, who, when he had to form an opinion upon the association to which he had adverted, did not inquire into the country and the history of the times in which such an association had existed, and endeavour to ascertain why it existed, and what called it into existence. He might then determine, perhaps, that the facts had warranted the union of men in such a combination, although changed circumstances might no longer require its existence. That was the course taken in 1836. When the King, whose word, by their fundamental rule, was law to them, required them to dissolve, these loyal men did dissolve. Of all the charges that were ever brought against them, hypocrisy was never brought against them before; and he believed that

the right hon. and learned Gentleman would find that he would not get a single convert to the opinion that he had uttered that night, that, whatever they were, they were hypocrites. Why, there were sitting upon the benches on that (the Ministerial) side of the House many Gentlemen, honourable men, whose relatives and friends met together to dissolve that association. And it was to all intents and purposes at an end. Their books were scattered. He knew not how that book to which the right hon. and learned Gentleman referred came into his possession. The right hon. and learned Gentleman seemed to have studied it very carefully, but the impression which his reference to it made upon his (Mr. Whiteside's) mind was, that while the right hon. and learned Gentleman was Her Majesty's Attorney General it never once flashed across his mind to call the attention of the House to it. If, as sensible men, they were asked to give an opinion upon this question which the right hon. and learned Gentleman had raised, and all the facts relating to which he had stated accurately and faithfully—he would not add in a party spirit, because that was obvious to all—must they not say that he had not given them the least hint as to the cause of the reorganization? the necessity of which no one regretted more sincerely than himself. He had this advantage over the right hon. and learned Gentleman, that in every single political trial that had occurred in Ireland for many years he had borne a part, sometimes in defending those who did not agree with him in sentiment or opinion; and he thought he understood the political history of his country. The Orange Society came to an end when Mr. O'Connell prophesied the halcyon times of peace and prosperity that were before them. All agitation was to subside. For ever thenceforward were the people of Ireland and England to be united by adamantine links of love and affection. The Protestants said, "Agreed; we believe you; act upon your convictions." What was the history of Ireland for the eight or nine years following? Let them search their Parliamentary history. Why, this association, described or misdescribed by the right hon. and learned Gentleman—he cared not which—did not exist, as any man who spoke the truth must admit. How many Motions were made by Sir Robert Peel and by eminent men in that House for Acts of Parliament levelled against secret societies, aimed against agitation, directed against Ribandism? The statute-book and the Parliamentary debates would tell what was the state of Ireland during these eight or nine years. There had been handed to him within the last few days an account of the state of the country after the eight years' peace prophesied by O'Connell. In the autumn of the year preceding the organization of the Orange Society, ten counties of Ireland were in a state of anarchy. There were 136 homicides, 138 houses burnt, 483 houses attacked, 544 cases of aggravated assault, 551 robberies of arms, 89 cases of bands appearing in arms, more than 200 cases of administering unlawful oaths, 1,944 cases of sending threatening letters, while the general crime of Ireland had doubled in amount and enormity that of the preceding year. That was the state of the country during those eight years as to positive crime. Now came the political history. He himself could not say what it was influenced the conduct of O'Connell in this country, but he could give a candid opinion of what he believed might have been the motives that operated upon O'Connell's mind. He would not charge that extraordinary man, now in his grave, with hypocrisy. He would not charge him with dissimulation. He would not charge him with having, in the hope of gaining money from his countrymen, adopted a course of policy which he disbelieved, or with having proceeded in a career of agitation which he knew to be false, which he intended to be a mockery, and which would never, under his guidance, accomplish the wishes of those joined in it. He declined to believe that shocking calumny upon his memory. He believed that O'Connell meant to band together masses of his countrymen to wrest Ireland from British power. He believed that O'Connell thought the Government of Ireland was based upon a wrong principle. He believed that O'Connell honestly thought that, as by agitation he had been successful on many great occasions, he could collect together great masses of the general population of Ireland, and also succeed in obtaining the support of the Orangemen and Protestants generally, and that it was possible to separate Ireland from this country, to repeal the Union, and to make England a third-rate Power. That, if anything could, would have placed a republic at our door. That, he believed, was O'Connell's policy, and it was, at least, a manly policy. How did he carry

out that policy? He (Mr. Whiteside) was not a believer in all that was stated about the great assemblages brought together by O'Connell; but he believed that he brought together on several occasions as many as 150,000 men, He believed that his agitation was the greatest the world ever saw, and he should like to interrogate those who were the Ministers of the Crown in the year 1842 as to what they did to defeat the great monster meetings in Ireland. He should like to know what they felt to be the state of things in Ireland at that time. He admitted, and he admitted with regret, that at that time some of those men who had eight years before dissolved this confederacy, did come together again, and say, "What is the object of this great agitation? What is its purpose? We believe its object and its purpose to be to separate Ireland from England, not so much upon a religious as upon a political ground. We hold a contrary opinion. We therefore unite for the purpose of maintaining the Union, for the purpose (he admitted it) of upholding the Protestant religion, the monarchy, and British power." To show the effect of O'Connell's speeches even upon the humblest men in Ireland he might mention that he recollected walking with a clergyman, now a Bishop, from his parish church at the time of O'Connell's agitation, when he narrated to him the following fact. Mr. O'Connell made a celebrated speech about shouldering the Protestants of Ulster into the sea, or something of that kind, and to show what effect that speech had upon the minds of the humbler class of Orangemen or Protestants, that right rev. Prelate pointed to a house as they passed it and said, "I called in there a few weeks ago. I found the wife shedding tears. I asked what was the matter. She said her husband would be killed. I called him, and he came down stairs with a gun in his hand. He was polishing his gun. I said to him, 'What are you going to do with that weapon?'" And what was the answer? "Why, Sir, isn't O'Connell going to take our country? We have arranged our plans and will take our stand on a rising ground outside the village." That man spoke the sentiments of his race, and of all those who felt and thought with him. They did believe at the time that O'Connell meant and intended to do the thing he said. What happened when O'Connell visited the north of Ireland? He went to Belfast and found out his error. It required an army to protect him, and he left that part of the country by sea. The right hon. and learned Gentleman said that in 1843 the Orange Society was reorganized, and that at the time of O'Connell's trial they had meetings for the purpose of passing formal resolutions. But all the resolutions were passed before. And what were they, because it was right when those things were mentioned to examine fairly into the truth? Now, he had the resolutions that were carried, and what did the House think they were, for this body of men had been described by the right hon. and learned Gentleman in a manner which he did not think the facts warranted? This was the first resolution:—

"Resolved, That the circumstances of the time render it necessary that a closer union should be formed among all classes of Her Majesty's loyal and attached subjects in this country in order to preserve inviolate the legislative union and the principles of civil and religious liberty, and especially are combination and union necessary among all those who are ready to make common cause to uphold the religion of the Reformation."

What was the second?

"Resolved, that in order that any union formed among us should be firmly established and productive of beneficial and lasting results, we are persuaded it must be formed on the precept of the Bible, 'Submit yourselves to every ordinance of man for God's sake,' and therefore, taking this precept as our guide, our union must be formed in 'strict subservience to the existing law of the land.'"

What was the third resolution?

"Resolved, that inasmuch as the existing law renders the Orange institution as originally constituted illegal, we do hereby appoint a committee for the purpose of considering under what appellation the society shall be designated, upon what legal principles a union can be formed, and for the drawing up of rules and regulations for the conduct of such society the committee are required to take the opinion of learned men upon any matter of law that may come before the committee."

Well, they submitted the rules to the present Lord Chancellor of Ireland, and to another most eminent man now deceased. The rules were settled by them, and he should like to know what learned counsel would undertake to frame an indictment upon such principles as were therein asserted. That was the short of the history of the reorganization of the Orange Society. What followed that? Why, it was true that events had taken place that he always contemplated with the deepest regret. Mr. S. O'Brien, a gentleman whom he defended against a State prosecution, was charged by the Government with attempting to revolutionize Ireland. It ap-

peared by the evidence at the trial that armed clubs were first to be formed consisting of 500 men, each man to be armed with a gun, and the attempt to overthrow the British power was not to be made until 300,000 men were enrolled. What were those gentlemen to do who had deep and enthusiastic feelings of loyalty, and what took place? It was true Lord Enniskillen was examined before the Belfast Commissioners, and the evidence given on that occasion was before the House, from which it would be seen that the witnesses declared in the most emphatic manner that from the time the Orange Confederation was re-organized its members had no test, no oath, and no secrecy. One of their rules was that their meetings should be always open to the officers of justice, especially to the police, and it was proved that the police sometimes dropped in upon them, but never found anything amiss. It was on those principles that the confederation was re-organized, and on no other. But what took place? He spoke of the time when a great outbreak was apprehended in Dublin. It was a fact that Lord Enniskillen went to the Castle and, stating his belief that there was likely to be a fighting business, proposed that the Government should give arms or money to a given number of Orangemen, who would be ready to fight, as he (Mr. Whiteside) believed they had always been. Lord Enniskillen did not see the Lord Lieutenant, but he saw his Master of the Horse, Major Turner, by whom £600 was placed at his disposal, and that was transferred to Birmingham for the purchase of arms. The Government itself, through Colonel Browne, put the arms into the hands of those men—the members of what was now called an illegal and unconstitutional society—not to use them against Her Majesty—God forbid!—but in defence of their fellow-countrymen and themselves. That was the end of the transaction; the whole thing was done before the public eye; and if the right hon. and learned Gentleman had sat down to confer with his friends as to what was the best mode of preventing the very object he said he had in view—of inflaming feelings that ought to be buried in oblivion—and of exciting stale animosities, he and they could not have more effectually attained their end than by a Motion like the present, and by imputations such as he had cast on, it might be, extreme politicians, but still honest and honourable men. The right hon. and learned Gentleman had given a description or rather a mis-description of the province of Ulster. He (Mr. Whiteside) himself came from that province, and he begged to assure the House that it was a flourishing, peaceful, and happy community. He could also distinctly state that the crime of that province for the approaching Assizes, especially in the county of Tyrone, was such as would bear a favourable comparison with that of any community similar in point of numbers in any part of the civilized world. His belief was that there was not now in that county crime sufficient to occupy the Judges more than three-quarters of a day; and Orangemen, so far from being implicated in crime, were now everywhere to be found pursuing their lawful occupations. They were to be found in their fields and at their looms. What man had they ever assassinated from behind a bush, or shot down on his way to his wife and family? Now take the case of Belfast. There was some rioting there the other day; but how did the noble Lord at the head of the Government in Ireland deal with that? That was a question the House had a right to ask. He sent down by railway 200 of the constabulary, who dropped in the midst of the rioters and captured the ringleaders, who were taken before the magistrates and promptly dealt with. An application was made to admit them to bail, but it was refused. The gaol happened to be empty, so that there was every convenience for their reception in that quarter; they were committed for three months on the spot; the rest of the community had since been as mute as mice, and he would venture to say there would be no more riots in Belfast for some time to come, if ever. That was the history of the riot of this year, but what was that of the riot of last year? The right hon. and learned Gentleman, who was then in office, and the Irish Government did not then have recourse to the simple and effective means of putting the rioters in gaol. He (Mr. Whiteside) never heard of anything more ridiculous than the way in which that riot originated. It appeared that the 12th of July, 1856, passed over with profound tranquillity. On the 12th of July, 1857, what did the Orangemen in Belfast do? Why, they went to church. And it was said in the blue book that some of the old school after they had entered the church put an Orange riband into their button-holes, and at the conclusion of the service a young Roman Catholic, who was passing, asked another youth, who was leaving the church,

what he would take for his badge. The Orange youth replied half-a-crown; a bargain was struck; the Roman Catholic transferred the emblem to his button-hole, and making his way into the town along with the congregation, cried out at the top of his voice, "To hell with the Pope!" The Roman Catholics turned out in defence of his Holiness, and so the riot began and continued for several days until it merged in what was called open-air preaching. It was a practice in that part of the country to preach in the open air. He did not say that he would himself preach in the open air—certainly not in the neighbourhood of Rundsditch, where they expounded the doctrines of the Roman Catholics. But it seemed the Methodists and the Presbyterians had been in the habit of doing that, and the Roman Catholics did not like it. He agreed that though the Roman Catholics were a small portion of the inhabitants of Belfast, still the feeling of the minority should be respected. Nevertheless it was legal to preach out of doors, and those who did not like to hear the preaching might stay away. The Roman Catholics were determined that no one should preach in the open air unless they preached their doctrines, and the Methodists and Presbyterians would not yield the point because they were living in a Protestant country. The contest continued from time to time till the strong arm of the law put an end to the riots. Still the province of Ulster was prosperous, and he was happy to say that in Ulster, inhabited, as the right hon. and learned Gentleman would wish the House to believe, by such wicked people, landed property realized five years' purchase more than it did in any other part of the country, and he could not help adding that Motions like the present were calculated to excite feelings which it would be better to keep at rest. The right hon. and learned Gentleman, however, thinking no doubt that England was too narrow a field, that Ireland was too narrow a field, for the display of his senatorial eloquence, had gone to Canada. He had said that Canada was all Orange. Well, how could he help that? And even if he could, he did not think that when a colony had shown the energy, industry, and perseverance of that country, its being Orange was any very great objection. When the right hon. and learned Member had finished his discursive oration, what was the grievance he had? Why, the recent appointment of the grand secretary of the Tyrone lodge, Mr. Cecil Moore, to the office of Sessional Crown Prosecutor for the county of Tyrone. He had ventured to say that though the gentlemen who recommended Mr. Cecil Moore at first might be competent to give an opinion as to a man's moral character, they were not competent to speak as to his professional character, and therefore that he must have competent opinions on that point. Accordingly he had asked the assistant barrister his opinion of Mr. Cecil Moore, and he replied that in the court of which he was Judge, Mr. Cecil Moore had practised as an attorney, and that he considered him very competent, and of a highly respectable character. He made other inquiries, and found that Mr. Cecil Moore had been subsheriff of three counties, and had practised in many elections and given satisfaction, even to his opponents. Moreover, when the last Sessional Prosecutor in that district, Mr. Holmes, was obliged from illness to appoint a deputy, whom did he appoint? Why, the most able, the most experienced, and the most competent man he could find—and who was that? Why, Mr. Cecil Moore. That was during the time of the late Government. The right hon. and learned Gentleman had rightly surmised that he had got some document with reference to this gentleman. He had it in his hand. It was signed by a great many gentlemen, and, strange to say, by several most respectable Roman Catholic priests, who disowned the present Motion. And here he had to remark, that there had been manifested lately in Ireland—more particularly since the present Government came into power—a remarkable anxiety on the part of the priesthood to terminate all disputes and agitation—a wise wish on their part, and one which he could undertake to say would be fully reciprocated by the Government. This document was signed by 13 deputy lieutenants, 40 magistrates, 7 Presbyterian clergymen, 2 Methodists, and 4 priests, and it expressed their opinion that it would be difficult to select a gentleman better fitted for the position of Sessional Crown Prosecutor than was Mr. Cecil Moore, and that it would be impossible to make an appointment which would be less likely to create jealousy among any portion of Her Majesty's subjects. And yet the right hon. Gentleman had censured him for venturing to appoint a Protestant to a moderate office in his own county, to an office for which, by the testimony of all, he was most singularly qualified. Even the disappointed candidates for the situa-

tion had come forward to bear testimony that a more respectable, honest, competent man than Mr. Moore it would be impossible to find. The right hon. Gentleman said that Mr. Moore might be a respectable man, but that he had held office in the Loyal Orange Association. Now, he was not at all aware that Mr. Moore was an Orangeman at the time he appointed him. Neither was he aware that that gentleman filled a high office in that body. What was the fact? Not from place-seeking—for gentlemen belonging to that body had been for years excluded from all offices, a matter hardly to be regretted, as it tended to make them more independent—but from other reasons, Mr. Cecil Moore had ceased to hold any office in that body. Therefore the Resolution affirmed what was not true. For a year and a half he had ceased even to attend the social meetings of that body. For some months Mr. Cecil Moore had withdrawn from all political affairs, having lost a dear relative at the siege of Delhi. He (Mr. Whiteside) was now called upon to inquire at what time that gentleman had uttered sentiments or done acts which disentitled him to hold office in his native country. Had the right hon. and learned Gentleman opposite ever heard of Oliver Cromwell, who, when a man, a lawyer, upon being invited to take office, told him he could not conscientiously take the oaths to his Highness, replied that it was not oaths but services that were required? So he (Mr. Whiteside) said that it would be illiberal, mistaken, and unjust in any Government to reject the services of any man, whether Radical, Repealer, or Conservative, provided he possessed abilities for the office to which he aspired. Upon the principle propounded by the right hon. and learned Gentleman opposite, the services of the Lawrences, of Nicholson, and other great men might be repudiated. He never himself asked what were the politics of any man he appointed to any office. He believed out of twenty attorneys in that particular part of Ireland to which their attention was now directed, nineteen were Protestants; and was it unnatural that one gentleman of the latter religion should be appointed? Of late years many gentlemen who were Repealers and something more had been appointed to various offices, but he had never complained. In his own county, the Crown Solicitor was a Roman Catholic, and he had no fault to find with him. In the next county, Londonderry, a relative of the right hon. and learned Gentleman had been appointed Crown Solicitor, and a more respectable, practical, faithful man could not have been selected for the office. He had made but one Protestant appointment, and for that he was to be impeached. He found that out of thirty-four officers of the particular description to which reference was made, twenty-two or twenty-four were filled by gentlemen of the Roman Catholic religion. The right hon. and learned Gentleman had referred to an instance of another appointment which he (Mr. Whiteside) had been surprised to hear alluded to, as that very gentleman, now filling the office of Sessional Crown Prosecutor, was at the period of some lamentable agitation stopped by the police with a pike in his possession, and was compelled to surrender himself. It was the fact; but he should not mention names, as it would not be fair to do so, for if all young Irelanders returned to their native country and there pursued their legitimate avocations, and in so doing attained to positions of importance and profit, he should never think of reminding them of their connection with a ridiculous and abortive agitation. He regarded the Motion now made as a revival of the very worst kind of persecution. It was an impeachment founded upon nothing, which was condemned by the Protestant and repudiated by the Catholic. He wished to add one more fact, which was that the gentleman in question, after what had passed, had felt it to be his duty to forward to him the resignation of the office which he had held. He (Mr. Whiteside) however would not be guilty of the meanness of expelling a gentleman from an office for which he was perfectly competent, solely on the ground of his having once belonged to that association, and he put it to the generosity and the sense of justice of the House whether he merited impeachment for having abstained from doing so? He believed if this matter had been left untouched the operation of the great events that had occurred in Ireland of late years would have gone on, and it was not impossible that the Orange Association might, perhaps, have been dissolved. In many counties he was informed that there had been no meetings for three or four years. Was it politic—was it conciliatory or just upon such a pretence, to bring forward such a Motion. He believed now there was a chance of seeing the people of Ireland living together in peace and harmony,

and as a patriot and a Christian he desired to see that state of things, to see his countrymen united and happy, contented and free, casting from them the rags of their ancient vices, and pressing onward with the noble ambition of becoming a wise, peaceful, and wealthy nation.

MR. J. D. FITZGERALD said, he rose to make a personal statement. The right hon. and learned Gentleman had said, that when Mr. Holmes, the Sessional Prosecutor, was ill, Mr. Cecil Moore acted as his deputy with his (Mr. FitzGerald's) sanction. That was his statement or nothing. That statement was utterly without foundation. He had never heard of the illness of Mr. Holmes or of Mr. Moore's name till his appointment by the right hon. and learned Gentleman. He would ask, had Mr. Cecil Moore ceased to be a Member of the Orange Confederation? He might, perhaps, have resigned the secretaryship, not having time to devote to the duties of that office. But that was not the question. The question was, whether he belonged to the Orange Confederation? If the right hon. and learned Gentleman had informed him that Mr. Moore had ceased to belong to the confederation, even at the last moment before his appointment to the office he held under the Crown, he (Mr. FitzGerald) would never have brought forward the Resolution; and if he would now give that assurance, he would ask leave to withdraw the Motion.

MR. CHICESTER FORTESCUE said, that the person to whom the right hon. and learned Gentleman the Attorney General for Ireland had alluded as having been appointed by his right hon. Friend below him (Mr. J. D. FitzGerald) to the office of Sessional Crown Prosecutor, far from being connected with a secret society, was as loyal and moderate in his opinions as anybody who could have been selected for that office.

VISCOUNT PALMERSTON said, it was impossible that the debate in which the House was engaged should be brought to a close without coming to the conclusion that it was most desirable that those feelings of animosity connected with a state of things which they must all hope had passed away for ever should not again be revived. The right hon. and learned Gentleman opposite had stated in the course of his observations that Mr. Cecil Moore had resigned the office which had made him a prominent member of the Orange Association; and if he understood the remarks of the right hon. and learned Gentleman correctly, they tended to convey the impression that the influence of the Government would be exerted for the purpose of inducing those who were members of such associations as that to which he had referred, to refrain, as far as possible, from perpetuating their existence. If that were so, the discussion which had been raised might be regarded as being productive of considerable advantage, and he should therefore wish that no division should be taken on the present occasion, which might afford an additional record of those differences of opinion which they must all concur in hoping had passed by for ever. From the observations which had been made in the course of the discussion it would appear that there was a prospect that greater harmony would prevail in future in Ireland among the various classes of its inhabitants than had hitherto been the case; and, under these circumstances, he should deem it more consistent with the future interests of that country that the Motion should not be pressed to a division.

LORD JOHN RUSSELL said, he could not refrain from observing that the right hon. and learned Gentleman opposite, altogether independent of the ability by which his speech had been characterized, derived a great advantage from the circumstance that he had been listened to with perfect silence by hon. Members on his (Lord J. Russell's) side of the House. With respect to the particular subject under discussion, he would only say that it appeared to him to involve a great deal more than the mere personal question of the appointment of Mr. C. Moore. So far as that gentleman was concerned, he thought it but right to state that having heard the explanation of the right hon. and learned Gentleman opposite with regard to his appointment, he thought he was perfectly right in not accepting his resignation. But setting aside that individual case, he was of opinion that the right hon. Gentleman the Secretary for the Home Department ought to feel considerable concern with respect to the general question involved in the discussion. In support of his views he might be permitted to remind the House of what had taken place in 1836. There had been in the previous year an inquiry which had justified the late Mr. Hume in instituting proceedings against the Orange Society. He (Lord J. Russell) had upon

that occasion endeavoured to interpose, and he had been fortunate enough to persuade the present Earl of Derby—then Lord Stanley—the late Sir R. Peel, and Mr. O'Connell to concur in one general Resolution against secret societies. Mr. O'Connell had been quite prepared to agree to that Resolution provided only the words "Orange Societies" were introduced; and there were few occasions to which he (Lord J. Russell) looked back with greater satisfaction than that to which he referred, because as a general rule he considered that Societies, whether composed of Protestants or Roman Catholics, having secret signs among themselves, bound to secrecy, and having affiliated branches in connection with them, were calculated to disturb the peace of the country and to give rise to rival societies, which were likely to produce a similar effect. He would ask the House, therefore, and he would ask the right hon. Gentleman the Home Secretary especially, whether it was now desirable to overturn and repudiate the Resolution which had been agreed to in the manner he had described? Were they prepared to say, whether as regarded Protestants or Roman Catholics, that it was expedient to encourage and to appoint to office men who belonged to an exclusive religious society, with affiliated branches? Because if they passed a simple negative of this Resolution he conceived that such would be the effect of their decision. He would not say how they might escape that difficulty, but it appeared to him that it would be more advisable if they were to adopt some plan by which a decision might be avoided. It was the interest of every Government that such societies should not exist. Though they might have been justified in the first instance—though they might have been called into life by some emergency, in which, under the expectation of rebellion, loyal men united to defend the Crown at a period of danger, when that necessity had passed over it was most inadvisable that they should be any longer continued in a state of activity. To persecute them would of course be unwise, but every Member of the House and of the Government must wish to see the animosities which had prevailed in Ireland gradually decline, and men of different religious persuasions living in union and charity with each other. He had heard from the Attorney General for Ireland a desire that these societies should not exist; but he regretted that he had not heard from him that it was the policy of the Government to discourage them.

THE CHANCELLOR OF THE EXCHEQUER said, he agreed with the noble Lord (Lord J. Russell) that it was the duty of every Government to discourage political societies in Ireland, whether secret or open; and he thought the best way to attain that end was to discourage such Motions as the present. This Resolution recalled the early days during which he sat in Parliament, when unfortunately the chief staple of political controversy consisted of Motions of this description. He had believed that those times were happily forgotten, and had anticipated that such Motions would not again be revived. But he had been greatly disappointed. And when the noble Lord, after the answer made by his right hon. and learned Friend the Attorney General, rose in a spirit of admonition and warning, and called upon his right hon. Friend the Secretary of State to declare whether it was the policy of Her Majesty's Government to act contrary to the Resolution of that House with respect to Orange and secret societies passed in 1836, he must be allowed to say that there was nothing in what had been stated by the right hon. Mover of this Resolution, or in the reply of the Attorney General for Ireland, which at all justified such language on the part of the noble Lord. The right hon. and learned Gentleman who made the Motion had entirely failed to establish his case. He ought not to have revived such unhappy causes of dissension without having duly inquired into all the circumstances. He trusted that the manner in which the right hon. Mover's remarks had been received, and the observations with which they had been met by his right hon. and learned Friend the Attorney General for Ireland, in which he himself entirely sympathized and concurred, would offer no encouragement for the introduction of similar Motions in future. He hoped that the policy which Her Majesty's Government would pursue towards Ireland would be in perfect harmony with the changed circumstances of that country. And when Motions were brought forward or allusions made such as they had listened to that night, which were really adapted to a state of things very different from that which happily now prevailed in Ireland, and which referred to habits and circumstances now fortunately obsolete, he could only say on the part of

Her Majesty's Government, that their course would be in conformity with the newer and happier aspect of affairs now visible in the sister kingdom — that the policy they would adopt would be the policy which he trusted would always be pursued by those who sat on those benches, from whatever side of the House they might be recruited—namely, a policy just, generous, and conciliatory, which would not acknowledge any difference of creed or of party save that which was expressed in a fair and constitutional manner, and that the whole tenor of their conduct would be such as would not justify the repetition of Motions like the one now before them. He knew not what was the intention of the right hon. Mover in regard to his own Resolutions, but after what had occurred, though the House might not be called upon to divide, he certainly could not consent on the part of the Government to the withdrawal of this Motion.

MR. ROEBUCK said, that he had thought the Question was intended to be confined to the Motion; and if so, he should have voted for it. But it seemed that it was meant as a distinct censure on a particular act. Therefore, because he was sure, from the form and wording of it, that it was meant to pass a direct censure on the right hon. and learned Gentleman (Mr. Whiteside), he could not vote for it, for the statement of the right hon. Gentleman was a complete vindication of himself; and, believing that, he could not vote for the Motion.

MR. J. D. FITZGERALD said, that after what had fallen from the noble Lord, he felt that he ought not to press the Motion to a division.

Question put and *negatived*.

House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS.

Wednesday, June 30, 1858.

Their Lordships met, and having gone through the Business on the Paper,

House adjourned at Three o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Wednesday, June 30, 1858.

MINUTES.] 2° Protection of Female Children; Members' Freedom from Arrest.

CLYDE NAVIGATION BILL.

CONSIDERED AS AMENDED.

On Motion for the consideration of the Bill,

MR. DUNLOP said, he hoped the House would not proceed with the Bill until an opportunity should have been afforded to the pilots of Greenock, who had petitioned against the measure, to be heard against certain provisions by which they were affected. A very important question of jurisdiction was involved in the matter. The Board of Trade had recommended the Committee to which the Bill had been referred to amalgamate the two pilotage boards, of Glasgow and Greenock. That was, perhaps, a very proper recommendation; but the Committee, in attempting to carry it into effect, had no right to overrule, as they had done, the Standing Orders of the House. They had agreed to amalgamate the two boards before any notice of the change had been given to the parties whom it would specially affect. That was in itself a violation of the Standing Orders. But the Bill, as it was framed, was liable to this further and more important objection, that it would give the proposed new pilotage board powers which were not entrusted to any similar body in any of our great estuaries, and which were entirely unnecessary, inasmuch as the events which they were intended to meet were already provided for by the provisions of the Mercantile Marine Act.

COLONEL W. PATTEN said, it could not be denied that the Committee had sought to carry out the recommendations of the Board of Trade in a manner which was somewhat at variance with the Standing Orders of the House. His attention, in his character of Chairman of the Standing Orders Committee, had been directed to the point; and after having inquired into it as carefully as he could, he was led to believe that substantial justice had been done in the matter, and that all the facts of the case had been brought under the notice of the Committee before they had come to any conclusion. Under these circumstances he was prepared to accept the decision of the Committee; but as he be-

lieved that the Standing Orders had been violated, he should protest against that case being drawn into a precedent for the future. Having made that protest he felt satisfied, and he hoped the House would feel satisfied, that no real injustice would be done by the passing of the measure, and that all the parties who had an interest in the question had been heard before the Committee.

MR. BOUVERIE said, he was quite satisfied that the Bill was on the whole a good and a valuable one, and that it had been carefully considered by an able Committee; and he for one should be sorry to take any course which would interfere with the chance of their passing the measure in the course of the present Session. But he felt that the Standing Orders had been violated by the Committee; and it was on that account that he had, on Monday last, directed the attention of the House to the subject. Under all the circumstances of the case, however, he was satisfied with the protest of his friend the Chairman of the Standing Orders Committee against that case being drawn into a precedent, and he had no further objection to offer to their proceeding with the Bill.

After a few observations from the LORD ADVOCATE,

MR. DUNLOP said, he had no intention of impugning the decision of the Committee, in reference to the general merits of the Bill; and, as the House seemed to be satisfied with the protest of the Chairman of the Standing Orders Committee against their making that case a precedent for their future guidance, he should not offer any further opposition to the progress of the measure.

Bill as Amended, *considered;* and ordered to be read 3°.

MARRIAGE LAW AMENDMENT BILL.

COMMITTEE.—ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [7th June], "That Mr. Speaker do now leave the Chair."

Question again proposed.

Debate *resumed.*

MR. LYGON said, he rose to move that the Bill should be committed on that day three months. He believed that it was impossible that a measure which was sure to meet with so much opposition could be passed in the course of the present Session, and he therefore felt that he need not trouble the House with any lengthened address upon that occasion. The Bill, notwithstanding the important subject with which it dealt, had received but little attention in its previous stage, and therefore he thought it was only fair to ask its promoters to consent to the postponement for the present of any legislation upon the subject, so that the House might be enabled to devote ot some really practical object the time which must be wasted in the discussion of this measure. He should observe that it would be all the more difficult for the House to pass the Bill under present circumstances, inasmuch as it differed in some important particulars from the measures to which their attention had been directed in the year 1849 and 1855. Those measures contained safeguards against abuses which had entirely disappeared from the Bill then under their consideration. He admitted that it would be comparatively easy to legislate in that case for future marriages; but the House would find it extremely difficult to pass a measure of a retrospective character which must necessarily affect existing rights of property. He was at a loss to know how, if they passed this measure, they could confine their legislation to the case of marriage with a deceased wife's sister, and not extend it to the deceased wife's niece and some other relatives within the prohibited degrees. He should like to be informed, also, how it was proposed to deal with cases in which a marriage having taken place with a deceased wife's sister, the parties had, from conscientious or other reasons, subsequently separated and contracted another marriage. But besides these objections, there were questions affecting the succession to property involved in this *ex post facto* legislation which would render necessary the most careful investigation of every word in the clause; and considering the advanced period of the Session, and the extensive character of the Bill before them, he thought the time of the House might be much more usefully employed in discussing the other measures upon the notice paper. He begged to move therefore, as an Amendment, that the House should go into Committee on the Bill on that day three months.

MR. DUNLOP, in seconding the Motion, expressed a hope that if the Bill then passed it would not be applied to Scotland.

Amendment proposed, to leave out from the word "That" to the end of the Ques-

tion, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee," instead thereof.

VISCOUNT BURY said, that the Bill had been delayed until now in consequence of the hon. Gentleman himself having, on not less than three occasions, moved its adjournment. The matters to which his hon. Friend had adverted were fit subjects for discussion in Committee, and he hoped he would not persist in his Amendment. As to his giving way on the subject that was quite out of the question.

MR. DE VERE said, he should support the Amendment. He hoped that whatever might be the fate of the Bill, it would not be rendered applicable to Ireland, for he was sure it was not wanted in that country.

MR. BECKETT DENISON said, he had the honour of representing the largest constituency in the kingdom; and he would take upon himself to say that this Bill would meet the approbation of a very large majority of that constituency. He was not sanguine enought to believe that the measure would become law during the present Session; but he felt it was only due to the immense population he represented that it should be allowed to make all the progress that the time would admit of.

MR. BYNG said, the hon. Gentleman (Mr. Lygon) was rather mistaken in saying that the Bill had not received sufficient attention to justify the House in passing it this Session. He believed it was discussed on its introduction; and upon the second reading it was debated from half-past twelve till half-past four o'clock in the afternoon.

MR. BERESFORD HOPE was happy to be able to confirm the assertion of the hon. Member as to the anxiety felt in Lancashire for the passing of the Bill by an extract from a letter he had received from Liverpool:—

"On the Birkenhead pier, between the pay-gate and the steamers of the Ferry across to Liverpool, there is conspicuously erected a stand with large books thereon. Touters call on the ever-passing crowd to affix their signatures to a petition favourable to the Bill—not overlooking the youngest boys, or any who will sign their names for the fun of it.

VISCOUNT GODERICH said, that speaking from his own knowledge of the sentiments of the people of Yorkshire, he could corroborate the statement of his hon. colleague, that in the manufacturing districts of that county the strongest feeling prevailed that the Bill ought to receive the sanction of the Legislature. He should support the Motion for at once going into Committee.

MR. BOOKER BLAKEMORE observed, that the Bill would be of vast social importance in its operation and effects, and its principle having been agreed to, he thought the consideration of the details ought not to be longer deferred, so that it might be sent up to the House of Lords and be discussed by the authorities of the Church and the legal Members of that House. For these reasons he trusted the noble Lord would persevere with the Bill.

MR. MONCKTON MILNES said, he believed that if the Bill were permitted to be discussed in Committee, so great were the alterations made in it, it would become law before the end of the Session.

MR. PEASE said, he thought the Bill was a good one, and hoped its author would persevere with it.

SIR JERVOISE JERVOISE remarked, that he should vote for the Bill on the ground that it would do away with a law that was equally unwise and unjust; unjust in interfering with social arrangements, and unwise in bringing into collision the statute law with social usages.

MR. DUNLOP said, he had been disappointed in the Hope that the Bill would have been so modified as to remove some of the objections to its progress.

MR. STEUART said, he was of opinion that, if the Bill were a good Bill, it would be good for all parts of the empire; but thinking it to be a bad Bill, he trusted the hon. Member for Tewkesbury (Mr. Lygon) would persist in his Amendment,

MR. CROSSLEY said, it was quite difficult enough for a private Member to proceed with a Bill in the absence of any factious opposition, and he trusted that the hon. Gentleman (Mr. Lygon) would not, after the Bill had been postponed till that day to suit his convenience, attempt to get rid of it in an unfair manner. Let him discuss his objections to it in Committee.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided:*—Ayes 99; Noes 58: Majority 41.

Main Question put, and *agreed to.*

House in Committee.

Clause 1.

MR. LYGON said, he should move in page 1, line 7, to leave out the words, "which has been celebrated at any time

or place whatever within this realm or without," the object of the Amendment being to prevent the measure from operating retrospectively.

Amendment proposed, in page 1, line 7, to leave out the words " which has been celebrated at any time or place whatever within this realm or without."

MR. SCHNEIDER said, he thought it would be most unjust to exclude from the operation of the Bill persons who had married between 1835 and 1858. A stigma would thus be cast, too, upon about 40,000 children, and this, although the Legislature would virtually have declared that the marriages in question ought always to have been valid. There was only one case in which any difficulty could arise under the Bill, and that was the case in which a man, after having married his deceased wife's sister, had separated from her, and contracted a second marriage. That difficulty might be met by a separate clause.

MR. BRISCOE said, there was one class of persons against whom the Amendment would, if adopted, press with peculiar hardship; he meant those who had contracted marriage under high legal sanction.

MR. BERESFORD HOPE said, there was no reason why parties who, with their eyes open, had wilfully violated the law, should receive an indemnity for that violation. Mr. Glover, the late Member for Beverley, had as much right to a clause in the Property Qualification Bill recently passed, declaring that his seat should be restored to him, as those parties had to the indemnity which this clause would give them.

MR. WALPOLE said, he was of opinion that, by attempting to give the measure a retroactive operation they would involve themselves in difficulties which no legislation would be sufficient to remove. The hon. Member for Norwich (Mr. Schneider) in alluding to one of the objections mentioned by his hon. Friend, had stated that a proviso might be brought in to meet that particular case. What was that case? It was where a man, having married his deceased wife's sister, had subsequently separated from her, no matter for what reason, and married another woman; which, as the clause then stood, would be, in fact, a case of bigamy. For the clause declared the first marriage to be good, whereas by the existing law it was held to be bad; consequently the second marriage, which was now good, would become invalid, and the party contracting it would be liable to a charge of bigamy. [Viscount BURY: We propose in that case the second marriage should be valid.] He should like to see a proposition in the Bill itself. However that was not the only difficulty. The Bill made valid all marriages which had taken place since the year 1835; but by the second clause it was provided that nothing in this Act contained should affect the devolution of property. What would be the result of that alteration in the law? Why that the moment they made valid these prior marriages, in cases where a disposition of property had been made to the children of a particular person, the property would be taken away from the children of the marriage which the Bill made a valid marriage, and given to somebody else. Therefore, these children would be deprived of the property which otherwise they would be entitled to receive. He would also suppose the case of a man who had married his deceased wife's sister, and the parties actuated by a conscientious conviction that their marriage was invalid had subsequently agreed to separate and had separated accordingly; was a suit for the restitution of conjugal rights to be allowed in a case of that sort or not? The Bill allowed the marriage to be a valid marriage, and if passed in its present shape he believed the persons who had been so separated would be entitled to the restitution of conjugal rights. These were some of the difficulties which inevitably would arise the moment they attempted to deal with the law of marriage by a retrospective law, and they might depend upon it that if they established the precedent of making these marriages good, other parties would come before Parliament and ask that marriages might also be made valid which had been celebrated between parties who were not so nearly related as a man and his deceased's wife's sister, and the House would have to make them valid likewise by a retrospective law. The fact was that there was only one reasonable manner in which this law could be framed, and that was by making it prospective and not retrospective.

VISCOUNT GODERICH said, he must remind the Committee that that was not the first time that it had been proposed to pass a retrospective law on this subject. In 1835 a Bill was passed for legalizing marriages formed between persons in a superior station of society, and it was not desirable now to refuse a similar advantage

to persons in an inferior station. As regarded the case in which a man, after marrying a deceased wife's sister, separated from her and married another person, he admitted that it ought to be provided for in the Bill; and his noble Friend (Viscount Bury) was prepared either to move a clause relating to that case then or to reserve it for the bringing up of the Report.

THE SOLICITOR GENERAL said, the noble Lord who had just sat down seemed be under some misapprehension as to what took place in 1835. At that time the marriages to which Lord Lyndhurst's Bill applied were not actually void, but only voidable. The present clause would operate in a most reckless manner; and there were two objections to it which he hoped would be met and answered by the supporters of the Bill before it was agreed to. The first objection was, that the clause dealt with a number of marriages which had been celebrated during the last twenty years, and without any consultation whatever with the parties to those marriages proceeded to alter the law on the subject. True, many persons who had contracted these marriages desired to have them made valid; but take the case of two persons who had entered into a marriage of this kind, and influenced afterwards by religious scruples or any other reasons, thought proper to separate and cease to live together as man and wife. This Bill altered their status without consulting them, and possibly against their will, and declared a marriage to be valid which was not at present valid. The consequence was, that it would give to either of the parties a suit for restitution of conjugal rights. He granted that, if either instituted a suit for the restitution of conjugal rights, there was an end at once of all conscientious scruples, at least an end to them so far as the party instituting the suit was concerned, but not the other. The second objection was this, and it equally required an answer as the former. A man married his deceased's wife's sister; but for some cause or other the arrangement was terminated, and he contracted a marriage with another party. That third marriage was valid at the present time, and there was nothing in the Bill to invalidate it; but then the Bill made valid the intermediate marriage with the deceased's wife's sister, and the consequence would be that the man would actually have two legal wives—a novel feature in the legislation of this country—and the children of both marriages would be legitimate children. This could not be viewed at all in the light of an imaginary case, for within the lastten years there had been several instances of men charged with bigamy being acquitted on the ground that the first marriage they had contracted was with a deceased wife's sister. This difficulty should be met before this Bill passed further through Committee, for he did not think that it was fair to call upon hon. Members to sanction a proposal which would give rise to the difficulties which had been pointed out merely, upon the understanding that a proviso should be introduced to obviate those difficulties, and without any information whatever as to the nature of that proviso.

MR. AYRTON said, he should support the clause on the ground that, if it were in accordance with morality and justice that such marriages should take place subsequent to the passing of the Act, it appeared to him an absurdity to say that similar marriages contracted before the passing of the Act should be invalid. In point of fact, it was very doubtful whether at present such marriages, solemnized in countries where they were valid by the laws of those countries, were not valid in England, and he believed that a majority of the members of the legal profession did not concur in the judgment which had lately been delivered in the courts of equity upon the subject. A great majority of persons who had contracted such marriages, and who had done so under the impression that in point of morality they were good and valid marriages, desired a change in the present law, and he hoped that the Committee would give effect to their wishes by consenting to the clause.

MR. HENLEY said, that when the hon. and learned Gentleman (Mr. Ayrton) laid down the rather curious proposition that they were bound to pass the clause as it stood, because it was framed in accordance with the wishes of the majority who would be affected by it, it should be recollected that that same majority had chosen with their eyes open to violate the law. He could very well understand the principle of legislating for the majority of those who had obeyed and maintained the law; but he did not think that they were called upon to favour those who had deliberately violated the law. Well, then, they were asked to pass this clause, because something might be done hereafter by the promoters of the Bill to provide against the

difficulty suggested by his right hon. Friend. But why was not that something done at once? The point was not then raised for the first time. Everybody knew that the few wealthy parties who were specially to be accommodated by the passing of this measure had been agitating for some years in favour of it, and that they had taken this very point to the highest courts of the country in the hope of obtaining some sidewind declaration as a justification for those marriages. And yet the promoters of this Bill, it appeared, had never once thought of providing against this difficulty; and they now said that they would introduce a proviso into the measure that would remove the objections. How did the Committee know that that would be done? That a difficulty existed was not denied, and it was only fair that they should see how the difficulty was to be met before the Bill left the Committee. He did not think that the Committee ought to be asked to take a step in the dark in favour of persons who had broken the law, and he certainly objected to a sweeping change like that proposed without seeing how the difficulties which would arise were to be obviated. The Act of 1835, in his opinion, was by no means an analogous case, as the marriages that came under its operation were not actually void.

Mr. BAINES said, he must deny that there was any distinction between the retrospective operation of Lord Lyndhurst's Act and that of the present Bill, for it appeared from the Report of the Commission which had inquired into the subject, and at the head of which was Dr. Lushington, that, in their opinion, the effect of that Act was to render all past marriages of such a description valid. In point of fact there might in 1835 have been some reason for not introducing a retrospective action, for that Bill was framed upon the principle that such marriages in themselves were bad; but the present Bill being founded upon an exactly opposite principle, it would be unfair and unjust not to give it a retrospective action. He would only add that it did not appear to him to be difficult to draw up a clause which would be sufficient to obviate the difficulties which had been pointed out, and he hoped that the noble Lord would give notice of such clause, and then it would be competent for the House to exercise their judgment with regard to it upon the third reading of the Bill. For his own part, he thought that it would be better to have no Bill at all, than to pass one without a retrospective action.

General THOMPSON said, that public opinion had declared the existing law to be both cruel and unjust, and therefore the parties who had contracted the marriages in question ought not to be considered as having wilfully broken the law of the country, but rather as persons who were vindicating the right of conscience and making a stand against a law which they believed, in justice, ought to be changed. The opposition to the amendment of the law rested on two fallacies: first, that the Levitical law was the law of England, which it was not—for if it were, we should all be circumcised; and secondly, that the marriages in question were prohibited by the Levitical law—instead of which, it appeared that the man who refused to marry his brother's widow was to have the woman spit in his face, and be further slapped in the face with her shoe. That law only prohibited the seduction of a wife's sister, which, under the lax discipline of patriarchal families, was a thing very likely to happen. Now, as to the question under consideration, ninety-nine out of every hundred complained of the existing law. He trusted that we should see an end of artificial crimes, for nothing could more directly tend to bring all law into contempt. He begged pardon for standing up against Gentlemen of the long robe; but, on the question of precedents for the legalization of past marriages, he would recommend to Gentlemen of the long robe on his side, to ascertain how many times priests' marriages had been declared legal and illegal between the reigns of Edward VI. and Elizabeth, and whether the offspring of past marriages had not been legitimized when such marriages were declared legal.

Viscount BURY said, it seemed to him to be but common justice, as well as common sense, to declare that all those marriages which had taken place between 1835 and 1858 should be valid, and the offspring of them should be considered legitimate. He was not, however, anxious to overlook any real or known grievances. He admitted that the case urged by the right hon. Gentleman (Mr. Walpole) was a real grievance, and he was ready to introduce a proviso to meet it. He should propose to insert in the first clause, after the words "deceased wife's sister," the following—"save as is hereinafter provided." And upon the report of the Bill

he would bring up a clause which would meet the exigency of the case just mentioned, he hoped to the satisfaction of all parties. The proviso he would propose was to this effect:—

"That nothing herein contained shall render valid any marriage with the sister of a deceased wife, if either of the parties to such marriage shall, after having contracted such marriage, and in the lifetime of the other, have been married to any other person before the passing of this Act."

MR. LYGON said, he regretted that the clause of which the noble Lord had now stated the substance had not been inserted in the Bill. It was one of the greatest importance, and would require to be subjected to the most severe examination. An attempt had been made to enlist a spurious sympathy on behalf of this Bill by the assertion that the case was one of the rich against the poor. He denied that statement. The fact that persons who wished to contract such marriages as the Bill proposed to legalize were obliged to go abroad, proved that they were people of property. Moreover, of the 1,503 cases of marriage with the sister of a deceased wife, which had been found throughout the length and breadth of the country, no more than forty were discovered in the ranks of the labouring classes. It was not correct to say, therefore, that an alteration of the existing law was required as an act of justice towards the poor.

Question put, "That the words 'which has been celebrated' stand part of the clause."

The Committee *divided*:—Ayes 129; Noes 78: Majority 51.

MR. STEUART said, he should now move the insertion, after "deceased wife's sister," the words "or deceased wife's niece." If a man ought to be allowed to marry the sister of his deceased wife, there was no sound reason why he should not be permitted to marry his deceased wife's niece. The niece had probably been omitted through inadvertence.

Amendment proposed, in Clause 1, after the words "deceased wife's sister," to insert the words "deceased wife's niece."

VISCOUNT BURY said, he could not accept the Amendment, because it did not fall within the scope of the Bill, the object of which was to legalize marriage with a deceased wife's sister, whereas the hon. Gentleman proposed to legalize marriage with a deceased wife's niece.

GENERAL THOMPSON said, the attempt to introduce the question of legalizing a marriage with a deceased wife's niece was either an act of prodigious indiscretion or the invention of an enemy. It stood on quite different, and, indeed, opposite grounds to those on which the marriage with a deceased wife's sister was advocated. The end and object of prohibitions on marriage was to prevent the corruption of youth in tender years, either by mutual ignorance, or by the influence of seniors, taking advantage of the opportunities necessarily arising out of domestic intimacy. Was it fitting, for instance, that a man should speculate on marrying the child he had dandled on his knee; and was not the impropriety as great in the case of the wife's niece as of his own? There had been no such opportunity in the case of the wife's sister; they were not of different generations, and they were not infants together. He, therefore, protested against the wife's niece as an introduction of the enemy.

MR. AYRTON said, he wished to inquire whether it was competent to move an Amendment which was not consistent with the title of the Bill?

MR. CHAIRMAN replied, that the Committee were at liberty to introduce into the Bill any matter which was not inconsistent with its object, and to alter the title accordingly. In the present case, as the title of the Bill was "Marriage Law Amendment Bill," the Amendment was perfectly in order.

MR. BERESFORD HOPE said, that the hon. and gallant Member for Bradford, in order to give consistency to his argument against the niece as being of another generation, ought to propose a clause prohibiting any man from marrying any woman eighteen years younger than himself. Might not the sister of a deceased wife have lived in the same intimacy with the husband as a deceased wife's niece? The Bill was monstrous and absurd as it stood; but, instead of trying to amend it, he was disposed to let it go forth to the public with all its injustice and unfairness to be dealt with as it deserved.

MR. MONCKTON MILNES said, he hoped the Amendment would not be pressed to a division. Many of the supporters of the Bill believed that a larger measure, embracing other degrees of affinity, would have been more just; but if they had proposed such a Bill, they could not have said, as they were able to say now, that they were not legislating theoretically, but were providing a remedy for a great practical evil.

MR. LYGON observed, that he could not understand how it could be held right, either from reason or Scripture, that a marriage with a deceased wife's sister should be legalised, and not a marriage with the daughter of a deceased wife's sister.

Amendment, by leave, *withdrawn.*

VISCOUNT BURY said, he would now propose to insert in the clause the words "except as hereinafter provided," with a view to the addition of a clause preventing the legislation of any marriage between a man and the sister of a deceased wife, in cases where the man had before the passing of the Act been again married to any other person during the life of the said wife's sister.

Amendment *agreed to.*

MR. LYGON said, that the Bill did not exempt parties who had contracted these marriages from the pains and penalties, actions and censures which they might have incurred by contracting them either in the civil or ecclesiastical courts. He wished to know whether it was the intention of the noble Lord to bring up a clause with this object.

MR. CHAIRMAN said, that the question was irregular, as there was no question before the Committee.

MR. STEUART said, he should move that the Chairman should report progress, as he thought that it was impossible that a measure of this importance could receive proper consideration at this late period of the Session. He observed a great unwillingness on the part of hon. Gentlemen opposite to allow the noble Lord to follow the course his own courtesy would suggest to him, that of replying to the questions proposed to him; and undoubtedly there were many legal objections to the Bill, and to which no reply had been given, although they were certainly entitled to receive it.

Motion made, and Question put, "That the Chairman do report progress, and ask leave to sit again."

The Committee *divided*:—Ayes 65; Noes 129: Majority 64.

On the Question that the Clause be *agreed to,*

MR. WARREN said, that as this clause contained the essence of the Bill, and as he had not hitherto expressed any opinion since he had had the honour of a seat in the House, on a measure of such vast importance, he hoped to be allowed, in a very few words, now to state his views on it. Ever since this question had been agitated, it had struck him that that agitation wore a factitious character, and by no means represented the opinions of the thinking classes of society, but had in view the attainment of private ends. However that might be, and with perfect respect towards all those who had expressed different opinions, he had no hesitation in saying that he himself regarded the measure before the House as aiming a deadly blow at the security and sanctity of English domestic society — he could hardly conceive of any more deadly. He did not believe that it would diminish or destroy existing alleged evils among the lower classes, but greatly aggravate and stimulate them. He thought it would impair, if not destroy, the present pure relations existing between brother and sister; convert the affectionate and disinterested aunt into the designing, callous, and selfish stepmother—and, in a word, inflict irreparable injury on social order and public and private morality. For these reasons he should give his uncompromising opposition to the Bill in every stage, and earnestly hoped that it would not pass into law.

THE LORD ADVOCATE said, he thought it was their duty to consider what effect this Bill would have upon the law as it now stood. He would take the liberty of explaining what great and palpable defects there were in the Bill. It might not be in the knowledge of hon. Members that by the law of Scotland persons of the relationship referred to who entered into these connections, were guilty of incest. All that this Bill provided was that marriages between such persons should not be void or voidable, but it did not take off the penalties attaching to incest; so that any person who had contracted a marriage of this kind in times past in England and then went to Scotland to reside was by this Bill protected as to the existence of the union and the legitimacy of the offspring, but would still be liable to be indicted criminally and suffer for the continuance of the connection. It was not the connection for the first time, but the continuance of the connection, which constituted the incest; for every day the parties lived together they were exposed to these penalties. There was a provision that the Bill should not extend to marriages hereafter contracted in Scotland; but that did not at all affect what he had stated, for wherever the marriage had been contracted, if the parties had resided for any time in Scot-

land, they would be liable to criminal prosecution, even though it was enacted that the marriage was not void or voidable. It would be quite out of the question to pass the Bill as it stood.

VISCOUNT BURY explained that there had been no discourtesy on his part in not answering the question put to him by the hon. Member opposite (Mr. Lygon). With respect to Scotland, he did not wish to interfere with the Scotch law; but he thought it hard that the benefit of the law, if it passed, should not extend to Englishmen domiciled in that country. He would propose to insert an Amendment giving effect to that view.

SIR GEORGE GREY said, that if the law of Scotland were correctly laid down by the Lord Advocate (as no doubt it had been), all parties whose marriages had been legalized by Lord Lyndhurst's Act must have been liable to prosecution for incest in case they went to reside in Scotland. As far as he knew, no such prosecution had ever been instituted. At all events, such parties had hitherto incurred the risk of a residence in Scotland, and he thought those whose marriagas would be legalized by this Bill might safely do so too; or they might abstain from venturing into Scotland, where such a law prevailed. At any rate the first clause was not the one in which to provide for this case.

THE LORD ADVOCATE said, that the point was of international importance. If parties contracted a marriage not within the forbidden degrees in one country, and then went to reside in another, the latter country would recognize such a marriage; but in the case of what was deemed an incestuous connection, the position of the matter was wholly different. The action of the criminal law, which was a totally distinct question, was then to be considered. Of course if the supporters of the Bill did not like the warning he had given them they were, at liberty to disregard it.

MR. CRAUFURD said, he would beg to ask the learned Lord upon what ruling of the Scotch Courts he founded his exposition of the law, because he thought that the decision of Lord Ardmillan in the recent case of 'Livingstone *v.* Livingstone" rather contradicted his statement.

THE LORD ADVOCATE said, that the hon. and learned Gentleman was right as to the decision of the Court in the case he referred to, but two of the Judges who gave that judgment in the Court of Session had, in another case in the Court of Justiciary, since held that such a connection as the one now proposed to be legalized was incestuous, and subjected a person to a criminal prosecution.

MR. AYRTON said, that the position of the Lord Advocate had nothing to do with the question before the Committee. It was a position arising out of the state of the law in Scotland, and not out of principles of general law.

THE LORD ADVOCATE said, he had spoken of the question as one of international jurisprudence.

MR. AYRTON said, that under the circumstances he must beg to dissent from the learned Lord's view of the case.

MR. BERESFORD HOPE said, that the hon. Member for the Tower Hamlets (Mr. Ayrton) seemed to entertain a very extraordinary opinion as to European jurisprudence in respect of marriages.

MR. LYGON said, that he must repeat that it was very unwise to pass the clause at that period of the Session.

Clause *agreed to.*

Clause 2.

MR. LYGON said, he must call the attention of the Committee to the legal difficulties in this clause, and ask for an explanation in reference to its application. He must urge the necessity of time being given to the Committee to fully consider the effect of the clause, and for that purpose he should move the Chairman report progress.

MR. HENLEY said, he thought that some explanation of the terms of this clause was required. He wanted to know why it was that money under settlement should not be safe as well as landed estate?

MR. WARREN said, that very nice and delicate questions were raised by this clause, and he would beg of the noble Lord to consent to the Chairman reporting progress, in order that the clause might be discussed on a future occasion, when the law officers of the Crown for England were present.

MR. BERESFORD HOPE said, he wished to know what was the meaning of the words "right to a title of honour." There were other words in the clause which also required explanation.

MR. HEADLAM would recommend the noble Lord to insert words that would clearly save personalty. In his (Mr. Headlam's) opinion the existing words of the clause were quite sufficient, but the introduction of the words "chattels, real chat-

tels or effects," would put the matter beyond cavil.

MR. HENLEY remarked, that the Amendment suggested by the hon. and learned Gentleman (Mr. Headlam) was absolutely necessary.

VISCOUNT BURY said, he had no objection to the insertion of the words suggested by his hon. and learned Friend.

VISCOUNT GODERICH objected to the Motion for reporting progress.

MR. E. ELLICE (St. Andrews) said, he was opposed to the measure before the House, but he could not be a party to a factious opposition; and he therefore hoped that the hon. Member for Tewkesbury (Mr. Lygon) would not press his Motion.

MR. LYGON said, that the way in which they were proceeding with this clause was calculated to bring their legislation into contempt, and he must therefore avail himself of the forms of the House to arrest it.

MR. CHEETHAM said, he must protest against the obstructive opposition offered to the Bill.

MR. STEUART said, he should support the Motion for reporting progress, on the ground that the legal authorities, whose opinions on the second clause might guide the Committee, were all absent.

MR. T. MILLS observed, that he was an uncompromising opponent of the Bill, but he hoped that the hon. Member for Tewkesbury would not persevere with his Motion.

MR. WALPOLE did not think the noble Lord would gain much by the progress he was likely to make that day, but at the same time he thought that when the House was in Committee on a Bill, they should go through it if possible, and see whether it could not be amended. He trusted that his hon. Friend would withdraw his Amendment.

MR. LYGON withdrew his Motion for reporting progress.

The words "or effects" having been inserted after "chattels,"

MR. BERESFORD HOPE moved the insertion after the words "any estate or interest," of the words "or in any dignity or title of honour, or in any lands, hereditaments, chattels, or effects."

MR. AYRTON said, that this alteration would make nonsense of the clause.

Amendment *negatived.*

Clause *agreed to*, as was also Clause 3.

Clause 4.

MR. DUNLOP said, he should move a verbal Amendment, with a view to exempt Scotland from the operation of the measure.

Amendment *agreed to.*

MR. MONSELL said, he should propose a similar alteration to exclude Ireland from the Bill, which he said was repugnant to the feelings of the people of that country.

Amendment proposed, in page 2, line 21, at the end of the clause, to add the words "or Ireland."

MR. BAGWELL said, that if this law was good for England, he saw no reason why it should not be extended to the united Church of England and Ireland in the latter country.

MR. HARDY said, that the omission of Scotland and Ireland showed that the authors of this Bill had no faith in their own specific. If the measure was religiously and socially right why did they not propose to make it universal?

MR. HEADLAM said, that while maintaining that the legal prohibition of these marriages was religiously and morally wrong, he saw no inconsistency in taking into account the feelings of the people to be affected by the Bill.

THE SOLICITOR GENERAL remarked, that he would not say that this Bill had been drawn up recklessly, but it had certainly been drawn up without much consideration, for the clauses referred to in the preamble had no reference to Ireland.

MR. DE VERE said, this clause was repugnant to the feelings of the people of Ireland.

SIR CHARLES BURRELL believed that the ladies of England were generally hostile to this change, which it would be a harsh proceeding to force upon them.

Question put, "That those words be there added."

The Committee *divided*:—Ayes 140; Noes 98: Majority 42.

Clause, as amended, *agreed to.*

VISCOUNT BURY said, he would now bring up the clause he had referred to.

"*Clause* (Nothing herein contained shall render valid any Marriage between a man and the sister of his deceased wife, either of the parties to which shall, after such Marriage, during the lifetime of the other party to such Marriage, and before the passing of this Act, have been married to any other person),—*brought up*, and read 1°."

MR. HENLEY declared his inability to understand it. He hoped, therefore, that the clause would be printed, and would be brought up in the Report.

VISCOUNT BURY intimated his intention to do so.

THE SOLICITOR GENERAL said, he must express his objection to such a course. The clause, as far as he could follow it, was simple nonsense. It materially affected the first clause of the Bill. As far as he could make sense of it, it amounted to this, that if a man married his deceased wife's sister before the passing of this Bill, the marriage should be legitimate; but that if the husband should marry a third wife in the lifetime of the second, that third marriage should *ipso facto* invalidate the second, which but for the third marriage would be valid. He hoped the House would not allow it to go to the country that they were legislating in this reckless, useless manner, trifling with the most solemn and sacred feelings of the country. He would not, for one, agree that this clause should be brought up on the Report; he insisted that it should be discussed in Committee; and, as they were not in a condition to discuss it now, he should move that the Chairman do report progress.

MR. HEADLAM said, he would advise his noble Friend not to press his Motion now, as it would give fresh opportunity to make those obstructive Motions which hon. Members opposite already had so largely availed themselves of. He thought it might be amply discussed on the Report.

MR. BERESFORD HOPE said, the objection to taking the discussion on the Report was, that Members could speak only once, whereas in Committee the matter could be thoroughly discussed.

MR. BAINES was adverse to careless legislation, or to the introduction of a clause which he had no opportunity of considering; but he thought the Solicitor General's Motion would only lead to unnecessary delay.

MR. BAILLIE said, he wished to remind Irish Members that Ireland and Scotland were not exempted from the operations of the Bill, for persons residing there had only to come to England, when they would come under the operation of the Bill.

MR. BAGWELL said, that with reference to the late division excluding Ireland from the Bill, he wished to know what would be its effect—was a wife in England to be considered a mistress in Ireland, or how?

MR. MOWBRAY said, he should support the Motion for reporting progress, as the noble Lord had little or no chance of carrying the Bill through this Session.

MR. E. P. BOUVERIE complained that the Solicitor General had taken a different course from that recommended by the right hon. Gentleman the President of the Board of Trade (Mr. Henley), and hoped he would not press his Motion to a division.

THE SOLICITOR GENERAL said, he was in the hands of the Committee. He was opposed to the Bill altogether, but he had no wish to attempt to defeat it by delay. If the Committee allowed this clause to be brought up on the Report, he hoped it would not be drawn into a precedent.

MR. HENLEY suggested, that the noble Lord had better accede to his learned Friend the Solicitor General's Motion; for, if he did not, when the clause was brought up on the Report, there would infallibly be a Motion to recommit the Bill, and time would thus be lost rather than gained.

VISCOUNT BURY said, he was quite willing to withdraw the clause, so that it might be printed and brought up with the Report, but he could not give way to the fresh proposal for delay made by the Solicitor General.

Motion made and Question put, "That the Chairman do report progress, and ask leave to sit again."

The Committee *divided*:—Ayes 94; Noes 145: Majority 51.

Question proposed, "That the clause be read 2°."

MR. CUMMING BRUCE believed that no one could say what was the real meaning of the clause, and therefore he trusted that full time would be allowed for its consideration, and that an opportunity of discussing it in Committee would be given.

VISCOUNT BURY said, he should withdraw the clause for the present.

Clause *withdrawn*.

House *resumed*.

Bill *reported*; as amended, to be considered *To-morrow*.

PROTECTION OF FEMALE CHILDREN BILL.—SECOND READING.

Order for Second Reading read.

MR. DEEDES said, he rose to move the second reading of this Bill. It had come down from the other House, and the object of it was merely to extend a principle already recognized. By the existing Act, an assault on a girl between the ages of ten and twelve, with intent, was a misdemeanor. It had been found since that Act was passed, that many girls at the age of thirteen had fallen victims to attempts

of the kind referred to; and, as the law threw no protection around them, this Bill proposed to extend the Act to all such attempts upon girls up to the age of thirteen, The Bill had come down with the sanction of the Lord Chief Justice of England.

Bill read 2°, and *committed* for *Monday* next.

MEMBERS' FREEDOM FROM ARREST BILL.—SECOND READING.

Order for Second Reading read.

MR. HUNT said, he proposed to move the second reading of this Bill. He was aware that some opposition might be anticipated to the abolition of so ancient a privilege as that enjoyed by Members of the House of Commons from arrest for debt; but he might remind hon. Gentlemen that many of the privileges formerly possessed by Members of that House had been abandoned. At one time Members of the House of Commons could not be sued, their goods were exempted from distress, and even their servants were privileged from arrest; but those privileges had been abolished, and hon. Gentlemen now only enjoyed the privilege of freedom from personal restraint for debt. He believed that if no adequate reason could be shown for retaining that privilege, the House would be ready to relinquish it. According to *Blackstone*, the privilege of Parliament was established with the view of protecting Members of the Legislature from undue interference either on the part of their fellow-subjects or of the Crown; but he thought there was no reason in these days to fear oppression from the Crown; and the question was, whether Members of that House should be protected from molestation on the part of their fellow subjects, to whom they were indebted. The subject ought to be considered, as it regarded the interests of creditors of Members of that House, and also as it affected the independence of Members of Parliament. Viewing it in the former light, the case stood on a different footing to what it did before the passing of the Act for the Abolition of arrest on mesne process. By the effect of that Act, none of Her Majesty's subjects could be now arrested save on execution after final judgment. He thought no one would deny that it was hard that creditors of Members of that House should be placed upon a different footing from that in which they stood with regard to the general community. It was said that the abolition of this privilege might subject to pressure Members of that House who had contracted pecuniary obligations when any political crisis occurred, but he believed such an apprehension was purely chimerical; and, if there were in the House Members who were unable to face their creditors, they must be liable to continual pressure upon questions which were brought under discussion in Parliament. As the Legislature had determined to abolish the property qualification which the great majority of Members of that House were required to possess, men of straw might now be returned to Parliament as a sanctuary against their creditors, and he thought, therefore, it was desirable to abolish the privilege of freedom from arrest, and to have Members of the House of Commons in the same position with other classes of Her Majesty's subjects.

Motion made and Question proposed,—"That the Bill be now read a second time."

MR. E. P. BOUVERIE, in moving as an Amendment that the Bill be read a second time that day three months, said, the subject was one which had been frequently discussed, and although the first impression might have been that the privilege ought to be abolished, it had always been decided after reflection, that it was better to maintain the existing law. The privilege of exemption from arrest, except in cases of felony, treason, and breach of the peace, was the most ancient privilege possessed by Members of that House, and it was the sole privilege of such a nature which they still retained. The hon. Gentleman seemed to have misconceived the intention of the privilege. It was not meant for the personal advantage of Members, but it was a privilege of the House of Commons, intended to secure the presence of Members in that House, and it was also the privilege of the constituents whom they represented. The hon. Gentleman appeared to entertain the idea that, as a consequence of the abolition of the property qualification, the House would be deluged with what he had called "men of straw." He (Mr. Bouverie) thought that was a mere chimera, for there were now in that assembly fifty-three representatives of Scotland who were not required to possess any property qualification, and he would venture to say that in point of solvency they were equal to any hon. Members in the House. If the House assented to this measure, it might happen that the Chairman of a Committee which

Mr. Deedes

was appointed to consider a railway Bill, or some subject involving most important interests, might be in embarrassed circumstances; and any of the parties interested, finding that the Chairman was adverse to them, might get hold of a judgment against him, and might arrest him before the Committee could agree upon their report. When this question had been discussed on former occasions, the abolition of the privilege had been opposed by many hon. Members whose opinions were entitled to weight and authority. Pitt, Fox, and Sheridan had all been in embarrassed circumstances, and although they rendered most eminent services to the State, if the privilege which this Bill would abolish had not existed they would at any moment have been liable to arrest, and the Crown and Parliament and the country would have been deprived of their valuable counsel. He did not know on what ground it could be contended that a man who was in embarrassed circumstances was incapable of acting as a legislator. It was well known that in past times some of the most eminent statesmen of this country had been involved in great pecuniary embarrassment, and he thought the fact that a man devoted his energies and attention almost exclusively to public business might account for the derangement of his private affairs. This question was one which might affect the independence of hon. Members, for, although party divisions were not now very close, the time had been when there was not a majority of more than four or five; and it would not have been difficult, had four or five Members been in circumstances of embarrassment, and had not the privilege of freedom from arrest existed, to prevent the Gentlemen who formed the majority from giving their votes in that House. He thought the great mistake of the hon. Gentleman who brought forward this measure was in treating the question as one of personal advantage so far as hon. Members were concerned. The privilege of freedom from arrest for debt was enjoyed by barristers when in attendance at the courts of law or on circuit; but justices of the peace in attending sessions; by suitors and witnesses whose attendance was required in courts of law; by Her Majesty's servants, and by foreign ambassadors and their servants, on the ground that they had public duties to perform which would be interfered with if they were liable to arrest at the instance of private individuals; and he did not see why the Members of the House of Commons should be deprived of a similar privilege. It must be remembered that Peers of Parliament, to whom the Bill did not apply, enjoyed exemption from arrest; and he wished to know on what ground the hon. Gentleman made a distinction between Peers and Members of the House of Commons, and why Members of that House, who represented the people, should be liable to be deprived of the opportunity of discharging their public duties, while Members of the other branch of the Legislature, who represented nobody, should be exempted from any interference in the performance of their legislative functions?

MR. CRAUFURD seconded the Amendment, observing that if the Bill were adopted it would be impossible to enforce a "call" of the House.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

MR. H. BERKELEY said, if the Bill had put Peers on the same footing as the House of Commons he would have supported it, but while this distinction was made he would not support it. If they gave constituencies fair play they would always return proper persons to Parliament. No petitions had been presented in favour of the Bill; on the contrary, constituencies were proud of the privileges enjoyed by their Members. He could not see that this Bill was a consequence of the doing away of the property qualification for Members.

MR. HUNT, in reply said, he thought the right hon. Gentleman opposite (Mr. Bouverie) had strengthened the case in favour of the Bill by his reference to Chairmen of Railway Committees. He (Mr. Hunt) was anxious that no hon. Member in embarrassed circumstances should act as the Chairman of a Railway Committee, or of any other Committee which dealt with important interests, and he hoped, therefore, that the House would assent to the second reading of the Bill.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 129; Noes 75: Majority 54.

Main Question put, and *agreed to*.

Bill read 2°, and *committed* for *Wednesday* next.

House Adjourned at five minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, July 1, 1858.

MINUTES.] PUBLIC BILLS.—1ª Marriages (Moscow, Tahati, and Ningpo); Funded Debt; New General Post Office (Edinburgh).
2ª Jews; Public Grounds and Playgrounds; County Courts Districts; Durham County Palatine Jurisdiction; Stanhope and Wolsingham Rectories.
3ª Municipal Franchise.

POLITICAL SERVICES OF THE CHURCH OF ENGLAND.

THE QUEEN'S ANSWER TO ADDRESS.

THE LORD STEWARD (the Marquess of EXETER) reported Her MAJESTY'S most gracious Answer to their Lordships' Address of *Monday* last, as followeth:—

MY LORDS,

I have received your Address praying that I will take into My Consideration the Proclamation of the First Year of My Reign, commanding the Use of the Forms of Prayer and Service made for the Fifth of *November*, the Thirtieth of *January*, the Twenty-ninth of *May*, and should I see fit, that I will give such Orders, as to Me shall seem meet, to cause that the said Services shall no longer be annexed to the Book of Common Prayer and Liturgy of the United Church of *England* and *Ireland*, to be used yearly on the said Days.

And you may rely on My giving the Subject of your Address the careful Consideration which its Importance demands.

RIGHTS OF THE FIRST COMMISSIONER OF PUBLIC WORKS.

THE VICTORIA STATION AND PIMLICO RAILWAY BILL.

Order for further Debate on the Motion, That the First Commissioner of Public Works have Leave to appear by Counsel against the same before the Select Committee on the said Bill; and that certain Documents be referred to the said Committee (which stands appointed for this Day).

THE LORD CHANCELLOR said, he had had an opportunity since their Lordships last met of looking into this question, and he had come to the conclusion, without any doubt at all, that there was no necessity to have the consent of the Crown to the progress of this Bill. It appeared that when the Act for the establishment of Battersea Park was passed in the 9th and 10th of the Queen, there was inserted in it an enactment that the land should be conveyed to Her Majesty, and that it should be part of the hereditary revenues of the Crown. If that enactment had remained unaltered, of course there would be a necessity for the interference of the Crown in this case; but the enactment had been repealed, and the land was now vested in the Board of Works as a corporation under the title of "the Commissioners for Battersea Park." The same state of things existed with regard to the Thames Embankment. When the embankment of the river was complete, the soil of the road was vested in the Commissioner of Works, and when streets were formed the lighting and paving was entrusted to the boards of the various parishes through which they passed. Therefore the Commissioners were the trustees for the public, and were bound to take care of their rights; and if any question arose as to those rights, the Commissioners might appear by counsel either in opposition to the Bill or for the purpose of introducing protective clauses into it. The late First Commissioner of Works (Sir B. Hall) had given his sanction to this measure, or, at all events, said that he had no objection to it; and his noble and learned Friend (Lord Cranworth) had said that it would be contrary to good faith if, after consent had been given by the late First Commissioner, this Bill were opposed on behalf of the public by the present First Commissioner. But that opinion must be considered as requiring a little qualification. If the late First Commissioner had given his consent to this Bill inadvertently, or under a misapprehension of the facts, without having seen the plans; or if his noble Friend the present First Commissioner was of opinion that the interests of the public were being interfered with, he was not only entitled, but he was bound to interfere, and not to ratify the sanction he had given under a different state of things. The noble Lord had since said that he must introduce some further clauses into the measure. In the ordinary course, for this purpose, he should present a petition by counsel against the Bill; but there being a doubt as to how he should interfere, inasmuch as the Standing Orders of the House prevented such a petition from being presented; and, as his noble and learned Friend would agree, some opportunity of appearing ought to be permitted him, he

(the Lord Chancellor) proposed to move, to-morrow, that the Standing Order be dispensed with, in order that the Chief Commissioner of Works might be enabled to appear before the Select Committee.

LORD CRANWORTH said, it clearly appeared that in this case the assent of the Crown was not necessary; but he thought their Lordships ought to pause before they did anything for a First Commissioner of Works which they would not do for a private individual. He thought it would be a breach of faith not to adhere to the assent given to the scheme by the late First Commissioner. A change of Government ought not to make any difference.

LORD STANLEY OF ALDERLEY read a letter from Sir Benjamin Hall, correcting the statement which had been made by more than one noble Lord, that he had never seen the plans, and was, therefore, not qualified to assent to the scheme. Sir Benjamin Hall had seen the plans, and was so satisfied with them that he abstained from presenting a petition to be heard by council against the Bill.

THE EARL OF MALMESBURY said, the authority on which he stated that Sir Benjamin Hall had never seen the plans was the copy of a letter to the present Chief Commissioner of Works, in which Sir Benjamin Hall himself stated that he had not seen the plans.

EARL GREY suggested that the letter of Sir Benjamin Hall, stating that he had not seen the plans, might have reference to any particular design for the bridge, and not to the general scheme of the promoters.

After a few words from Lord CAMPBELL,

THE EARL OF DONOUGHMORE said, he would adopt the suggestion of the Lord Chancellor, and now give notice that to-morrow he would move the suspension of the Standing Order. He would now ask that the further consideration of the Bill should be postponed.

Order *discharged.*

Standing Order, No. 179, sec. 1, to be considered *To-morrow*, in order to its being dispensed with.

OATHS SUBSTITUTION BILL.

SECOND READING PUT OFF.

On the Order of the Day for the Second Reading of this Bill,

THE EARL OF DERBY: Before my noble and learned Friend (Lord Lyndhurst) rises to move the second reading of the Bill of which he has given notice, perhaps your Lordships will allow me, though not strictly in order, to say a few words upon the position in which the House stands with regard to the three Bills which are to-night to be considered. But before I do so I feel it my duty in a single sentence to express to your Lordships, and more especially to noble Lords opposite, my grateful thanks for the forbearance and courtesy with which they have submitted to my very involuntary absence, in consequence of an illness from which I am now only imperfectly recovered. I must also express my hope that no material public inconvenience has arisen or will arise from the postponement, until I should be able to attend, of some discussions from which I should be very sorry to be absent. With respect to the question which is about to be brought under your Lordships' notice, your Lordships will remember that a Bill passed through the House of Commons, and was submitted to your Lordships, for the alteration of certain oaths now required to be taken by Members of both Houses of Parliament; and that a clause was introduced in that Bill, as it came up to your Lordships, which dispensed with certain words of one of the oaths in favour of Her Majesty's Jewish subjects. Those clauses were struck out of the Bill by your Lordships, and the Bill so amended was sent down to the other House. The House of Commons returned the Bill, objecting to your Lordships' Amendments, and offering their reasons in support of their objections. Upon the re-consideration of the Bill and of the Commons' Reasons, when your Lordships insisted on your Amendments, my noble and gallant Friend near me (the Earl of Lucan) very unexpectedly gave notice, on the day before the Whitsuntide holidays, of his intention to move an Amendment, without stating the nature or character of that Amendment. On the first day after the holidays my noble and gallant Friend accordingly moved his Amendment substantially to this effect, that by an Act of Parliament either House should have the power, by Resolution, to dispense with the words "on the true faith of a Christian," in the case of members of the Jewish persuasion. That Amendment took me and most of your Lordships by surprise. My noble and gallant Friend having only giving notice of his intention on the day before the recess, and having brought forward his Amendment on the first day after

the holidays, it was impossible for any private communication to take place between noble Lords either on one side or the other, and we came to the discusion of an important Amendment without the possibility of previous consultation or deliberation. Under these circumstances I took upon myself to suggest to your Lordships that the question brought forward by my noble and gallant Friend was one of too much importance to be decided upon in an incidental discussion of an Amendment in the last stage of a Bill. I suggested to your Lordships that, if my noble and gallant Friend intended to propose his Amendment, it would be better done by a separate Bill than by a mere Amendment. I confess that in my opinion it would have been more satisfactory to your Lordships and to the country if my noble and gallant Friend had been satisfied with the expression of his own opinion—with throwing out a suggestion that such a modification was required, and had then left the other House of Parliament to send back the Bill with the Amendments so introduced, to which your Lordships might then have given your assent. But the course which has been pursued is that two Bills have been brought in—one by my noble and gallant Friend (the Earl of Lucan) and another by my noble and learned Friend (Lord Lyndhurst) than whom no one is more entitled to be heard on a subject to which he has devoted so much time and attention. Upon looking at the two Bills there does not appear to be much difference in their provisions; but in the framing of his Bill my noble and learned Friend commits what may be considered an irregularity in the course of Parliamentary proceeding; because a Bill which has passed through all its stages here must necessarily be communicated to the House of Commons, with the final decision of your Lordships upon it. The Bill of my noble and learned Friend, however, takes steps to re-enact all the clauses that have been already passed in the Bill that has been before both Houses of Parliament. The Bill of my noble and gallant Friend, on the contrary, takes a different course, and deals only with the single question of enabling the House of Commons to deal by way of Resolution with the question, and to dispense with some words in this particular oath. I confess that I am disposed to view with every favour the suggestion of my noble and gallant Friend to send down such an enabling power to the House of Commons, and I think such a course preferable to that pursued by my noble and learned Friend. I think it would be far better to send down the first Bill as it stands, and then to send down the Bill of my noble and gallant Friend as a separate measure, having special reference to the case of the Jews. I confess, my Lords, that I have not altered my views in regard to the policy or expediency of admitting the Jews to be Members of a Christian Legislature; but, having carefully and anxiously considered the subject, I see that the proposal of my noble and gallant Friend is the only possible solution of a difficulty which has existed for a period of ten years. I see no other practical chance of bringing the two Houses of Parliament into agreement. The measure proposed by my noble and gallant Friend is one that certainly maintains the principle adopted by your Lordships in dealing with this measure; it maintains the dignity of your Lordships' House with regard to that portion of the question which is more immediately subject to your jurisdiction; it maintains the law as it stands at the present moment, but it enables the House of Commons, upon a question that specially relates to persons taking their seats in that House, to dispense with the words which stand in the way of what appears to be the decided wish of that House. This solution appears to me to afford a practical and not unreasonable mode of settling a difficult and complicated question. And however much I regret the determination taken by the House of Commons, and the impossibility of maintaining inviolate the principle for which your Lordships' House has ever contended, I confess I think there is less difficulty and less practical inconvenience and danger arising from giving a limited consent to the views of the House of Commons, as embodied in the proposition of my noble and gallant Friend, than in persisting in an opposition which all practical experience proves cannot be pushed beyond a certain limit between the two Houses. While, therefore, on the one hand, I object to the Bill of my noble and learned Friend, and while I cannot say that the Bill of my noble and gallant Friend is not susceptible of and may not indeed require some Amendment, I shall be satisfied, if it come to a question of dividing upon the second reading, to give my support to the Bill of my noble and gallant Friend. My Lords, it is with the greatest regret I feel that I may differ upon this question from

The Earl of Derby

many of those with whom I have agreed for many years. If upon this occasion those who have honoured me with their confidence find it impossible to adopt the course which I have recommended, I will only say for my own part that, claiming from them that justice which I am ready to give in return, I take the course which I have adopted from no other feeling than a desire to see an amicable settlement between the two Houses with regard to a question of grave interest, and with respect to which I see no other solution.

LORD LYNDHURST: My Lords, the course recommended by my noble Friend has taken me by surprise. Before I give an answer to the considerations which he has suggested, it is necessary to make some explanation. When this subject was last before your Lordships, I listened with great attention and satisfaction to the speech of my noble Friend. Upon that occasion my noble Friend, with that readiness of illustration and clearness of statement by which he is characterized, shaped out the course which he thought should be pursued in order to put an end to the difference between the two Houses of Parliament. I considered most carefully the suggestion made by my noble Friend, and I took it as the foundation of the Bill I have brought in. If your Lordships will look to the clauses, you will find that they correspond with the suggestions of my noble Friend. By the Bill I have brought in, if a Member of either House come to the table to be sworn, and says that he cannot conscientiously make the declaration "on the true faith of a Christian," those words are to be struck out of the oath, and the taking of the oath with that omission will be a sufficient taking of the oath. That, my Lords, is the main clause of the Bill that I have brought in. My noble Friend, it it true, did not pledge himself to support a Bill so drawn, but he expressed himself strongly in favour of such a measure. I will read to your Lordships a report of what fell from my noble Friend, which accords exactly with my own recollection of what took place. What I am now stating is said in my own justification, in presenting the Bill in the form in which it now appears. I do not read this in any controversial spirit, but in explanation. My noble Friend, speaking of the Amendment of my noble and gallant Friend (the Earl of Lucan) expressed himself in these terms:—

"I could better understand it (the Amendment) had he introduced into the latter portion of the clause the same provision which is to be found in the first part, and provided that in the case of any person presenting himself at the table (for I can't see why the restriction should only be removed in the case of Jews), and having been duly elected, declaring that he was willing to take the prescribed oaths, but that the words 'on the true faith of a Christian' were not binding on his conscience, each House should be empowered to omit those words, and to allow the substantive oath to be taken in the form which might be most binding. I do not pledge myself to that view, but there is much to be said in its favour, and that by adopting it it is possible to a great extent to get rid of the very painful subject of difference between this and the other House. In voting against the latter portion (of the Amendment) I desire to reserve to myself, and those with whom I act, the opportunity of considering upon some future occasion whether any compromise, framed according to such principle as I have mentioned, may not be adopted to terminate the inconveniences arising from, I fear, the permanent difference of opinion between your Lordships and the other House."

I repeat, that it was in consequence of that statement that I framed the Bill which I have submitted to the consideration of your Lordships, and which, as your Lordships will see, is founded on that statement of my noble Friend. I do not say, that in consequence of his statement my noble Friend was absolutely bound to support the Bill as I have framed it; but I had every reason to believe, from the manner in which he expressed himself, and from his stating that much was to be said in favour of a Bill so drawn up, that it would have had the entire concurrence of my noble Friend. In that, however, I am sorry to say, I have been disappointed. I have not, in point of principle, any objection to the Bill of my noble and gallant Friend (the Earl of Lucan). I have no personal object in this matter. I have nothing but a public object in view, and if that object is carried, whether it be accomplished by my Bill or by the Bill of my noble and gallant Friend is to me a matter of perfect indifference. I have no personal vanity to gratify. I have been too long engaged in public life, and am far too much advanced in age, to be influenced by any feelings of that description. I am only desirous to accomplish the object, and to attain the end I have in view, and by whomsoever it may be promoted, and by whatever measure, it will have my hearty concurrence and support. My noble Friend has stated, that there is an objection in point of form to the Bill I have introduced, but he is entirely misinformed on that matter. In the first place, the two Bills which have been introduced are not identical, there is a wide difference between them—

the one is imperative, the other discretionary. But I do not rely on that. I will state distinctly the rule of your Lordships' House on the subject, and which is also the rule of the other House of Parliament. When a Bill is brought up from the other House, and is rejected by your Lordships, then a Bill in the same form, and having the same objects, cannot be introduced during the same Session into the House where the first Bill originated. But so long as a Bill is depending in the House, another Bill, having precisely the same object, may be brought in and passed. It depends entirely on the question whether the former Bill is or is not pending. No man will say that the Bill which was brought up from the other House relative to the Jews is not now pending before your Lordships. It is not only on the paper for to-night, but we have on the paper the reasons which we are about to consider why we cannot assent to the reasons of the Commons in support of their clauses. When those answers go down to the House of Commons, that House may again send the Bill up for our reconsideration. It is obvious, then, that the Bill is still pending; and the rule is, that while a Bill is pending, and until it is completely disposed of, there is nothing whatever to prevent another Bill for the same object being introduced. At this very moment there are two or three law Bills directed to the same object before your Lordships' House; and in the other House of Parliament—for the rule is the same in both Houses—there are two bills pending for regulating the Government of the East Indies. I think these statements are decisive as regards the objection of my noble Friend. But another rule exists, from which there can be no doubt whatever, and that is, that when a Bill comes from the other House of Parliament, and is rejected in your Lordship's House, you may in your House introduce another Bill having the same title and directed to the same object, and send it down to the House from which the other Bill proceeded. That is a rule which has been established among the general orders of your Lordships' House, so that even had the former Bill been rejected—if it had been entirely out of your Lordships' House—it would still have been competent for us, that Bill having originated in the other House, to produce another Bill with the same title and directed to the same object. I did not think it right, my Lords, to rely entirely on my own view of this case, but I applied for information to an eminent officer of the other House of Parliament, whose name I shall not mention, but who is perfectly acquainted with all the rules of Parliament, and his answer to my application was as follows:—

"My dear Lord,—No objection can be raised to the introduction of a Bill into the House of Commons on the ground of there being a similar Bill already before the House. Indeed we have at present two India Bills before us—Lord Palmerston's and Lord Derby's—each waiting a second reading. It is the rejection, and not the pendency of the Bill, that creates the difficulty as to ulterior proceedings. The rule applies to both Houses, and an additional indulgence is allowed to Bills sent by the Commons to the Lords, as, even in the event of their rejection by the Lords, similar Bills may be subsequently introduced into the Lords. (See *May's Practice of Parliament*, 247). The introduction of any Jew Bill into the Lords is, therefore, as far as I can judge, perfectly regular."

But the Question does not rest here. You will find from Mr. May's *Privileges and Practices of Parliament*, that the rules of both Houses in regard to this matter are the same. He says:—

"When Bills have ultimately passed, or have been rejected, the rules of both Houses are positive that they shall not be introduced again; but the practice is not strictly in accordance with them. The principle is thus stated by the Lords, May 17, 1606:—'That when a Bill hath been brought into the House and rejected, another Bill of the same argument and matter may not be renewed and begun again in the same House, in the same Session, where the former Bill was begun; but if a Bill, begun in one of the Houses, and there allowed and passed, be disliked and refused in the other, a new Bill of the same matter may be drawn and begun again in that House whereunto it was sent; and if, a Bill being begun in either of the Houses and committed, it be thought by the committees that the matter may better proceed by a new Bill, it is likewise holden agreeable to order, in such case, to draw a new Bill and to bring it into the House.'"

I have to repeat, therefore, that according to the rules of your Lordships' House, even if this Bill had been rejected, we have power to introduce a new Bill for the same object. I have stated this in justification of what I have done; and now allow me to say a few words with respect to the Bill of my noble and gallant Friend. I have no objection on principle to that Bill. It embraces, indeed, a material part of my own Bill. But what strikes me as very extraordinary is, that when my noble and gallant Friend moved his Amendment to the Bill that came down from the Commons, that Amendment consisting of two parts, one appli-

cable to Members in Parliament, and another to persons out of Parliament, my noble Friend at the head of the Government (the Earl of Derby) approved one of those parts, and disapproved, or at least had strong doubts as to the other; and now my noble and gallant Friend omits that part which my noble Friend approved, and contents himself with the introduction into his Bill of that of which my noble Friend expressed grave doubts. Another thing I must notice. I do not state it in the spirit of controversy, but by way of explanation; because your Lordships must be aware that my noble and gallant Friend's Bill is only part of a complete measure, and that if you pass this Bill you will still have to pass another, in order to make the relief complete. My noble and gallant Friend's Bill deals with the oath of abjuration only so far as relates to the words "on the true faith of a Christian," and if the Bill should pass into a law you still would have to abjure the descendants of the Pretender. I put that to my noble Friend for his consideration. It is true that when the Bill goes into Committee you may amend it in that respect; but what will be the effect? Why, absolutely to make it conformable to my Bill; so, by rejecting the Bill that I have brought in, you are supporting a Bill which embraces only one part of the subject, and are going into Committee to supply what is wanting to make it like mine. I repeat I do not in the slightest degree care by what process the object I have in view may be attained. Whether it be by the Bill brought in by my noble and gallant Friend, or by my Bill—whether it be by one Bill or by two—is to me altogether immaterial. As I said before, I have no personal feeling on the subject; I am desirous of attaining the object in view, and in whatever way that object is attained I shall be perfectly satisfied. Now, as I understand that my noble Friend will support the Bill of my noble and gallant Friend, and as I know, if he does support that Bill, the object will be accomplished—as I know, too, if I press my Bill it may possibly not succeed, or at least may succeed with difficulty, I have no hesitation whatever in postponing my Bill in order that the Bill of my noble and gallant Friend may be brought forward and supported by the powerful voice, the masterly talents, and more than that, the extensive—I will not say the overwhelming—but the extensive influence of my noble Friend at the head of the Government. By taking this course I believe I shall accomplish the object I have at heart. I withdraw my Bill.

Second Reading *put off* to *Thursday* next.

JEWS BILL.—SECOND READING.

Order of the Day for the Second Reading read.

THE EARL OF LUCAN said, he had endeavoured as far as possible to make his Bill acceptable to their Lordships. The object he had in view, which was also the object of the clause he moved on the Bill which came up from the other House, was to allow the admission of Jews into the House of Commons; and, if the Bill passed, Jews would be admissible into the other House by a Resolution of that House. Before, however, such a Resolution could pass it would be necessary, under his Bill, that Jews should present themselves at the table of the House to be sworn, and there object to the words, "on the true faith of a Christian," when it would be in the power of the House to direct the omission of those words from the oath. That was a compromise which he ventured to hope their Lordships would be disposed to accept, for he thought that after a conflict of twenty-five years it was time for them to consider whether the question was not one which admitted of a compromise. This subject had been before their Lordships for six weeks during the present Session, and he could not but express a sanguine hope that it would be settled by them on the present occasion once for all. He knew he had to contend with a violent opposition. He knew that on that side of the House on which he sat there were many among his noble Friends with whom he had the honour of acting, who thought so keenly on this subject, and were actuated by such strong religious feelings and conscientious obligations as to hold that it was not one which admitted of any compromise. He trusted, however, that other noble Lords would be disposed to concur in the view he took, and in the mode by which he sought to give it effect. But he believed there were other noble Lords on his side of the House who agreed with him that this was a question that ought to be disposed of; but who entertained objections to the admission of Jews by Resolution, and who had an idea that to allow a separate action on the part of either House was unconsti-

tutional and might lead to mischievous consequences. He could not for the life of him see how it was possible that a Resolution so restricted and so guarded could lead to any mischievous results. He could well understand that it might form a precedent for a similar course; but if they supposed that it would in time to come justify the House of Commons in assuming an independent and separate action, that he thought was not warranted by the provisions of the Bill. He had said on a former occasion that he believed there was the most perfect apathy and indifference in the country in reference to the admission of Jews to Parliament. It had been said that apathy and indifference arose from the country relying on the resistance to their admission by their Lordships' House. But could that answer be given now? There could be no doubt that for the last six weeks the country had been well aware that this question was on the point of being settled, through concessions to be made by their Lordships. Could the country, then, rely on the continued resistance of their Lordships' House? It was certain they could not; and yet during that time the question had scarcely been mentioned in the country, and he did not believe that half a dozen petitions had been presented to that House on the subject during those six weeks. There was a Bill before their Lordships' House for the abolition of church rates, which would come on for discussion to-morrow evening. That Bill excited very strong religious feelings in the country; but was the same silence observed out of doors with respect to it? On the contrary, he found that in one day there had been no less than 213 petitions presented to their Lordships' House in favour of the Bill for the Abolition of church rates, a fact which showed that when there was a strong feeling in the country on any subject the people would make themselves heard. From the entire silence, then, that had prevailed for the last six weeks in the country on the subject of the Jew Bill he was led to say that the people were perfectly indifferent about it. Their Lordships were therefore in the position to act as they thought would be most conducive to the good of the country. Was, then, the conflict between the two Houses to go on for ever? He maintained that it could not go on for ever; that the position of their Lordships was not tenable; and therefore he trusted that the matter would be satisfactorily disposed of that very night once for all. The noble Earl concluded by moving that his Bill be read a second time.

Moved, that the Bill be now read 2ª.

THE EARL OF CLANCARTY: My Lords, had the noble and learned Lord withdrawn his Bill in deference to the often expressed opinion of the House against the surrender of a great principle of the constitution, instead of for the purpose of making way for the Bill of my noble and gallant Friend, he would have merited all your Lordships' gratitude; but I cannot think that it will conduce either to public respect for your wisdom and consistency, or to a satisfactory settlement of the oaths question, that you should take up and return to the Commons a measure such as that now before the House, in lieu of that which they asked you to accept. That Bill your Lordships approved of, in so far as it substituted one oath for the three oaths of allegiance, supremacy, and abjuration, and rejected the proposition it contained of admitting Jews to sit and vote in Parliament. What will that assembly think of your consistency, when you send down to them a Bill without the enactment you before approved of, and enacting the very thing you before disapproved of? Far better would it have been to have taken the issue upon the Bill of the noble and learned Lord, and that if an Act for the relief of Jewish disabilities should originate in this House, it should be endorsed with the name showing a legitimacy of parentage instead of going forth stamped with the brand of illegitimacy, the damning evidence of an erring parent. The honour, if honour there is, in carrying a measure of the kind through your Lordships' House belongs of right to the venerable Peer who has for years been the consistent advocate of the Jewish claims, and not to my noble and gallant Friend who has for years been their opponent, but who now has changed his colours. In moving that the second reading of this Bill be deferred for six months, I shall not need to trouble your Lordships by discussing the principle upon which objection is made to the admission of Jews to sit and vote in Parliament. My views upon that subject I have lately had the honour of laying before the House. I will only say they were in perfect harmony with those which your Lordships have repeatedly affirmed, and by majorities increasing in proportion as the question by

repeated discussion became better understood. I shall, therefore, confine my observations to the question of a compromise as it is now submitted to your Lordships by the Bill of the noble Earl. I regret that the noble Earl has not offered any explanation in support of his Bill that could enable me to join him in his endeavours to put an end to the controversy between the two Houses of Parliament, and to promote a satisfactory adjustment of the oaths question. I can see nothing in the proposition he has made calculated to promote objects so desirable. The Bill, on the contrary, appears to me to be fraught with great injury to the future good government of the country, and, so far from being calculated to lead to a satisfactory settlement of the difference between the two houses, to contain within it the germ of much greater agitation on the oaths question than your Lordships have ever hitherto had to deal with. Nor is likely to conduce to a feeling of mutual respect between the two Houses of Parliament that the mere will of the one should overbear the convictions of the other—that the House of Lords, in fact, should yield to the dictation of the House of Commons. Before I enter further into the consideration of the Bill before the House, I owe it to your Lordships, and especially to that large majority that has been hitherto opposed to the Jewish claims, to offer a few words in explanation of the fact of so prominent a part having been undertaken by me as the moving of the Amendment. I will only say that I neither sought for nor coveted such a distinction. It was solely owing to that disorganization and want of concert among the party I have alluded to by the sudden and unexpected defection of two noble Earls connected with it, followed by the suggestion of compromise among others. My noble and gallant Friend was the first to go over—he was the last from whom I should have apprehended such an example. I had always regarded him as a man of great determination, and from the gallant profession he belongs to, the least likely to have entertained a thought of yielding or turning; but I am bound to say that in announcing his change my noble Friend did state what at once disentitled the opponents of the Jewish claims any longer to expect his co-operation; nay, he showed conclusively that his vote should always have been given on the other side. My noble Friend said he had always given a cold and reluctant vote against the Jews; this he could do no longer. I unhesitatingly say that he ought never to have given such a vote—a vote to exclude a fellow-subject from the enjoyment of constitutional rights that he believed him, as his Motion this day shows, to have been fully entitled to. He owed it to the Jews to repair the wrong he had done them; but it would have been, I think, a more generous proceeding on his part if, instead of proposing a kind of half measure on their behalf, he had given his vote and support to the Bill the House of Commons were at the time pressing you to accept. My noble and gallant Friend's example was followed by the noble Earl on the cross bench, whose defection was not less a matter of surprise and regret, considering the noble Earl's intimate acquaintance with the history of his country, his associations with the most eminent of its modern statesmen, and the fact of his having been selected to conduct the opposition to a Bill for the admission of the Jews to Parliament. Considering also the abilities he displayed in the conduct of that debate, he was naturally looked up to as one of the greatest authorities upon the question, and as one of the least likely to act in opposition to the principles he had so ably advocated. But we were doomed to lose him, and with no better reason assigned for his change than that great men before him had changed upon great questions. The party, however, was strong enough to have borne the loss of the two noble Earls. But when the ill-omened word "compromise" was uttered in the most influential quarter, and passed from mouth to mouth among the more immediate friends of the noble Earl at the head of the Government, at once that great party he had before so ably formed and led became disorganized: no one knew whom to consult, whom to trust; and such was the consternation of the party, that noble Lords opposite appeared to consider the victory as already won, and that the only point to be determined was by whom the Bill or terms of capitulation should be drawn up, whether by the noble and learned Lord, the tried friend of the Jews, or by my noble and gallant Friend who had for so many years opposed them. The result was that Bills were laid upon the table by both noble Lords, and had remained there for above a week, and were within four days of that appointed for their second reading, without any indication of opposition being offered to them, when it appeared to me that unless notice of oppo-

sition were given immediately, none could be offered with any hope of success; the breach was open, and the enemy might walk in unopposed. I, therefore, stepped as private out of the ranks to occupy it. I do not mention this with any view of claiming your indulgence; that, I am sure, I shall receive in the same measure as it is always accorded to those that address your Lordships from a sense of public duty, but I do ask that the cause I have undertaken may not be prejudiced by the mere fact which I have endeavoured to explain of its having fallen into the hands of one who feels himself quite incapable of doing it justice. To myself as well as to many of your Lordships it is, I am sure, a source of much regret, that the House should now be called upon to initiate a compromise of a great principle of the constitution, after the long, the intelligible, and decided stand it has made in its defence. I had hoped from the cordial reception your Lordships gave to the suggestion of the noble Lord, the Chairman of Committees, that the proposition of a compromise, if compromise were possible, should originate with the other House of Parliament would have been acted on, and that your Lordships would thereby have been spared the humiliation of now sitting, as it were, in judgment upon all your past decisions upon the Jew question, and of exhibiting, should you unhappily be induced to pass this Bill, a deplorable example of weakness and inconsistency where most of all you should be strong and uncompromising. The House, it appears to me, is less in a position now than ever it was to propose any measure of concession upon the Jew question, for not only have you by an unusually large majority made decision in the present Session that you would not admit the Jews to Parliament, but it stands upon record that without even dividing upon the question you rejected the reasons of the Commons against the course you had taken. You thereby substantially re-affirmed your oft-repeated decision, and in such form that you could not, with any regard for consistency, or I might add, with self-respect, offer any compromise, properly so called, that could meet the requirement of the Commons. The Bill before you is totally at variance with the principle to which you stand pledged, for it is a distinction without any difference in point of principle whether the Jew be admitted to sit and vote in Parliament by a legalised order of the House to which he belongs, or by a more direct legal sanction. In either case the Jew is put upon an equality with the Christian as a member of the Legislature. What is the compromise or middle course the Bill proposes? What does the Jew give up of his claim? What do you ask the Commons to abate of what they have demanded? Nothing whatever. If you should pass this Bill you will do the very thing, with only a slight and immaterial change in point of form, that you have over and over again refused to do, and upon reasons that have more and more commended themselves to your own judgment and to public approval; and you will do it without any alteration of circumstances whatever to justify your change. I see nothing whatever in the proposed measure to render it less objectionable than that which you have rejected. Does it provide in any way for the security and future government of our Christian Church Establishment? Does it in any way vindicate the principles to which you are pledged? Is there anything within the four corners of the Bill to compensate to a Christian nation for the surrender of the great principle of Christianity which has hitherto been the exclusive rule and acknowledged basis of our Government? To maintain this principle your Lordships have steadily refused to admit any but professed Christians to sit and vote in Parliament; if you now depart from this rule, and by admitting the Jew practically declare it as your opinion that he ought to be admitted, the public will naturally ask what right had you ever to exclude him, or to deny his claim, as you have done for the last fourteen years? Principles do not change. What is right now in point of principle, must have been right from the beginning; and you could not have been justified, but upon the clearest and most undeniable grounds of national policy, in excluding any British subject from participating in every privilege of our free constitution. If such grounds existed a month ago, in what respect are they now changed? If they have not changed, then are you bound, excluding all personal considerations, all narrow views of a temporary expediency, and consulting only the true and permanent interests of the empire, to maintain as their best security the open acknowledgment of the true faith of a Christain by each Member of the Legisture. The insistance of the House of Commons to admit those to assist in the framing

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of our laws who regard Christianity as a system of imposture, is unsupported by reason, for their reasons have been before you, and you have rejected them; they, therefore, will not justify you if you should give way upon such a question; nor will it be any apology for you, nor in any degree uphold your dignity in public estimation, that your surrender to the demand of the Commons is not made in the exact form that they had proposed. If you substantially give up what it is your duty to defend, it will matter little in what manner you do so; the voice of public opinion will condemn you, declaring you wrong from the beginning—wrong for first refusing what, if you pass this Bill you will practically confess you ought never to have withheld—wrong for giving in now with a very bad grace, and wrong if you have allowed your convictions to be overborne. Interwoven as Christianity is with the whole system of our Government both in Church and State, I see no way by which, without offence to the cause of truth, you could commit the interests of the Church and the framing of our laws to any who deny Christ and reject the divine laws. A precedent, however, for a compromise, upon a question somewhat analogous to that of the Jewish claims, does exist in the settlement of the Catholic claims. The analogy exists in the fact that in both cases there was a difficulty to be overcome regarding the national church and religion of the state; in all other respects the cases are widely different. The claims of the Roman Catholics were those of about one-fourth of the entire population of the United Kingdom Public opinion had been strongly expressed in their favour, promises had been held out to them in times of difficulty, and especially at the period of the union with Ireland. They did not, like the Jews, seek the acquirements of new rights, but the restitution of rights of which they had been deprived; for the first founders of the constitutional liberties of England were Roman Catholics. England was still Roman Catholic when her liberties were improved, and her independence established under the third Edward; and even after the severe struggles incident to the establishment of the Reformation, which terminated in the exclusion of Roman Catholics both from Parliament and from office under the Crown, they were found, as they are at the present day, ready to shed their blood under the banner of a Protestant Sovereign, and enrolled among the defenders of their country. Nevertheless the agitation for the restoration of their civil rights lasted nearly half a century before they were eventually conceded; nor did they obtain them until their claims had been recommended from the Throne, and a Bill brought in upon the responsibility of the King's Government removing their disabilities, but upon terms that appeared to afford due security for the maintenance of Protestantism in Church and State, that being at the time considered essential to the well being and independence of the country. The solemn oath imposed on Roman Catholic Members of Parliament, by which they bound themselves to do nothing to weaken or disturb the Protestant religion and Protestant government of the kingdom was on their part a compromise of great moment, inasmuch as it pledged them to a policy adverse to the known views and pretensions of their ecclesiastical rulers; but in the case of the Jews no such compromise is offered, no such claims can be pleaded; they cannot plead nationality, their rule and practice is to keep themselves aliens in blood as well as in religion and association from the nations among whom they are dispersed; they have no public services to point to; the voice of public opinion, so far as it has been expressed, is against their claims, only a few individuals of their nation have given it any support, and the Bill now proposed for your acceptance does not, as the Roman Catholic Relief Bill did in the case of Roman Catholics, go a single step towards removing the objections that exist against Jews being enabled to legislate for a Christian Church. If, therefore, you should pass this Bill, enabling those that deny the Christian faith to exercise a free and discretionary power for the overthrow of the Established religion, the Roman Catholic will then have just reason to be dissatisfied with his position—as a Member of the Legislature, he, a professed Christian, with his hands tied up as much as they can be by the obligation of a solemn oath not to interfere in any way with the religious establishment he may disapprove of, while those who are not Christians are perfectly free to do as they please. This anomaly was especially apparent in the Bill of the House of Commons, and also in the Bill presented by the noble and learned Lord, and would seem not to have been the effect of accident, as in each of them the last clause but one specially provides—

"That nothing in this Act shall be held to alter or affect the provisions of an Act passed in the 10th year of King George IV., chap. 7, for the relief of His Majesty's Roman Catholic subjects."

When I find an Act so deliberately proposed as a permanent settlement of the oaths question, I am led to inquire how is it that those who formerly were loudest in demanding equality of rights for their Roman Catholic fellow-subjects now seek to render their position in respect of legislative freedom one of decided inferiority to that they would accord to those who repudiate Christianity? How is it that the Roman Catholics have themselves voted for such a measure? Do they—can they support it as a final and satisfactory settlement of the oaths question? Can it be supposed that the Roman Catholics, as a body, will acquiesce in it?—or does it not rather look like a cunningly-devised plan for getting rid of the Roman Catholic oath, by rendering it such a grievance to the Roman Catholic body that they may get up an agitation for its repeal, impossible for Parliament, even if so disposed, to resist? Let me warn your Lordships that you fall not into this trap, if trap it is—at all events, that you commit not so glaring an inconsistency, so mischievous a blunder, and by the Roman Catholics an act of so great injustice, as to adopt this measure. Better would it be at once to abolish all oaths, except, perhaps, the oath of allegiance, and thus put an end to religious distinctions. But before taking such a step—before thus admitting to the Legislature the avowed enemies of the Christian name—you should determine whether or not you will maintain the union of Church and State; you should determine whether or not the interests of religion are henceforth to be of any concern in the Legislature and government of the country. You must determine whether Christ, whom the Legislature in its three branches now acknowledges as supreme King of Kings, Lord of Lords, the only Ruler of Princes, is still to be so invoked and so obeyed, or whether the divine law is to be henceforth ignored, and the divine blessings unasked in the great councils of the empire. Let the nation at large be appealed to, and declare its will upon these points as emphatically and unequivocally as it once did against a Papal supremacy and in favour of a Protestant government, and I am bound to say that to the national will so expressed your Lordships must defer; but until such appeal has been made, and the national will clearly ascertained—until the universities, the clergy, the learned professions in general—until all whose judgments in such a matter are deserving of consideration, shall have had opportunity of declaring their opinions, do not commit the House to a step from which, once taken, you cannot afterwards recede. Let the position—the isolated position of the Queen—be considered. She alone of the three estates of the realm will be under the obligation of a Christian profession. Let it not be forgotten that she remains the temporal head of the Church, and bears the title of Defender of the Faith. Is she willing to take counsel in the government of the Church, whose interests are committed to her charge, with those who regard it as a system of imposture, and her faith as a false faith? Let it be also remembered that, as the first estate of the realm, the Sovereign is practically without the power of resisting the united will of the other two estates. Is she, with perhaps conflicting views of truth and of duty, to be compelled to take counsel of those who do not acknowledge the same Divine guidance? Let the will of the Queen as well as that of the nation be clearly ascertained to be in favour of the policy now proposed, and a gracious communication be made, with the responsibility of her minister, to the two Houses of Parliament, as was the case when the Roman Catholic claims were recommended; but until these preliminaries be complied with, do not compromise the destinies of this great empire by tampering with the oaths of Parliament. Rather consider calmly and deliberately the important objects for which those oaths were enacted, and that one great end they at present serve is that of uniting the nation, through its Legislature, in allegiance to the Divine Being, as well as to her who is Queen by God's grace. Personal considerations must not be allowed to have weight in dealing with such a question. The blessings of good laws, of great wealth, and of power were not given to this country for our mere temporal gratification, for the indulgence of luxury and ease, or to minister to national vanity. Higher objects should surely be aimed at, and chiefly the extension of those blessings which we have so largely derived under the profession of the Christian faith. Let your Lordships remember that yours is no unimportant part in the government of the country—that upon

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you mainly depends at this moment the conservatism of a Christian Legislature. If, consistently with a higher duty, noble Lords could admit the influence of personal considerations, I am sure there is no Member of this House that would be otherwise than pleased that an individual so respectable, so generally esteemed, and so imbued, as from his associations Baron Rothschild must be, with British feelings, should be enabled to take his seat in Parliament as the representative of this great city. But what brought him to this country? Was it not that he admired and desired to enjoy the blessings of our excellent constitution? Let us show that we are also sensible of its excellence, and that we value it too highly to imperil its permanence by taking away the corner stone of its strength which is Christianity. I beg to move that the second reading of the Bill now on the table be deferred to this day six months.

Amendment *moved*, to leave out "now" for the purpose of inserting "this Day Six Months."

LORD BERNERS, in seconding the Amendment, said he had hoped that after the large majority which had been pronounced in their Lordships' House against the admission of the Jews to Parliament, the question had been settled for this Session at least. He objected to dealing with a great principle like this upon the low grounds of expediency, compromise, and concession: the stand he took, and which he should rejoice if their Lordships would take also, was upon the higher ground—that a Christian nation could not exist without a Christian Legislature, and that a Christian Legislature could not exist without a Christian test. He asked their Lordships, therefore, whether they were prepared to say that the time had arrived when there was no necessity for a national profession of faith? It was said that the Bill of the noble and gallant Earl would furnish a solution of a very difficult question, and that it was most inconvenient for their Lordships' House to be in constant collision with the House of Commons. But he (Lord Berners) could conceive nothing more derogatory to the honour of their Lordships' House than to lay down the rule that whenever there was a majority in the other House sufficiently pertinacious in pressing their views of a public question, this House was to become the mere registrar of the views of that House. Now, the danger which he apprehended was not a collision with the House of Commons, but with the Crown itself, should once a Radical Prime Minister accede to office, and create a Jew Member of their Lordships' House. The collision which would then ensue, they might rely upon it, would prove a much more serious one than that which had recently taken place with regard to the question of life peerages; and he appealed to them whether they were prepared to force, or allow any one to force, the conscience of the Crown. He had endeavoured to consider this subject altogether apart from party feelings, because he thought it was too important and serious a matter for party feelings to enter into, and the conclusion at which he had arrived was, that if one Jew were admitted to sit as Member of the Legislature, neither their Lordships' House nor the monarchy would be longer safe.

EARL GRANVILLE: My Lords, after the repeated discussions which have taken place in your Lordships' House on this subject it is entirely unnecessary for me, on the present occasion, to enter into any arguments in support of this Bill. I give my support to it without the slightest hesitation, but I am bound to say not with unmixed satisfaction. I do not think that it is the best mode of settling this question; nor can I agree with the noble Earl at the head of the Government that it is the only course consistent with the dignity of this House. There is no disgrace either to individuals, or to Governments, or to legislative assemblies, in changing an opinion on public grounds and uninfluenced by any unworthy motives. If, when the noble and learned Lord opposite (Lord Lyndhurst) first introduced his Bill into this House, the pressure of circumstances had been fairly stated, the position of the House would at least have been as good as it is now. It would have been more desirable also if, when the Reasons of the Commons for disagreeing from our Amendments came up, instead of immediately disagreeing from those Reasons, we had postponed the consideration of them for a short time, as was proposed in order to see if any plan could be devised for passing that Bill into law. But still, though many think that this is not the best mode of settling the question, it is the only one which I am able to obtain. I wish to do full justice to the Government on this point. There is no doubt that they have great difficulties to contend with. A difference with his political friends is one from which every

Minister most naturally shrinks. If the noble Earl thinks—though I cannot follow his reasons—that this course is most in accordance with the dignity of the House, and most likely to obtain the suffrages of his political friends, I am ready to support him. He is perfectly master of the situation. If he had chosen he might certainly have postponed the admission of Jews to Parliament for this Session, and probably for some years more. But it must be admitted that the position in which we now stand is a most unsatisfactory and unseemly one. To say nothing of other arguments, the anomaly of our not being able to prevent a Jewish Member of the other House sitting on Committees, acting in Conferences, and taking part in almost every Parliamentary proceeding, except sitting and voting, is so great as to make it a mere mockery for any one to stand up here and appeal to high Christian principle for the maintenance of such a barren restriction. I believe this Bill will carry out the object which we have in view, and I therefore give it my cordial support. I congratulate the House on there being every probability of the measure now passing into law. And I cannot help congratulating the noble and learned Lord opposite, who certainly by the industry which he must have thought himself dispensed from showing at a time when other men claim rest, and, above all, by the singular ability with which he has, year after year, destroyed the force of these appeals made to your Lordships' feeling against his Bill, has done more than any other man in this House to bring the question to a successful issue. But what is more creditable to him than anything else is the utter absence of any personal feeling which he has shown to-night in willingly adopting any course which was most likely to obtain the object which he has in view.

THE DUKE OF CLEVELAND said, it was with great reluctance that he was about to give the vote which he felt it his duty to give on this occasion; but, whilst he regretted to find himself separated from many political friends with whom he generally acted, the House would believe that he was influenced by no other than conscientious motives. There was one point with reference to which there seemed to be an unanimous opinion among their Lordships, and that was that after the long-continued discussion of this question, it ought now to be settled at once for all in one way or the other. But how was that to be done? If the House of Commons had sent up Bills for the admission of the Jews to Parliament by repeated and increasing majorities for the last ten years, he thought it very unlikely that that House would now change its opinions; and though their Lordships might reject their Bills, that would never put an end to the question. What had been the history of the measures sent up to their Lordships from the Commons? There had been first of all the Catholic Emancipation Bill, throughout which, though he (the Duke of Cleveland) always found himself in a minority, he had always been in favour of religious toleration. By degrees those minorities became a majority, but the Bills sent up from the Lower House had been invariably rejected, until in 1829 Sir Robert Peel thought the question could be resisted no longer. Then, again, there were the cases of the Reform Bills—and their Lordships very wisely decided upon acceding to the oft-repeated wishes of the House of Commons and eventually agreed to those measures. He asked whether some such grounds of expediency did not exist at the present moment. In this case a gentleman of the Jewish religion had been elected, not once or twice, but repeatedly, by one of the largest, most intellectual, and wealthiest constituencies in the country—that of the City of London. Why that constituency had gone on electing this gentleman time after time, it was not very easy to say, but the fact was that it was so. It might be said, on the other hand, that if a constituency chose to elect a person who was ineligible by law for a seat in the other House it was not for Parliament to pass an Act solely for one man. There was a good deal of argument in that; but their Lordships laid down a precedent for such a course in 1833. In 1833, Mr. Pease, the Quaker, was returned to Parliament, and asked leave to take his seat on taking an affirmation instead of the oaths, and shortly after the noble Earl (the Earl of Carlisle) introduced a Bill permitting Quakers and Moravians to make affirmation instead of oath, simply, as he, (the Duke of Cleveland) believed, for the purpose of enabling Mr. Pease to sit. Let their Lordships take, as an illustration of how the Bill would work, the number of Quakers that had been elected since then, and they would find that never more than three had had seats at one time in the other House. He believed that they would never see

more than three Jews in the other House together. In the provinces Jews were scarcely known, and where they were not known they would never be elected by constituencies. Except through one or two metropolitan boroughs, Jews would not find their way into Parliament. So far as the Church of England was concerned he did not believe that the admission of Jews into the other House would be at all dangerous. Other measures then before their Lordships might be productive of danger to the Establishment. Take, for instance, the Bill for the abolition of church rates without providing an equivalent, and the address agreed to the other night for the removal of some of the services from the Book of Common Prayer. Upon the whole he should support the second reading of the Bill.

THE DUKE OF RUTLAND said, he regretted that on this question he was obliged to differ from his noble Friend at the head of the Government, because, having listened to that noble Earl's speech, as well as to the arguments which had been urged by the noble and gallant Earl in support of his measure, he had not heard any new fact, any new principle enunciated, or any new argument advanced to make him give his vote for the Bill with which their Lordships were then dealing. It was said that this Bill was a compromise offered to their Lordships, and that it was advisable by means of this compromise to put an end to the unseemly contest which had been for a long time waging between the two Houses of Parliament. Now, he must say that he did not think this was a case to settle by compromise. To pass a Bill to admit Jews to Parliament was either right or it was wrong. If Jews ought to be admitted, on what ground did a majority of forty in that House, on the 20th of April, refuse their consent to the Bill sent up from the House of Commons? Certainly they did not reject it on the ground that they would have any difficulty in sitting on the same bench with Baron Rothschild: it was no personal feeling which induced their Lordships to come to that decision, but they did so on the ground that they would not admit Jews into Parliament because they were unwilling to un-Christianize the Legislature. If he wanted an argument against the admission of Jews into Parliament he would only have to refer to the last clause of the Bill which had been proposed by his noble and learned Friend (Lord Lyndhurst) which stated that nothing contained in the Bill should extend or be considered to extend to enabling person or persons of the Jewish persuasion to fill certain high offices—such as those of Lord Chancellor, Prime Minister, Lord Lieutenant of Ireland, and Lord High Commissioner of Scotland. Now, the principle on which these exceptions were made applied with equal force to the admission of Jews to Parliament. It was said by some noble Lords that however objectionable this compromise was its acceptance was desirable, inasmuch as it would put an end to a difference which existed between the two Houses of Parliament. The noble Earl opposite (Earl Granville), though an advocate for the admission of the Jews to Parliament, had stated that this was not a satisfactory mode of settling the question; yet he was giving it his support. The great argument put forward for the admission of the Jews was that the people of England were in favour of it. Now, if he (the Duke of Rutland) proved to their Lordships that the people of England were against the admission of Jews to Parliament he thought their Lordships ought to have no hesitation in voting against the Bill of the noble and gallant Earl. In the first place, he contended that if the character and the number of the petitions presented to that House on the subject of any particular measure were any test of the feeling of the people of this country, then the people of England were rather against the admission of Jews to Parliament than for it. But then it was said, that as the House of Commons had so often passed Bills for the admission of Jews, and by such constantly increasing majorities their Lordships must assume that the people were in favour of it. That was certainly a new doctrine for those who put it forward. He remembered the time of the corn-law agitation. There were at that time large majorities in the House of Commons against the repeal of the corn-laws; but Parliament and the country were then told that those majorities were no test of the feeling of the people of England; that that feeling was decidedly in favour of a repeal of those laws, and that the votes of the House of Commons were not to be considered as any indication to the contrary. The most that could be said by the supporters of the measure for the admission of Jews to Parliament was that the people were indifferent on the subject. When this compromise was first spoken of in their Lordships' House, the

noble Earl at the head of the Government said he would take time to consider it. Had there been any manifestation of popular feeling in its favour since his noble Friend made that announcement? He (the Duke of Rutland) would implore of their Lordships to wait till the constituencies should have had an opportunity of expressing their opinion of this compromise—to pause till they have ascertained whether it was the wish of the people that the Bill of the noble and gallant Earl should be passed. If the constituencies pronounced an opinion in favour of this compromise it would then, if carried into effect, be sasisfactory as a compromise. Up to the present time no opinion in favour of the admission of the Jews had been pronounced by the electors of England. The present House of Commons was elected on quite a different "cry," and its opinion was no accurate test of the real desire of the country. Under all the circumstances of the case he considered that the admission of Jews to Parliament by an Act such as that now before their Lordships would be alike repugnant to the feelings that had on so many occasions been expressed by majorities of that House and to the best interest of the people of England.

LORD REDESDALE said, he was not going to argue the question of the admission of the Jews, but he rose to express his opinion that this Bill was a very unsatisfactory mode of settling the question. It involved a principle of the deepest importance, and their Lordships ought carefully to deliberate before they adopted so dangerous a course. The principle of this measure was, that a great step of public policy might be determined by a Resolution of one House of Parliament; and if this Bill became law it was probable that the other House would, in the present Session, pass a Resolution to give effect to the Bill, while their Lordships would reserve their opinion, and might at a future time come to a different conclusion from that adopted by the other House of Parliament. It might, therefore, happen that years hence the question would be settled in their Lordships' House by a single Resolution, and by a majority of a single vote, without that ample opportunity of discussion which was afforded by the forms of the House in the case of a Bill. Nor was that all. If the other House were allowed to do that by a Resolution which ought to be done by a Bill agreed to by both Houses, they were laying down a principle which might be adopted in other matters; so that they were creating a most dangerous precedent. Nor did it end there. There was nothing to prevent such a Resolution being moved again and again, whenever it suited the views of parties or individuals, and the House might, by dexterous arrangements, be taken by surprise. It might happen that when some individual presented himself at the table to take the oaths, his friends would muster for the occasion, and carry at once a Resolution relieving him from that part of the oath objected to by Jews. This was a constitutional objection which the House ought well to consider.

LORD BROUGHAM wished in the first place to observe, in reply to an observation which had fallen from the noble Duke (the Duke of Rutland) that his noble Friend (Earl Granville) had not stated that this was not a satisfactory way of settling the question of admitting the Jews to Parliament; what his noble Friend stated was, that it was not the most satisfactory way of settling it. The noble Lord who had just addressed the House (Lord Redesdale) appeared to him to mistake the effect of the Bill under discussion. The noble Lord seemed to think that the Resolution which the Bill would enable either House of Parliament to pass, would be one to meet the case of an individual, and would be passed as often as an individual presented himself at the table and objected to the oaths as they were now taken. But what did the Bill really provide? Why, that if either House should be of opinion generally before any person came to the table, and without reference to any particular case, that that part of the oath of abjuration to which persons of the Jewish persuasion objected, ought not to be exacted from them, they might, acting on its opinion, adopt a Resolution of general application, omitting those parts to which it appeared that conscientious objection existed, and which prevented members of the Jewish persuasion taking it. It would enable either House so to modify the oath, that it would admit all Jews who had an objection to taking it in its present form, and it would be unnecessary to pass a Resolution applicable to any particular individual. The noble Duke (the Duke of Rutland) had asked what circumstances had arisen to induce the majority of their Lordships to alter their views on the subject of the admission of the Jews? He (Lord

Brougham) thought that a most material circumstance had arisen to induce them to adopt that course. It had now been found that by the law and constitution of Parliament, any person might perform nine-tenths of the duties of a Member of Parliament without taking any oath at all—without undergoing any of the formalities incident to taking a seat in either House—for it had been found that any person might sit and vote in Committee without having conformed to any of these requirements; for no lawyer could deny that the penalties for enforcing the oath of abjuration applied only to voting in the House, and not to voting in Committees. He thought, moreover, that the exemption from the formalities of the oath ought to be extended to many others besides Jews, for it was certain that there were many classes of Christians in the House who differed as entirely from the body of the Church as the Jews themselves.

THE BISHOP OF OXFORD said, he never rose to trouble their Lordships with greater reluctance, or with more disinclination to address them, than on the present occasion; but he could not give a silent vote upon the subject. He did not intend to enter again upon the whole question, which they had so often argued in that House, of the admissibility of Jews into either House of Parliament, but he wished to state to their Lordships his reason why it was that he must give the same vote now that he had always given hitherto. The reason was briefly this. His vote had been given on the solemn and conscientious conviction that a man repudiating Him who was the central point of the whole Christian dispensation, and declaring Him to be an impostor, must in the whole tone of his thoughts, and in the whole scope and series of his principles, be so at variance with the sacred principles and tone of thought of the entire Christian community, that he could not safely be trusted with a discretionary power in making laws for that community. He had never been one of those who wished to exclude from any civil privilege on grounds of religious difference those from whom he unhappily differed; on the contrary, he was one of those who, from the earliest times, advocated the admission of the Roman Catholics into Parliament. He had never taken what might be considered the ground of excluding his fellow-countrymen from taking their seats in Parliament for a mere religious difference; but it appeared to him, as it appeared to others, and as it appeared to the late Dr. Arnold, a man of the extremest liberal views, that when you touched on the vital and fundamental point of denying the truth of our common Christianity, it was impossible safely to entrust a man, either in the capacity of a magistrate or a Judge, with the due and honest administration of those Christian laws from which he differed on fundamental points of view, and in connection with matters which must be left for him to deal with, if they were doubtful matters, according to his own discretion, when that discretion must be guided by a set of principles antagonistic to his own; and, still more, he (the Bishop of Oxford) could not believe it could be right in a Christian people to give a discretionary power of legislation to those that were the professed antagonists of our religion. The noble and learned Lord who had just spoken (Lord Brougham) said there were many persons in Parliament who were just as hostile as the Jews to the religion professed by that House. That might be so, but he would not attempt to gauge those differences—it was not his business to fix these shades of difference and dissent—but it was most material to remember that no one such man had ever yet been admitted to Parliament on his professed hostility to our faith; on the contrary, they had come professing that they held the common basis of our common Christianity, and upon that profession, whatever might be his own internal qualification—with which the Searcher of hearts and not man had to do—he was on his own profession qualified by that community of thought, which in such matters was the only expression and exponent of his religious faith, to sit in the Legislature of a Christian land. The argument of his noble and learned Friend was, he thought, at once met by this simple answer. It had been further said that there was at this moment great novelty in reference to this question, and that this justified noble Lords in changing their views upon it; and the novelty, forsooth, was this. It was discovered that a man not professing himself a Christian, and without taking any oath at all, neither of allegiance nor of abjuration, that such a person could, by a simple slip in the adaptation of our laws, take his seat in Committees of either House. But his noble and learned Friend, with his acute logical head, would see at once that this was not an argument for admitting the Jews to Parliament. If it were an

argument for anything it was an argument for admitting men without any oath at all; because it was not the Jew in particular that was able thereby to sit in Committees, to take his place in Parliamentary discussions and in the legislation of either House, but the unsworn man, a man who had taken no oath of allegiance to our Sovereign would be able, in the loose state of the law, to take his place and vote. What, then, was the conclusion? Not that there was this reason for admitting the Jew, but the conclusion his noble and learned Friend brought them to was either to sweep away all oaths or to remedy the law that admitted these anomalies and allowed the individual to take his seat in Committees of the House. Really, therefore, he must hold that the argument of his noble and learned Friend was without any weight at all. Another point had of late been strongly urged upon the House. It had been said that they had had argument after argument directed not to the sense but to the feeling of that House, and that it was time they now no longer listened to feeling, but that at last, albeit though tardily, they should listen to sense. It was because he believed that to be one of the truest reasons, and one of the hardest and simplest logical deductions from the facts on which those who had opposed the admission of the Jews had acted, that he saw no reason for their Lordships to be changing their views under the change of circumstances that beset them. What did they amount to after all? Was there any one thing that had really happened, which any reasonable man did not anticipate would happen at the beginning of the Session. And what had happened since? Was it not known that the House of Commons would make the threats they had made since? Was there any novelty in that? And he could not help thinking, in his apprehension of the case, that their Lordships were precisely in the same position they were in when they last voted on this subject. His noble Friend on the cross benches had argued that the frequent repetition of these things coming up to their Lordships' House ought on constitutional principles to induce their Lordships at last to pass them, because the constitutional position of their Lordships' House was rather that of being a check on the more popular branch of the Legislature, but that, after so constant a recurrence of these representations, their Lordships should yield to them at last. That argument, however, produced no effect on him because, although it was perfectly constitutional in the other House to send up these measures to the higher branch of the Legislature, provided they really spoke the voice of those who elected them and sent them there; yet he believed that the other House of Parliament in this matter did not represent the feelings of the people of England. Their Lordships were asked to yield their legislative opinion in this matter to the opinion of the other House, and yet in the same voice and at the same time they were told that the people of this country were absolutely apathetic on the subject of the point their Lordships were urged to yield. There would then appear to be no other reason, except that of inconvenience, left why their Lordships should change their opinions on this subject. If, however, they were to make a change, he should prefer unspeakably the Bill of his noble and learned Friend behind him than the one they were now discussing. He preferred it, in the first place, because, instead of limiting this licence to the Jew, it openly and aboveboard gave it to all who were non-Christians. He thought it was a mere delusion to say that they could give it to the Jew and withhold it from the Mahomedan, the Hindoo, or the men of any other nation or faith. In many respects the Mahomedan was nearer to them than the Jew. The Jew declared tha tthe Central Point of the Christian faith was an impostor, and the Mahomedan, at least, admitted our Saviour to have been the second of Prophets. It appeared to him to be a mere delusion to say that they would give this *privilegium* of admission to the Jew, and that still they would retain something of the savour of Christianity by admitting other castes or creeds that denied our holy religion. Would it not surely be more creditable and more consistent to decide that they would no longer require from any one a profession of Christianity as a preliminary to his sitting in Parliament, rather than say we do not require this preliminary from the Jew, but we do from any one else. Then, again, he would ask their Lordships to consider whether, in connection with the proposed Bill, they had considered the relationship in which their Lordships' House ostensibly stood to the other House of Parliament, and both of them ostensibly to the Established Church. Was it intended that there should be a perfectly new system of relationship established between Parliament and the Established Church? or was it

The Bishop of Oxford

still to be the theory that matters affecting the discipline and doctrine and standing of the Established Church were, because it was the Established Church, to be debated fairly and freely in both Houses of Parliament, who were to be taken as being, to a certain extent, the legislators for that religious body? Had they considered this point? Had they formed any plans by which to adapt this new system to the necessities of the case? Were they prepared to adopt any new system, or to withdraw for the future from the discussion of at least one branch of the Legislature, matters affecting the Established Church, or to provide some other way by which internal legislation could be provided for that Church? He would ask their Lordships to weigh these things against the promise of present expediency, and their Lordships would pardon him if he said that this House would not stand higher in the estimation of the country if upon a simple threat of political difficulties—if upon the simple pretext and appearance of sudden expediency in relation to the relinquishment of a national rule—they did readily grant to the unwise desire of another body that which large majorities of their Lordships' House had hitherto consistently denied, not only as a political necessity, but as a religious duty.

VISCOUNT DUNGANNON said, he regretted that he should be compelled to differ from the noble Earl at the head of the Government, to whom he usually gave a cordial support; but upon the present occasion he had a higher duty to perform. He conceived that if he were to vote for a measure which was to admit any individual into Parliament who denied the Saviour of mankind, he should be doing an act for which he would be responsible to the great and eternal Judge. The noble Duke on the cross benches (the Duke of Cleveland) said, "Why, here has been a Jew elected again and again by the largest and wealthiest constituency in the United Kingdom to a seat in the other House of Parliament." But were their Lordships to be bound to an act of that sort, when those who elected the individual knew very well at the time he was legally precluded from taking his seat? He agreed with his right rev. Friend (the Bishop of Oxford) in thinking the Mahomedan, who admitted our Saviour to have been a great prophet, came nearer to them than the Jew, who proclaimed our Saviour to be an impostor. They commenced their proceedings with a prayer in which the name of the Saviour was invoked, and if persons who ridiculed the Divine Being were admitted, those prayers would be nothing but a mockery. He should certainly give his most conscientious support to the Motion of his noble Friend.

THE EARL OF CARDIGAN said, that having been for thirty-eight years a Member of Parliament, and during the whole of that time a supporter of Conservative policy, regretted that he was compelled to separate himself upon this occasion from the noble Earl at the head of the Government. The question of admitting Jews to Parliament had been frequently discussed and decided in that House, and no reasons had been assigned why their Lordships should now change their course, and he for one was not ready to stultify the votes he had given on all former occasions. Something had been said about the necessity for concession, but concessions had never been made without some bugbear having been held up to induce them. It had been urged among other reasons by those who were in favour of the admission of Jews to Parliament that, unless a measure with that object was agreed to by their Lordships, a collision between the House of Commons and the courts of law would be the result. Now, he was under no apprehension that any such consequence would flow from the rejection of the Bill under consideration, and he could not therefore consent to stultify himself by recording that evening a vote in direct opposition to those which he had previously given. He might perhaps be permitted to say in conclusion that it would, in his opinion, be extremely desirable for the Conservative party to consider whether that large number of Liberal measures which were daily coming up from the other House of Parliament should or should not be at once assented to, for he could not help thinking it would be much better that they should gracefully receive the sanction of the Members of that party than that noble Lords should be brought down Session after Session for the next ten years to vote against them, and then at the end of that period be called upon to give them their support.

On Question that ("now") stand Part of the Motion? Their Lordships *divided*:—Contents 143; Not-Contents 97: Majority 46.

Resolved in the *Affirmative*: Bill read

2ª accordingly, and *committed* to a Committee of the whole House on Monday next.

CONTENTS.

(PRESENT.)

Cleveland, D.
Devonshire, D.
Newcastle, D.
Somerset, D.

Bath, M.
Lansdowne, M.
Salisbury, M.

Airlie, E.
Albemarle, E.
Bathurst, E.
Caithness, E.
Carlisle, E.
Carnarvon, E.
Chichester, E.
Clarendon, E.
Derby, E.
Graham, E. (*D. of Montrose.*)
Granville, E.
Grey, E.
Hardwicke, E.
Lucan E. [*Teller.*]
Malmesbury E.
Powis, E.
Saint Germans, E.
Sommers, E.
Stanhope, E.
Stradbroke, E.
Wicklow, E.

Gordon, V. (*E. Aberdeen.*)
Hardinge, V.
Hutchinson, V. (*E. Donoughmore.*)
Sidmouth, V.
Stratford de Redcliffe, V.
Torrington, V.

Bath and Wells, Bp.
Derry and Raphoe, Bp.
Hereford, Bp.
London, By.
Manchester, Bp.

Audley, L.
Belper, L.
Blantyre, L.
Boston, L.
Boyle, L. (*E. Cork and Orrery.*)
Brougham and Vaux, L.
Camoys, L.
Campbell, L.
Carew, L.
Chesham, L.
Clandeboye, L. (*L. Dufferin & Clayneboye.*)
Congleton, L.
Cranworth, L.
Dacre, L.
Dartrey, L. (*L. Cremorne.*)
De L'Isle and Dudley, L.
De Tabley, L.
Ebury, L.
Foley, L. [*Teller.*]
Granard, L. (*E. Granard.*)
Leigh, L.
Londesborough, L.
Lyndhurst, L.
Manners, L.
Minster, L. (*M. Conyngham.*)
Monteagle of Brandon, L.
Mostyn, L.
Overstone, L.
Portman, L.
Ravensworth, L.
Rossie, L. (*L. Kinnaird.*)
Saye and Sele, L.
Sefton, L. (*Sefton*)
Skene, L. (*E. Fife.*)
Somerhill, L. (*M. Clanricarde.*)
Stanley of Alderley, L.
Talbot de Malahide, L.
Vivian, L.
Wemyss, L. (*E. Wemyss.*)
Wodehouse, L.

(PROXIES.)

Northumberland, D.
Portland, D.
Sutherland, D.

Bristol, M.

Belmore, E.
Buckinghamshire, E.
Camperdown, E.
Cathcart, E.
Cowley, E.
Craven, E.
Devon, E.
Ducie, E.
Ferrers, E.
Innes, E. (*D. Roxburghe.*)
Leicester, E.
Lovelace, E.
Morley, E.
Munster, E.
Portsmouth, E.
Rosslyn, E.
Scarborough, E.
Spencer, E.
Verulam, E.
Yarborough, E.

Donoraile, V.
Leinster, V. (*D. Leinster.*)

Carlisle, Bp.
Worcester, Bp.

Arundell of Wardour, L.
Ashburton, L.
Blayney, L.
Bolton, L.
Castlemaine, L.
Cloncurry, L.
De Freyne, L.
Dorchester, L.
Dormer, L.
Dunsandle and Clanconal, L.
Erskine, L.
Feversham, L.
Fingall, L. (*E. Fingall.*)
Gage, L. (*V. Gage.*)
Glenelg, L.
Gray, L.
Hatherton, L.
Hawke, L.
Holland, L.
Howard de Walden, L.
Kenlis, L. (*M. Headfort.*
Kenmare, L.
Kintore, L. (*E. Kintore.*)
Lovat, L.
Lurgan, L.
Mont Eagle, L. (*M. Sligo.*)
Oriel, L. (*V. Massereene.*)
Panmure, L.
Ribblesdale, L.
St. John of Bletso, L.
Sudeley, L.
Vaux of Harrowden, L.
Vernon, L.
Wharncliffe, L.
Wigan, L. (*E. Crawford and Blacarres.*)
Worlingham, L. (*E. Gosford.*)

NOT-CONTENTS.

(PRESENT.)

Canterbury, Archbp.

Chelmsford, L. (*L. Chancellor.*)

Buckingham and Chandos, D.
Marlborough, D.
Rutland, D.

Exeter, M.

Amherst, E.
Beauchamp, E
Bradford, E.
Cadogan, E.
Cardigan, E.
Dartmouth, E.
De La Warr, E.
Doncaster, E. (*D. of Buccleuch & Queensberry.*)
Effingham, E.
Harrington, E.
Lanesborough, E.
Leven and Melville, E.
Lonsdale, E.
Mansfield, E.
Nelson, E.
Pomfret, E.
Vane, E.

Canterbury, V.
Clancarty, V. (*E. Clancarty.*) [*Teller.*]
Combermere, V.
Dungannon, V.
Hill, V.
Melville, V.

Bangor, Bp.
Chichester, Bp.
Durham, Bp.
Llandaff, Bp.
Oxford, Bp.
Salisbury, Bp.

Abinger, L.
Bagot, L.
Bateman, L.
Berners, L.
Braybrooke, L.
Brodrick, L. (*V. Midleton.*)
Calthorpe, L.
Churchill, L.
Clarina, L.
Clifton, L. (*E. Darnley.*)
Colchester, L.
Colville of Culross, L.
Crofton, L.
De Ros, L.
Dinevor, L.
Foxford, L. (*E. Limerick.*)
Grantley, L.
Lilford, L.
Lovel and Holland, L. (*E. Egmont.*)
Raglan, L.
Rayleigh, L.
Redesdale, L. [*Teller.*]
Sondes, L.
Southampton, L.
Stewart of Garlies, L. (*E. Galloway.*)
Templemore, L.
Tenterden, L.
Walsingham, L.
Wynford, L.

(PROXIES.)

Richmond, D.

Cholmondeley, M.
Winchester, M.

Brooke and Warwick, E.
Desart, E.
Erne, E.
Harewood, E.
Hillsborough, E. (*M. Downshire.*)
Manvers, E.
Mayo, E.
Onslow, E.
Portarlington, E.

Poulett, E.
Romney, E.
Seafield, E.
Selkirk, E.

Lifford, V.
Maynard, V.
St. Vincent, V.
Strathallan, V.

Cashel, &c., Bp.
Exeter, Bp.
St. Asaph, Bp.
Winchester, Bp.

Ardrossan, E. (*E. Eglintoun.*)
Bayning, L.
Clanbrassill, L. (*E. Roden.*)
Clements, L. (*E. Leitrim.*)
Clonbrock, L.
Forester, L.
Kilmaine, L.
Methuen, L.
Sandys, L.

OATHS BILL.

LORD CAMPBELL asked what was to be done with the Oaths Bill? He would suggest that that Bill should now be dropped altogether, and that next Session a new Bill should be introduced to deal with the subject of oaths.

THE EARL OF DERBY said, he could not at all consent to that course. In point of fact, both Houses of Parliament were agreed in the main features of that Bill; the only question of difference between them was that relating to the Jews, and that difficulty, he hoped, was now in a fair way of being obviated by the Bill of his noble and gallant Friend. He considered that Bill as a supplement to the Oaths Bill, and they would go down to the other House, not certainly as one Bill, but as two parts of one measure. Perhaps some Amendments might be necessary in the Reasons that were about to be sent down to the Commons for not assenting to their Reasons, and therefore he had proposed to postpone the consideration of those Reasons till Tuesday next. The House of Lords would still insist on their objections to the clause that Jews should sit not only in the Commons, but also in their Lordships' House; but along with that they would send down this Bill, which, to a considerable extent, would meet the wishes of the House of Commons.

EARL GRANVILLE agreed in the course traced out by the noble Earl, and hoped that nothing of a controversial tone would be inserted in the reasons.

THE DUKE OF MARLBOROUGH thought it would be very difficult, after assenting to one Bill, to name Reasons for rejecting the other.

After a few words from Earl STANHOPE and Lord REDESDALE,

Consideration of Report of Reasons to be offered to the Commons for the Lords insisting on their Amendments (which stands appointed for this day), *put off* to *Tuesday* next.

House adjourned at a quarter past Nine o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, July 1, 1858.

MINUTES.] PUBLIC BILLS.—1° Government of New Caledonia; Judgments (Ireland) Act Amendment; Admiralty Court; Superannuation Law Amendment.
2° Chelsea Bridge Act Amendment; Bishops' Trusts Substitution.
3° New General Post Office (Edinburgh).

UNIVERSITIES (SCOTLAND) BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

Clause 13.

MR. BOUVERIE reminded the Committee that on Tuesday last he had moved an Amendment to the clause, that after the words "officer thereof" there should be added the words "or any body corporate or public body, or any part thereof," and he would now again move it. The effect of the Amendment would be to take away from the town council of Edinburgh, or any other public body, the right of appointing University professors.

MR. E. ELLICE (St. Andrews) said, he did not think that any sufficient ground had been alleged for their taking the strong step of depriving the Town Council of Edinburgh of the right of nomination they had hitherto exercised in that matter. They had, as far as he could learn, used the right in a manner which had given rise to no complaint on the part of the public. He was aware, however, that the present practice was open to the objection that a Town Council was not the fittest body in the world to which that patronage could be committed; and, after having given to the subject the best consideration in his power, he had arrived at the conclusion that the best thing they could then do would be to adopt an intermediate course by which they would partially recognize the claim of the Town Council to be continued in the possession of a right which they had hitherto probably used, while some partial restriction would be imposed on the unchecked power which they had

hitherto enjoyed upon that subject. He believed that the adoption of the Amendment of the hon. Baronet the Member for the Wigton Burghs (Sir W. Dunbar) would enable them to effect a compromise of that description, and he trusted that that Amendment, or some similar proposal, would receive the sanction of the Committee.

MR. BLACK said, he did not believe that the House had a right, under any circumstances, to deprive the Town Council of Edinburgh of the patronage they had exercised so long and in so judicious a manner. He should, however, be ready to give his best consideration to any compromise that might be proposed for the settlement of that question; but he would not offer an opinion upon any particular suggestion until it should have been brought under the notice of the Committee.

MR. BOUVERIE said, that the proposal he had made was one of a general character, but it would, no doubt, chiefly effect the patronage of the Corporation of Edinburgh; but it would also have the effect of abrogating that small amount of patronage which was possessed in the University of Aberdeen by the Town Council and by the Synod of that city. He was ready to acknowledge that, as regarded the patronage of the Town Council of Edinburgh, the proposal put on the paper by the hon. Member for the Wigton Burghs, possessed some advantage over that he had himself submitted to the Committee, inasmuch as it would be much less sweeping in its operation. In the abstract he preferred his own Amendment, but for the sake of peace and in order to conciliate his hon. Friends the Members for Edinburgh, he should not be indisposed to substitute for it the Amendment of the hon. Baronet. He should add that he thought the Committee, in any measure they might adopt, ought not to have the patronage of the Town Council and of the Synod of Aberdeen restricted, while they interfered with similar patronage in Edinburgh.

COLONEL SYKES said, he should enter his protest against the abolition of a patronage which had existed for so long a time, unless it could be proved that from the manner in which it had been applied, or from some other cause, it had failed in securing the objects for which it had been instituted. As far as he could judge, there had been no such failure in that case; and he did not see why any change should be made in the matter.

MR. DUNLOP said, he thought it would be unwise and unjust on the part of the Committee to adopt the sweeping proposal of his right hon. Friend the Member for Kilmarnock (Mr. Bouverie). There were two public bodies in Edinburgh which exercised patronage of that description, and which manifestly ought not to be deprived of the right. He alluded to the Faculty of Advocates, which virtually, by means of their recommendation to the Town Council, nominated the Professor of Law, and the Writers to the Signet who nominated the Professor of Conveyancing. It was easy to see that these two bodies were better qualified to make a proper choice in those cases than any University Council. He was not indisposed to be a party to some compromise upon that subject; but he should offer his most strenuous opposition to the proposal of his right hon. Friend the Member for Kilmarnock.

THE LORD ADVOCATE said, he was somewhat unwilling to take any part in that discussion, which seemed to have originated in a desire on the part of the representatives of the various parties into which Scotland was divided upon this subject, to arrive at a settlement of the question by means of a compromise, which they stated all consider more or less satisfactory. If they could succeed in that point, he should be most happy to give his assent to any suggestion for carrying into effect their wishes. He was anxious, however, to observe that the proposal of his right hon. Friend the Member for Kilmarnock was clearly open to the objection which had been made to it by his hon. and learned Friend the Member for Greenock (Mr. Dunlop). It should be observed that the Bill as it stood dealt with no large patronage, except that which had hitherto been exercised by the Senatus Academicus, or some portion of their body, and that it left all their patronage untouched. He understood that neither his right hon. Friend nor any other Member of the Committee wished to interfere with what was called private patronage—that was to say, the right of presentation to chairs vested in individuals who represented the founders. The right so acquired was considered too sacred to be abolished. But the Amendment of his right hon. Friend would invade rights of a similar kind, although they were vested not in individuals, but in corporate bodies. For example, in one of the cases to which his hon. and learned Friend

the Member for Greenock had referred, the Writers to the Signet in Edinburgh nominated to the Professorship of Conveyancing in the University of that city, and members of their body, had contributed funds for that endowment; so that it would manifestly be unfair to deprive them of that patronage. He could not, therefore, support the proposal of his right hon. Friend; and with regard to the patronage exercised by a corporation of Edinburgh, he would only say that he would not then enter into that subject, because it had not yet been brought formally under the consideration of the Committee.

MR. ELLICE (St. Andrews) said, he was much gratified with the statement of the Lord Advocate. In these days people seemed to aim too much at merely Utopian perfection. If his right hon. Friend the Member for Kilmarnock could prove that any of these bodies had abused the power which had been vested in them, he should willingly join him in any attempt to remedy the evil. He would go further, and say, that if he were then asked for the first time to vest that patronage in corporate bodies, he should most probably refuse his assent to such a proposal. But as it had not been shown that any abuse had arisen in that case, he was not prepared to deprive men of a privilege which they had enjoyed from remote times, and which they had exercised to the general satisfaction of their fellow-countrymen. He was very happy to find that the Lord Advocate was prepared to adhere to the principle laid down in the Bill; and he would ask his right hon. Friend the Member for Kilmarnock to consider the position in which they were then placed. They were making a great experiment for the improvement of education in Scotland. He entirely approved of that experiment; but he thought it was desirable that, in carrying it out, they should conciliate as many interests as they could, consistently with the attainment of the object which they had in view.

MR. FINLAY said, that the Town Council of Edinburgh were not the founders of those professorships. The fact was, that they were merely trustees for royal grants given in the time of James VI. They could not, therefore, be at all placed in the same category with private individuals who had given, or whose ancestors had given, their own money for the purpose of creating educational endowments. Then, again, as regarded the mode in which the patronage had been exercised by the Town Councils, he entirely differed from those gentlemen who had spoken upon that subject in terms of such unqualified approval. He was prepared to maintain, that in many cases that patronage had been exercised in a manner which had given very great dissatisfaction; and that the public felt no confidence in the ability of those to whom that trust was committed to appoint the fittest men. He did not mean to say that all the appointments were bad; but he believed that many of them were open to great objection; and he should, therefore, be very sorry to see that patronage continued in the Town Council of Edinburgh.

MR. H. BAILLIE said, that he too could not admit that the Town Council of Edinburgh had never abused that patronage; but he believed that that question was not then formally before the Committee.

MR. BOUVERIE said, that after what had fallen from the Lord Advocate and from his hon. Friends around him, he would not put the Committee to the trouble of dividing on his Amendment. He should say, however, that he drew a broad distinction between the rights of private patronage and of patronage vested in a public body such as the Town Council of Edinburgh. Private individuals had an absolute right in such a case, and could use it as they might please without a responsibility to any parties. But corporations, on the contrary, were mere trustees acting in behalf of the public, to whom they were responsible for the mode in which they discharged their duties; and the Legislature could transfer those duties to other hands at any moment they might think proper.

THE LORD ADVOCATE said, that when the members of a corporation were mere trustees for the public, Parliament might take away their right. But the case of the Writers to the Signet who nominated to the Professorship of Conveyancing in the University of Edinburgh was of a different character. That body had a special interest in the nominations to that professorship, which had been founded for the benefit of the profession to which they belonged.

MR. BLACKBURN said, he entirely approved of the Amendment of the right hon. Gentleman the Member for Kilmarnock; but he could not of course prevent the right hon. Gentleman from withdrawing it. He did not see how they could take away the patronage in this case from any existing body, unless all the holders of

the privilege, including the Corporation of Edinburgh, were to be regarded as mere trustees for the public.

Amendment, by leave, *withdrawn*.

SIR W. DUNBAR moved the following Amendment to the clause :—

"Clause 13, line 15, at the end insert, 'Provided always, that before exercising such right of nomination or presentation to any professorship, the University Court shall, in each case, require the Senatus Academicus to examine the testimonials, if any, and report upon the qualifications of the candidate or candidates for such professorship; and the right of nomination or presentation to all professorships in the University of Edinburgh, in times past and presently exercised by the Town Council of Edinburgh, or by one or more of the members thereof, shall be transferred to, and in all time coming be exercised by, seven curators to be nominated as follows; within two months from and after the date at which this Act shall come into operation, as hereinafter provided, the Town Council shall nominate four curators, and the University Court of the said University shall nominate the remaining three curators: and the curators shall continue in office for three years; and in the event of vacancies in the office of curator occurring from death, resignation, or any other cause, the vacancies shall, as respects the four nominations made by the Town Council, be filled up by the Town Council, and shall, as respects the other nominations, be filled up by the University Court, for the remainder of the period unexpired.'"

The hon. Baronet said, that that Amendment differed in two points from that which he had placed on the notice paper by his hon. Friend the Member for Perthshire (Mr. Stirling). In the first place, he had omitted certain words by which no Member of the Town Council or of the University Court, except the Lord Provost could have been eligible as a curator; and in the next place he wished to limit the term of office by the curators to three years, instead of four years, as he had originally proposed. He brought forward that proposal as a compromise, to which he believed all the parties interested need have no hesitation in assenting. It would put an end to that degrading system of canvassing of which candidates at present complained. He thought that was a system which it was impossible to defend. No one could defend a mode of proceeding under which appointments were bestowed by forty men, the great majority of whom were, to say the least of it, inferior in point of intellectual attainments, to those who solicited their support. He believed that the Amendment would further have the effect of removing that sectarian bias which was supposed by many persons to operate to some extent in the selection of candidates. It might be satisfactory to the Committee to know, that the proposal was in principle the same as one which had been suggested some five or six years ago by the late Sir William Hamilton. He trusted that it would then meet with the approval of the hon. Members for Edinburgh, and he could state that it had been framed with a sincere desire upon his part to do justice to the Town Council of the city which they represented.

MR. COWAN said, he could not help regretting that any attempt was made to interfere with the patronage at present exercised in the appointment to professorships in the Scotch Universities. He found that the Bill, as it had been framed by the Lord Advocate, sanctioned no such interference. There was a proverb in the North, that "a man ought not to put his foot farther than he could draw it in again." He thought it would be well if the lesson conveyed in that maxim had not been forgotten in the present instance, and if the main experiment proposed in the Bill were allowed to have a fair trial, without any attempt being made to alter the mode of making appointments to the Scotch University chairs, he could afford the House a most satisfactory illustration of the admirable manner in which the patronage in that case was at present exercised. Not later than Monday last a Professor of Chemistry had to be nominated in the University of Edinburgh; there were three or four candidates, and the one chosen—and chosen by 25 to 9—was Dr. Lyon Playfair, with whose professional reputation they were all acquainted. He had to state, however, that if it was the feeling of the Committee generally, that the compromise proposed by the hon. Baronet, the Member for the Wigton Burghs, ought to be adopted, he would not stand in the way of its acceptance.

MR. STIRLING said, that as he believed the Committee generally were disposed to adopt the proposal of his hon. Friend the Member for the Wigton Burghs, he should not press his own Amendment.

MR. DUNLOP said, he believed there was nothing to justify their adoption of the proposal of the hon. Baronet the Member for the Wigton Burghs; but as the Committee generally were manifestly of a different opinion, he should, under the compulsion thus placed upon him, cease to oppose it.

MR. J. S. WORTLEY said, that the

arrangement proposed by the Amendment of the hon. Baronet, the Member for the Wigton Burghs, appeared to him to be one of a very admirable character. Before the proposal of the hon. Member for Perthshire was withdrawn, he should be glad to know what was the opinion of the other Member for Edinburgh upon the subject.

MR. BLACK said, he wished to state the exact position in which he was placed. He felt he was like a captain of a ship in a storm, and in danger of being totally submerged; and he was prepared to save as much as he could out of the wreck. He believed he could not obtain more than was proposed in the Amendment of the hon. Baronet, the Member for the Wigton Burghs.

Amendment *agreed to.*

MR. BLACK moved an Amendment, providing that it should not be competent to elect any member of the University Court to any office in the University while a member of the said Court, or within twelve months after he had ceased to be a member thereof. He thought some check ought be imposed of that description.

THE LORD ADVOCATE could not conceive the grounds on which such a proposal was made; and if there had been any reason for depriving the members of the Court from offices in the University during the time they remained in office, there was no reason to continue such restriction twelve months after they had ceased to be members of that Court. He should oppose the Motion.

Amendment *negatived.*

Clause *agreed to.*

Clause 14.

THE LORD ADVOCATE proposed to fill up the blank left for the names of the Commissioners with the following names:

"His Grace JOHN GEORGE DOUGLAS CAMPBELL, Duke of Argyll; the Right Hon. GEORGE HAMILTON GORDON, Earl of Aberdeen; the Right Hon. WILLIAM DAVID MURRAY, Earl of Mansfield; the Right Hon. DUNCAN MCNEIL, Lord Justice General and Lord President of the Court of Session; Sir WILLIAM GIBSON CRAIG, of Riccarton, Baronet; JOHN INGLIS, Esquire, Lord Advocate for Scotland; JAMES CRAUFURD, Esquire, one of the Senators of the College of Justice; WILLIAM STIRLING, Esquire, of Keir; JAMES MONCREIFF, Esquire; ALEXANDER HASTIE, Esquire."

LORD ELCHO expressed a doubt whether the state of the Earl of Aberdeen's health would allow him to devote his attention to the subject. He thought it would be very desirable to have some man of influence among the Commissioners connected with the north of Scotland.

MR. J. ELLICE suggested, that the name of Earl Stanhope should be added to the list of Commissioners. Although his Lordship was an Englishman, he was much respected in Scotland, and he was sure it would give great satisfaction if he were made a Commissioner. He thought, however, it would be better to leave the whole question to the learned Earl, in whose judgment he had the most perfect confidence.

COLONEL SYKES concurred in that suggestion; but, at the same time, he might take the opportunity of stating that the name of Earl Stanhope would be received with the greatest respect in Aberdeen.

Motion *agreed to.* Clause, as amended, *agreed to.*

Clause 15 (Commissioners' Power to Revise Endowments).

MR. BOUVERIE moved the insertion of a provision, that any such alterations should be in consonance with the main design of the founder.

MR. ELLICE thought, that more power was conferred upon these Commissioners than the Home Secretary would be allowed to confer upon any similar body in England. Many of the endowments were very small; and if the Commissioners, in the exercise of the powers granted them by this Bill, choose to say that a larger sum of money than was now paid was necessary to enable the young men to subsist with dignity and comfort at college, the effect might be very detrimental. The small bursaries at these Colleges had been of great assistance to the sons of farmers, country ministers, and others, and if they were interfered with, great danger would be done.

MR. WALPOLE said, there were similar powers given in both the Oxford and Cambridge Acts; but, by subsequent clauses, restrictions were placed upon the arbitrary exercise of those powers; and that the Lord Advocate would insert similar restrictions in this Bill on bringing up the Report.

Amendment *agreed to.*

MR. GLADSTONE said, that as they had now come to the end of the powers of the Commissioners, this was the time at which he ought to submit to the notice of the Committee a point which a friendly interest in the welfare of the Scotch Universities induced him to believe was one of the greatest importance. As a person connected immediately with one of the English

Universities, he ought perhaps to make some apology for introducing himself on this question. He had felt great reluctance in interfering in matters which were sharply contested by persons belonging to, or interested in, the Scotch Universities, and had felt it to be rather his duty to abstain from entering on the discussion; and the only reason he did so now was, because he felt a desire to place the Scotch Universities in a position of greater prominence than they had hitherto occupied. The proposition he had to submit to the favourable consideration of the right hon. Gentleman was this. The Lord Advocate had framed, with great care and ability, a Bill for improving the present condition of those Universities. He quite concurred in the general eulogium bestowed upon the Bill; but, at the same time, he wished to make a remark upon its effect—not in the way of hostile criticism, but as an instance of what he thought could not be denied—namely, that up to the present day there had been a great distinction between the value, in public estimation, of the degrees conferred by Scotch and English Universities. The principal functions of Scotch Universities had hitherto been to ascertain qualifications, and that of the Colleges to operate as teaching bodies. This Bill, undoubtedly, tended to obliterate what remained of the distinction between the Colleges and Universities. Up to the present time it was doubtful whether, in law, the University of Edinburgh was a University at all, and whether a proper view of it was not that it was a College which had acquired a prescriptive right to grant degrees. On the other hand as respected the University and the Colleges in Glasgow, the distinction could be undoubtedly traced in the records between those portions of the machinery which belonged to the functions of a University, and those which belonged to the functions of a College; while, of course, it was very marked as regarded St. Andrews. He did not allude to this as a mere matter of antiquarian interest, but as one in which he had for many years felt a deep interest; and it being his duty, in common with other Members of the House, to take into consideration whatever tended to advance the interests of literature, and to produce high intellectual qualifications, he could not help asking himself whether by this Bill they were doing all they could do to produce a high class of education in the Universities of Scotland. He owned frankly that he wanted to see the degrees conferred in Scotland—not merely on medicine, or any particular school dependent upon their excellence upon any favourable circumstances like those existing at Edinburgh—but the Scotch degrees generally, brought fully up to a par in point of dignity and social effect with the University degrees granted in England. The question was, how could they ensure that? He had a strong impression that that could not be done effectively so long as Scotland maintained four Universities. He fully admitted his belief that no other country upon the face of the earth, the population and natural advantages being equal, could show such an amount of intellectual power as could Scotland. At the same time, he did not think that it was possible it could maintain four Universities, and in his opinion, so long as it did, do what they could to encourage and foster them, it was not possible that the degrees which they granted could be brought up to the point he desired. The very effect of what they were doing now was to some degree adverse to the permanent elevation of Scotch degrees, for it was most essential that the examining and certifying power should be as distinct from the College machinery as possible. The more closely they united the College machinery and the University certifying power, upon which the value of the degree depended, the more they were trying to assimilate functions which were not alike in kind. Their object should be not to bring the University and the Colleges as nearly together as possible, but to keep them clearly and widely apart, in order that those who taught the young men might teach them subject to the supervision of an independent power which was not mixed up with the teaching machinery. With that view he was anxious that they should do everything for the ultimate consolidation of the four Universities of Scotland into one great national University; leaving them to rule themselves under that national University as a central body, at which they should be duly represented; but essentially maintaining the character of Colleges, and discharging the functions of Colleges in educating and teaching. He could not help thinking that, presuming a willingness was found to combine in this way, it was most desirable that such a combination should take place. There need be no cry of surrender to be made, for the Universities would be deprived of nothing

which was of the least value to them. What they required was the efficiency of their teaching staff; and the sending young men up to a central University for examination would be a positive advantage instead of a loss. The real question was, whether there was an anxiety among the population in the Universities of Scotland to attain this end. If they were disposed to enter into such an arrangement he should not understand that any serious difficulty in carrying into effect could arise. He was sure it would be a great encouragement to the authorities that now existed, and which were to be set in action by this Bill, if they could do something in the measure which should indicate the view it entertained upon the matter. Perhaps that could best be effected by making some addition to the powers of the Commissioners. The first point would be to give them a new object. They might be directed to inquire into the desirability and practicability of constituting one national University in Scotland. That would make it the duty of the Commissioners to inquire and report to the Crown, and so far the direction would be a positive one. But beyond that he would authorize the Commissioners to proceed and take measures for the purpose — dependent upon — dependent upon consent of parties — of constituting such national University. If the present Universities, and the parties connected with them, were desirous to array themselves as Colleges under a central University, who would be the examining body in Scotland, then he said, let the Commissioners, with the consent of the Universities, and subject to the restrictions provided in the ordinances proceed to the accomplishment of this object. He was persuaded that it would be a great work for Scotland, and that the whole business of education and learning in Scotland would derive advantages greater than they had ever yet possessed. He had put the proposition into words in order to convey the clearest idea of it which he possibly could. It would be presumptuous in him to press the proposal on the Committee, unless it met with such support, especially from hon. Members for Scotland, as would induce Her Majesty's Government to give it a favourable consideration. It was therefore not his intention to challenge any discussion upon the question until he was backed up with greater authority than his own in the matter. The form of words which he thought best suited to carry out this suggestion, and which might come in at the end of the powers of the Commissioners, would be,—

"That the said Commissioners also have power to inquire and report to Her Majesty how far it would be practicable or expedient that one University should be constituted, to be called the National University of Scotland; and in case Her Majesty should be pleased at any time within the duration of the Commission to grant a charter for the creation of such University, it shall be lawful for the Scottish University named in this Act, or any of them, to surrender the powers of examinations for and granting degrees with or without the exception of theological degrees, and become Colleges, one or more as the case may be, of the said National University. And it shall be lawful for the Commissioners, by and with the consent of such Universities respectively, to make arrangements for such conversion into Colleges, and for the representation of such Colleges in the governing body of the National University. No such surrender or consent to be valid unless such consent is signified in writing from the Chancellor of the repective Universities, nor except it shall be declared by him that such surrender and consent has the approval of the Senatus Academicus. And any such scheme for converting such University into one or more Colleges shall be subject, before taking final effect, to the same conditions and forms as other statutes and ordinances."

THE LORD ADVOCATE acknowledged with great pleasure the exceedingly friendly spirit with which this Motion had been introduced by the right hon. Gentleman, and was glad to hear that his (the Lord Advocate's) humble efforts in the cause of high-class education in Scotland were considered entitled to have the praise of the right hon. Gentleman. What he had now said was worthy of great consideration; but it was obvious that the insertion of such a clause as this would involve a great many considerations which, even if the Committee agreed upon the general principle, would so delay the proceedings, that it would have the effect of throwing over the Bill. He suggested that the right hon. Gentleman should withdraw his Motion for the present, and bring it up on the presentation of the Report.

MR. GLADSTONE said, that he had no objection to the adoption of that course; at the same time, as he believed that many hon. Members took a deep interest in the proposition, he hoped they would give some expression of opinion upon it.

LORD ELCHO said, that he had long entertained the same idea upon this question, which had been enunciated by the right hon. Gentleman, but he wished to reserve anything which he had to say on the subject until it was brought up on the Report.

The Question having been put,

Mr. DUNLOP thought, that it was not right that so important a proposition should be passed over without discussion. He rejoiced that the right hon. Gentleman, who was entitled to speak with so much authority upon this subject, had brought it forward. He had a strong opinion that if in England they had committed the error of almost sinking the University in the Colleges, in Ireland they had fallen into the opposite one of sinking the Colleges in the University. He thought the course which had been suggested of having the Motion printed and brought up on the Report was the proper one, and he hoped upon that occasion it would be fully discussed.

After a few words from Mr. Stuart, Mr. Stirling, Colonel Sykes, and Mr. E. Ellice, in commendation of the proposal,

Amendment *withdrawn*, upon the understanding that it is to be brought up upon the reading of the Report.

Mr. E. P. BOUVERIE then moved an Amendment.

"In page 8, Clause 15, line 33, to leave out from 'provided' to 'approved,' in line 41, and insert 'and all statutes and ordinances to be made by the Commissioners shall be laid before Her Majesty in Council without any unnecessary delay, and be forthwith published in the *Edinburgh Gazette*; and it shall be lawful for every University, or any College thereof, and for the trustees or patron of any foundation, mortification, bursary; donation, or endowment, and for any other person directly affected by such statutes or ordinances within one month after such publication as aforesaid, to petition Her Majesty in Council, praying her Majesty to withhold her approbation of the whole or any part thereof, and every such petition shall be referred by Her Majesty by Order in Council for the consideration and advice of five Members of Her Privy Council, of whom two, not including the Lord President, shall be Members of the Judicial Committee, who shall be named in such order, and such five members may, if they think fit, admit any petitioner or petitioners to be heard by Counsel in support of his or their petition."

His simple object was to introduce into the present Bill the same checks as were adopted in the Oxford and Cambridge Acts in respect to the statutes or ordinances. There were no such checks in the Bill as it stood. It merely provided that the ordinances should be laid before Her Majesty for Her sanction; but it made no provision for giving effect to the objections of those who considered themselves aggrieved by those ordinances. The learned Lord Advocate merely provided a check of observation, and not a check of action. He maintained if those strong powers were to be given to the Commissioners, if they were to have the power of dealing with the revenues of the colleges, they should be subject to the same checks as were adopted in the English Bill. He hoped that no serious objections would be raised against his propositions.

The LORD ADVOCATE said, as the clause now stood, the Committee would observe that it contained two excellent checks upon the proceedings of the Commissioners. The one was the obligation of publishing all the ordinances in the *Gazette*, and at the same time the necessity of laying them then before both Houses of Parliament. The other was the fact that they should be approved of by Her Majesty's Council before they could be acted upon. The effect of the latter requisition would be to make the Government responsible for them. It appeared to him that those were in themselves most important checks, and were quite sufficient to prevent any abuses on the part of the Commissioners, who would thus be restrained from exceeding their powers, or of misunderstanding the nature of their functions. When the right hon. Gentleman spoke of the precedent of the Oxford and Cambridge Act, he should recollect the great practical difference that existed between the subject with which they were now dealing, and that which the Oxford and Cambridge Act legislated for. If the right hon. Gentleman had proposed to establish a Court of Appeal in Scotland itself, he thought such a course would have been a great deal more consistent and far more analogous with what was done in the Oxford and Cambridge Act than the Amendment he had just moved. To say the least, he was of opinion that the system of appeal suggested by the right hon. Gentleman was wholly unnecessary, and that it would only have the effect of adding to the Bill a piece of useless machinery.

Mr. DUNLOP concurred in the principle of the Amendment proposed by the right hon. Gentleman, the Member for Kilmarnock. He could not understand when it was considered that the powers to be given to the Commissioners under this Bill were even greater than those allowed under the Oxford and Cambridge Act, and why those gentlemen should not be placed under the same checks as those enacted with regard to the English Universities.

Mr. BOUVERIE said, if his proposition did not meet with the approbation of the

Committee, he would be unwilling to detain them with further discussion of it. But he looked upon the so-called checks in the present Bill as a perfect farce; and for all the good they could effect, he thought they might be struck out of the measure altogether. What was the use of requiring those ordinances being placed before Parliament, if Parliament were not to have the power of saying that they ought not to be approved of?

MR. C. BRUCE said, the right hon. Gentleman seemed to have forgotten this important fact, that if those matters were to be laid before Parliament, it would be competent for any hon. Member to call attention to the particular subject; and it would be quite open to him, when those documents were laid upon the table, to object to them, or to call the attention of the House to the subject, or to make an address to the Crown in relation thereto.

MR. CRAWFORD said, it appeared to him that the Bill contained no real or proper check over the Commissioners, and seeing no reason why these parties should be placed upon a different footing than those discharging similar functions under the Cambridge and Oxford Act, he should certainly support the Amendment of his right hon. Friend.

MR. WALPOLE was of opinion that the proposition of the right hon. Gentleman would not, if even adopted, carry out the objects which he had in view. The clause, as it stood, he believed would operate most effectually in preventing any abuses that might arise. The Crown must be consulted as to their ordinances, before they could become valid; and Her Majesty would, of course, be advised by the members of Her Privy Council, upon any points of a doubtful or objectionable character.

MR. GLADSTONE agreed in the few observations made by his right hon. Friend opposite upon this question. He could bear testimony to the fact of the provisions in the Oxford and Cambridge Act being framed with the greatest care and attention to the great interests involved. He was quite certain that those provisions had, up to the present time, worked exceedingly well, and that they imposed the most salutary checks upon all parties. The functionaries under the English Universities Act conducted all their proceedings with a full knowledge that they were working, as it were, in the open day, and that their acts could be brought before the special Motion of Parliament. It was true that those ordinances in the Oxford and Cambridge Universities had never as yet been brought before that House; but he took that fact to be a strong proof of the great success of the particular provision in question. The object of imposing those cheques upon the Commissioners was not to require information of their proceedings for the purpose of making them the subject of any contested or noisy discussion; but, in fact, that all parties should be induced to work to the best of their powers in the spirit of conciliation. Well, then, the object of the provision was thus carried out, and therefore the House had never considered it necessary to interfere. The question now was, whether it was also desirable to reserve in this Bill the power of interference by both Houses in extreme cases. He must confess he thought, with great submission, that it was desirable. They were now creating by this Bill a body of functionaries in whom a large amount of confidence would be reposed, and who would have to deal with a multitude of questions involving a variety of interests; and, therefore, in his opinion, it was the more important to establish the cheques provided for by the Amendment of the right hon. Gentleman.

Amendment *negatived.*

COLONEL SYKES moved an Amendment, compelling the Commissioners to make compensation to professors whose offices shall be abolished.

THE LORD ADVOCATE said, it might be convenient for him at that time to state the alteration he proposed to make in this clause. As regarded the first subdivision of the clause, he proposed to insert certain words to make it clear that the Commissioners should have the power, in such cases as they deemed necessary, to have a double chair in any of the branches or faculties prescribed. After the word hereby, in line 13, he should propose the insertion of certain words, giving the Commissioners such a discretion, and also the power of determining when and where the said professors shall assemble. Then again, in line 26, after the word "professorships," he would propose the insertion of the words "making full compensation to the owner or owners of such for the loss of their emoluments by such abolition," &c.

MR. ELLICE expressed his opinion that the propositions of the learned Lord would not remedy the mischief, especially in the colleges in Aberdeen. In the Marischal College it had been found that the most useful course of education had been the joint education in mathematics and physics. The learned Lord's proposition would probably establish single professorships, whereas he thought there ought to be double professorships for each college.

COLONEL SYKES thought the learned Lord Advocate was going rather too fast, and was putting the cart before the horse.

Amendment *negatived.*

THE LORD ADVOCATE then moved an Amendment, namely, in line 26, after the word "professorships," to insert "making full compensation to the holders of such offices for all losses of emoluments," &c.

Amendment *agreed to.*

MR. BAXTER proposed to omit the words from the clause "the Consolidated Fund of the United Kingdom." He said he had strong objections, on principle, to such charges being placed upon the Consolidated Fund. He objected to any body of Commissioners, however respectable they might be, having it in their power to dispose of the funds of the United Kingdom without the direct sanction and control of Parliament. He might be told that everything that would be done by the Commissioners might be brought before Parliament, and that any hon. Member might even propose an address to the Crown, condemnatory of any objectionable act upon their part. He did not, however, think that this was at all a sufficient check or control to have over them; and, therefore, in order to test the House or the opinions of Members generally upon this subject, he would move the insertion of the words in place of "the Consolidated Fund of the United Kingdom,"—"to be granted from time to time out of monies granted by Parliament for the purpose."

THE LORD ADVOCATE said, he would at once disarm all opposition by stating that it was not the intention of the Government to place the charge upon the Consolidated Fund.

Amendment *withdrawn.*

Clause *agreed to.*

Clauses 17 and 18 *agreed to.*

Clause 19, (Retiring Allowances, &c., charged on the Consolidated Fund.)

MR. G. A. HAMILTON said, that as the Government did not propose to charge these payments on the Consolidated Fund, he would move a clause providing that the sums necessary should be laid before Parliament and voted in the Estimates.

MR. AYRTON said, that under this clause the Commissioners were authorised to accept the resignation of Principals and Professors, and to give reasonable compensation in the shape of retiring allowances, to such persons for the loss of their emoluments by such resignation. What he wanted to have clearly understood was, whether the proceedings of the Commissioners would be entirely conditional on Parliament, subsequently to voting the money to carry out their measures, or whether the proceedings of the Commissioners would take effect first, and then the Government would come to Parliament and take a vote of money in consequence of those proceedings. As he understood the Bill in its present form, the proceedings of the Commissioners would take effect immediately, and then, when the Government afterwards came to Parliament to ask for a vote, those who wished to oppose it would be told that it is of no use to do so; that the Professors had resigned on the faith of the arrangements which the Commissioners had made as they were authorised to do, and that there was nothing remaining but for that House to vote the money necessary to carry out those retirements, and to pay the retiring pension which the Commissioners had awarded to the Professors who had resigned, for he wished it to be clearly understood that, when a Vote is proposed, that House would have full freedom to say "aye" or "no" to it; and that they would not be embarrassed in their decision with respect to it, by the proceedings of the Commissioners appointed to regulate these matters.

MR. G. A. HAMILTON said, that it was quite clear that the Lords of the Treasury could not pay money until Parliament had voted it. Of course it is quite competent for Parliament to deal with any Vote that came before them in the Estimates with perfect freedom. According to the previous provisions of the Bill, these and all other arrangements were to be laid before Parliament, and it would then be competent for Parliament to deal with them as they thought fit.

MR. BAXTER moved the addition of the following proviso:—

"Provided always that it shall not be lawful for the Commissioners to apply any part of such

money for the endowment of new Professors of Theology, or for additional endowment of existing Professors of Theology."

He wished to take the sense of the House whether any of the public money should be expended in the endowment of theological chairs. He had considerable confidence in the Commissioners, yet he could not but see that out of ten seven were Churchmen, while three only represented the Dissenting and Nonconformist denomination of Scotland. Now, he spoke on behalf of two-thirds of the people of Scotland, who belonged to the Free Church, to the United Presbyterian Church, and to the Dissenting Churches, and he believed that they would strongly object to any portion of the money to be afterwards granted by Parliament being applied either to the additional endowment of the Professors of Theology already existing, or to the erection of additional chairs of such description. It is necessary that the gentlemen holding these chairs should be members of the Church of Scotland, and that they should take the test. Now, he held that that House, as representatives of the people, dealing with the money of the entire population of the United Kingdom, had no right to take any step which could influence Parliament in, at any future time, granting money for the further endowment of any particular religious denomination.

MR. DALGLEISH seconded the Motion. He hoped that the House would support this Amendment, and prevent any portion of the public money being expended in the endowment of Theological Professors. The Free Church had now three Colleges, and thirteen Professors of Theology; the United Presbyterians had five Professors of Theology; the Independents had two Theological Professors of their own. While these bodies, possessing two-thirds of the population of Scotland, paid their Theological Professors out of their own pockets, he did not think that the Established Church ought to receive out of the public funds additional endowments for their Theological Professors.

Amendment proposed,—

At the end of the clause to add the words, "Provided, also, that it shall not be lawful for the Commissioners to apply any portion of such moneys for the endowment of new Professorships in Theology, or the additional endowment of existing Professorships in Theology."

THE LORD ADVOCATE said, that he hardly thought that the hon. Gentlemen who had moved and seconded the Amendment understood the necessary consequences of what they were doing; because, if the House inserted in this Bill an enactment to the effect that no portion of the public money voted by Parliament could, under any circumstances whatever, be applied either to the formation of new Professorships, or the improvement of existing Professorships in Theology; the legitimate and consistent course would be to direct the Commissioners so to remodel the Universities of Scotland, as there should not be in any one of them a Professor of Theology at all. Now, he (the Lord Advocate) could not consent to anything that led to such a consequence as that. He could not conceive anything more inconsistent with the nature and constitution of these institutions than to suppress that faculty which of all others was the most distinguishing feature of every University with which he was acquainted. Was there any of the ancient institutions of Europe which did not teach theology, not only as a faculty, but as the first faculty—the faculty of greatest dignity and importance? Was it not notorious that, as regarded the Universities of Scotland in particular, they were founded originally, mainly for the purpose of teaching theology, so that it would be subverting the primary objects for which they were founded if the faculty of theology were taken away. Such would be the necessary and legitimate consequence of the proposal which had been made; for, of course, when his hon. Friend the Member for Montrose (Mr. Baxter) proposed to tie up the hands of the Commissioners and Parliament from hereafter giving any money for the endowment of new professorships in that faculty, or in improving existing chairs, he must contemplate this, that the Commissioners might find in the course of their inquiries that some one or more of the theological chairs in the Universities were inadequately endowed? Were they, then, to go on keeping up that half professorship in the University, and would not the more consistent course be to say, "It is insufficiently endowed, and therefore let it be suppressed." The two propositions appeared to depend on the same reasoning, and he opposed one for the same reason as he should the other. The Motion of the hon. Gentleman, and those who agreed with him, appeared to be, that by assenting to the endowment of

the professorships they would be compromising their principles in regard to an Established Church or to an establishment for religious purposes out of the public funds. This, however, was quite a different thing from supporting an Established Church or a religious establishment, properly so called, out of the public funds. The institutions which he was now discussing were institutions for teaching a branch of learning—a branch of learning surely the most important of any, a branch of learning taught in all institutions that professed to diffuse a higher education; and the proposal now before the House would strike at the very foundation of the Scotch Universities, for it would destroy that religious teaching which was an essential part of every University—which had always been a constant part of a Scotch University—and without which the maintenance of a University would stand on a different ground from that on which it had ever before done.

SIR JOHN TRELAWNY feared that unless they agreed to the proposal of the hon. Member for Montrose, they would have a renewal of those acrimonious theological discussions which were so painful. It might be said that the grant to Maynooth College in Ireland stood on the same ground on which it was now proposed to grant additional endowments to the theological chairs in the Scotch Universities. But that was not so; for the Maynooth grant was supported on the ground that there is a highly-paid Established Church for the minority of the people, therefore a great minister endowed Maynooth for the majority. But that state of affairs did not exist in the present case. He did not know, indeed, whether, if it were now proposed to begin the Maynooth grant, he should support it, notwithstanding the argument to which he had alluded. That grant now existed, and it is one thing not to seek to disturb it, and another to ask the British Parliament, for the first time, to vote additional endowments for the Professors of Theology in the Scotch Universities. It did not follow, then, the Theologians would, after all, be teaching what is true, or, at all events, what they believed to be true in that House. It might be truth of the wrong kind, and he must say that he did not think it fair to call upon the inhabitants of the United Kingdom to pay for teaching that which a great portion of them must believe not to be true. There is, moreover, a great danger of their Theological Professors inculcating views which were opposed to science. But admitting that it is right that theology should be taught, he questioned whether it is right to tax the people of this country for the inculcation of a particular kind of theology. He should, therefore, support the proviso.

THE LORD ADVOCATE thought the hon. Baronet had misunderstood the question before the House. He had not made any proposal whatever. This is an Amendment moved by the hon. Member for Montrose, to tie up the hands of Parliament on the question.

MR. BLACK said, it was true that there was nothing in the Bill to say that money should be appropriated for professors in theology; but there was a clause in it directing the Commissioners to have great regard to the Report of the Royal Commissioners who had inquired into the state of the Scotch Universities. Now that Commission had recommended that the salaries of the Professors of theology should be increased, and it is most probable that that recommendation would be carried into effect. It is also recommended that the theological professors, including those of Hebrew and of the Oriental languages, should be ordained ministers of the Church of Scotland. Now, it should be recollected that other religious bodies, quite as numerous as the Church of Scotland, had theological professors, and were able to maintain them. Why, then, should that church seek assistance from the State? It is true that the salaries of their professorship were not large; but, nevertheless, one of them reached between £500 or £600, nor did he see why these salaries should not be augmented by students' fees, as is the case with other professors.

MR. HADFIELD was opposed altogether to State grants for religious purposes or to religious bodies. The bitterest opponents of the Maynooth grant were the people of Scotland, and they should be the last persons to put their hands into the public purse for the support of religion.

Question put, "That those words be there added."

The Committee *divided*:—Ayes 94; Noes 102: Majority 8.

Question put, "That Clause 19, as amended, stand part of the Bill."

The Committee *divided*:—Ayes 125; Noes 76: Majority 49.

The Lord Advocate

Clause *agreed to.*

Remaining clauses *agreed to.*

House resumed.

Bill *reported,* as amended, to be considered *To-morrow.*

THE WEEDON ESTABLISHMENT.
HER MAJESTY'S ANSWER TO ADDRESS.

COLONEL FORESTER appeared at the Bar, and read the following Reply to the Address moved for [28th June] praying an inquiry into that establishment :—

"I have received your Address, praying that a Royal Commission may be appointed to inquire into the system upon which the Books and Stock have been respectively kept at Weedon, as well as the general mode in which the business of the Establishment at Weedon has been conducted, the result of such mode of conducting the business, and the state of the Books and Stock of Stores.

"And having taken your Address into consideration, I have directed that a Commission shall issue for the purposes which you have requested."

TRINITY COLLEGE DUBLIN.
QUESTION.

MR. FAGAN said, he rose to ask the Chief Secretary for Ireland whether, since the Visitation lately held at Trinity College, Dublin, a Queen's Letter has been issued by the Government to the College Board, carrying out certain reforms in Trinity College, in pursuance of the recommendations of the Royal Commissioners; and whether he has any objection to state to the House the nature of the proposed reforms.

LORD NAAS said, that communications had lately taken place between Her Majesty's Government and the Board of Trinity College, Dublin, and a conference had also been held between the Senior and Junior Fellows of that institution, in consequence of which he was happy to say a scheme had been agreed on by which considerable improvements were proposed to be effected, having reference to both educational and financial questions. He was also informed that the Draft of the Queen's letter would be submitted to the Government forthwith. There was every hope from the course which proceedings had taken that the most favourable results would be obtained, and such improvements would be effected in the College itself as would remove the unfortunate differences which had lately occurred as well as promote, to a very great degree, the general efficiency of the establishment.

MR. FAGAN said, that in consequence of the answer which he had just received he should not bring forward the Motion of which he had given notice relative to this subject.

REWARDS TO THE GARRISON OF LUCKNOW.—QUESTION.

MR. KINNAIRD said, he would beg to inquire of the Secretary of State for War how soon the Officers who composed the Garrison of Lucknow will be Gazetted to their Brevet Rank; and how soon the Medals promised for the patient endurance and bravery of that heroic band, as well as to the gallant captors of Delhi will be issued?

GENERAL PEEL replied, that the Officers composing the Garrison of Lucknow were Gazetted to their Brevet Rank on the 24th of March last. On that occasion five Captains of the 32nd Regiment were Gazetted to their satisfaction, and subsequently the senior lieutenants had been promoted to companies. In regard to the second portion of the question, his reply was, that Her Majesty had approved of the designs of the Medal in question, which had been forwarded to his noble friend the President of the Board of Control previous to distribution.

MR. KINNAIRD said, he wished to know whether the Company's Officers have been treated on the same footing as Her Majesty's, and whether the Medal will be distributed to the whole of the Troops composing the Garrison of Lucknow, whether they were in the service of the East India Company or of Her Majesty?

GENERAL PEEL replied, that he had forwarded the names of all the Officers to Her Majesty that were sent to him whether they belonged to the one service or the other. Of course the Medal would be distributed equally to the Company's soldiers.

ARMY WARRANTS OF 1854.
QUESTION.

LORD ADOLPHUS VANE-TEMPEST said, he would beg to ask the right hon. Member for South Wiltshire (Mr. Sidney Herbert) whether it is a fact that the Commissioners appointed to inquire into the operation of the Warrants of 1854 have declined to receive verbal evidence; and whether it is the case that no minutes are

made of the proceedings of the Commission, or the opinions of the individual Members of that Commission; whether, should the above be the case, he has any objection to state the reasons that had influenced the Commission to adopt such a course?

MR. SIDNEY HERBERT said, he had no objection to answer the question. It was perfectly true that the Commission did not think it right to take oral evidence. Many matters referred to were only matters of opinion, not of fact, and they did not think it necessary to receive evidence upon them. Another reason was that many of the questions affected not only the Warrants of 1854, but fresh interests which were rising up every day. Commissions, as the noble Lord must know perfectly well, differed very materially from Committees. No record was taken in Commissions as to differences of opinion amongst the Members, but those Members who dissented from the Report could put in a Report of their own, as was done by the right hon. Gentleman the Member for Coventry (Mr. Ellis) on the subject of the purchase of Commissions, and in another in which he (Mr. S. Herbert) presided. On both those occasions objections were put in in the way he had mentioned. He believed the Report from the Commission would be in the hands of the Secretary of State early next week.

LORD ADOLPHUS VANE-TEMPEST said, he wished to inquire whether the course adopted by this Commission was the same as had been taken by Commissions in which the right hon. Gentleman had previously acted?

MR. SIDNEY HERBERT replied, that it was exactly the same in every respect.

COLONEL NORTH said, he would beg to inquire whether the evidence the Commission did take would be published, or any of the letters they received bearing on the subject would be appended to the Report.

MR. SIDNEY HERBERT said, the Report would be in the hands of the Secretary of State next week, and no doubt he would deal with it in a judicious manner. The Appendix to the Report would contain all the information which the Commissioners thought necessary to justify the conclusion at which they had arrived.

LIEUTENANT SALKELD.

QUESTION.

MR. KER SEYMOUR said, he would beg to ask the Secretary of State for War, for an explanation of the circumstances under which the Victoria Cross was withheld from the late Lieutenant Salkeld?

GENERAL PEEL said, he regretted very much that his hon. Friend had not communicated with him before he placed his notice on the Paper. So far from the Victoria Cross being withheld from the gallant Officer, such a proceeding was never for a moment contemplated. On the contrary, he and Lieutenant Home were to have been the very first who should receive it from Her Majesty. Unfortunately he never lived to receive it, and that cross which, if he had lived, would have been presented to him, the Government now proposed to present to his relatives.

CLOTHING, ETC.—TROOPS IN INDIA.

QUESTION.

MR. ALCOCK said, he would beg to ask the Secretary of State for War whether he has made any fresh arrangements for the gratuitous supply of bedding and clothing adapted to the climate, to Her Majesty's Troops in India.

GENERAL PEEL replied, that the gratuitous supply of bedding, &c., must rest with the East India Company. He had made application through the proper channel to endeavour to reduce, as far as possible, the expenses of our soldiers in India. He was happy to say that in future the expense of the soldier's kit on going out would be considerably reduced.

LIGHTHOUSES.—QUESTION.

LORD CLARENCE PAGET said, he wished, on behalf of the shipping interest, which was greatly interested in the matter, to know why the Commission upon lighthouses has not, as yet, been appointed?

MR. HENLEY said, that there was no intention of delaying the appointment of the Commission upon Lighthouses, but that, in consequence of the press of public business, it had been difficult to bestow that care upon the Commission which it deserved, but there would be no unnecessary delay in appointing it.

LONDON CORPORATION BILL.

QUESTION.

MR. LABOUCHERE said, he wished to have a definite answer with respect to the intention of Government in regard to the Bill for the reform of the Corporation of London?

THE CHANCELLOR OF THE EXCHEQUER replied, that he would take the earliest opportunity of stating to the House

the course which Government would adopt with respect to the several Bills at present before Parliament; he therefore hoped the right hon. Gentleman the Member for Taunton would not press his question.

CHELSEA BRIDGE.—QUESTION.

Sir JOHN SHELLEY said, he wished to know what were the intentions of the Government with respect to the Chelsea Bridge Bill?

Sir JOHN MANNERS said, that after the debate which took place the other night on the Chelsea Bridge Amendment Act, he thought they might come to a decision on the subject one way or the other without discussion.

GOVERNMENT OF INDIA (No. 3) BILL.
COMMITTEE.

Order for Committee read.

House in Committee.

Clause 7,

Mr. GLADSTONE said, he rose, in conformity with an intention he had expressed the other evening, to propose an Amendment in clause 7, in reference to the constitution of the council, by proposing to insert at the end of line 20 the words, "and it shall consist of the following persons." His intention was, that the first members of the Council of India should be nominated in the Act of Parliament. He had himself no intention of proposing the names of its members, for it was not to be supposed that any private Member would assume such a responsibility. If it were the view of Parliament that the Council should be nominated in the Bill, then by the insertion of those words the function of naming them would devolve upon the Government; but, of course, the names would be subject to the review of Parliament, and any hon. Member could object to any name he thought proper. If the names so recommended were ultimately accepted, the new Council would possess all that weight and authority which must accrue from the names of its members having been submitted to the judgment of both Houses of Parliament. When he first made this proposition he was not at all aware that the Government entertained any objection to it. He would state his reasons for the proposition. The first reason was derived from the recollection of what occurred in 1853. By the Act of that year, it was provided that the number of the Directors of the East India Company should be reduced, and the duty of making that reduction was imposed on the Court of Directors. The Directors accordingly had to exclude several of their own body. He had always understood that that was felt to be a peculiarly invidious and painful duty. Though he himself was a party to the enactment, he thought it was done hastily and not well. It was obvious that there was an objection on the score of feeling to such a mode of proceeding; but of course, there was no weight in his objection if the Court of Directors themselves said that there was no objection to such a mode of selection on their part. His object in making this Motion, however, was to clothe the Indian Council with all the moral weight and influence that was consistent with retaining intact the responsibility of the Secretary of State. So long as they did not fetter the Minister, everything they could do to increase the moral weight of the Council was so much good done. He submitted to the Committee, therefore, whether they would not add to the weight of the Council if they named them. He did not, of course, mean to say that the Council twenty years hence would enjoy any particular weight or influence from the fact of Parliament having made the first nomination; but, still a good start was calculated to secure for it a good character hereafter. At a moment of transition from one form of government to another, like the present, it was important that the Council should have all the weight they could give to it. There was also a series of precedents for this course. It had been the practice of Parliament to follow this course when it was constituting bodies which were to be invested with subordinate functions of government of an arduous nature; and the more onerous the duties to be discharged, the more weight would be given to those who were intrusted with them if their appointment received the express approval of Parliament. The Commissioners chosen to carry out the reform of the two Universities were specifically named in the Act of Parliament relating to that subject, and the same remark applied to the case of the Charity Commissioners. That very day they had added a third to the number of precedents of that class by inserting in the Scotch Universities Bill the names of (the gentlemen who were to form the Commission to legislate for those Universities. He would go further back, and, at the same time, come nearer to the subject in hand. When Mr. Fox proposed

his India Bill, he proposed to intrust the Government of India to two bodies of Commissioners, one a superior Commission of seven members, and the other an assistant Commission of nine. Both in the case of the seven and nine he submitted to Parliament the names of the persons to whom he proposed to entrust that duty. It was true that that Bill did not, for other reasons, become law, and that Mr. Pitt did not adopt a similar course; but then Mr. Pitt altered the whole framework of the Bill and did not call on Parliament to appoint a Commission at all. He submitted to the Committee that both on the ground of precedent and on the ground of reason, it was desirable that to do all they could to add to the weight and influence of those who would have to discharge the difficult duties of supporting and advising the Secretary of State at this critical juncture in carrying on the Government of India; and he would not have made such a proposition if it could lead to any interference with the functions of the Secretary of State; but that would not be so, for the functions both of the Secretary of State and the Council would remain exactly as they were. This proposal was not for the purpose of overriding the Secretary of State, for the Members of the Council would still have to submit their judgments to his and give him all the advice in their power. One merit of the proposal, if adopted, would be that it would rid the Court of Directors of that which must be an invidious and irksome task, namely, the choice of a portion of their Members to act on the Council, to the exclusion of the rest; at the same time that it would give satisfaction generally by showing that the name of every individual Member of the first Council had been submitted to Parliament and open to their approval.

LORD STANLEY said, he thought that it would not be convenient to accept the proposition of the right hon. Gentleman. He proposed to do away entirely with the principle of electing part of the Council by the members of the Court of Directors. Instead of their doing so, the effect of the Amendment would be that the Government should take on themselves to nominate the whole body under a Parliamentary sanction. In constructing a new machinery for the government of India Her Majesty's Government wished to avoid making needless changes, and be guided as much as possible by analogy to existing circumstances. They now found a Council composed partly of nominees and partly of members elected by the Court of Proprietors. They proceeded upon the same basis, only they proposed to increase the number of nominees and reduce the number of those elected, so as to bring the two to very nearly equal proportions. In reducing the number of the elected members, they had preferred to leave in the hands of the Court of Directors the choice of those who were still to continue members of the new Council. The right hon. Gentleman observed that this principle, which was proposed in the measure of 1853, was very reluctantly adopted by the Court of Directors. From the communication which he (Lord Stanley) had had with the representatives of the Court of Directors, he had heard nothing to induce him to believe that if they were called upon to peform this public duty they would shrink from the performance of it for any such reasons as had been alleged. This proceeding was by no means as invidious as was represented. If they were called upon to exclude a certain small number from those offices, retaining all the rest, the proceeding, he admitted, would be invidious; but when they would only have to choose about one-third or one-fourth of their number to act as members of the Council, the process would be one not of exclusion, but of selection. It was obvious that where election was the rule and exclusion the exception the proceedings would be very invidious; but when the contrary was the case, when the great majority was excluded and the small minority returned, there could not be the same expectations on the part of every member that he should be appointed. As to leaving the other appointments in their own hands, that course was adopted simply because they were a body who had acted well together, who were acquainted with each other's powers and capacity for the public service, and it was naturally considered that they were much better qualified to make the proper selection from among themselves than Government could acting on second-hand information. If these provisions of the present Bill were accepted by the Committee — he meant particularly that provision which excluded the Members of the Council from sitting in Parliament—the new body would be placed upon a different footing to the old. As to the suggestion of placing the names of the first nominees in the Bill, such a proceeding would necessa-

rily retard the progress of the Bill. The Government could not make the choice in two or three days. They ought to have a much longer time allowed them to do so. The period allowed after the passing of the Act for making that choice was thirty days. And even a week or ten days' delay, at this period of the Session, would be very inconvenient as regarded the general progress of the public business.

SIR ERSKINE PERRY said, he was sorry to find the proposition opposed by the noble Lord, since he thought its adoption would give a better character to the Council. The Court of Directors consisted, not of twenty-four members, but only of eighteen; and as members of the Council could not sit in Parliament, and as it was understood that members of the Council were to give their whole time to the Government — and there were many merchants and men of business now belonging to the Court who could not do so—the number from which the Court could choose would in reality be a very limited one. It was said by some that it was the intention of the Court not to elect their seven members of the Council from among the nominated members of the Court, who were so well able to transact the business, but from the number who had been elected, and if so they were just as likely to elect the worst men as the best to sit upon the Council. The only objection he had heard was that it would be difficult to elect fifteen good men, and with that he agreed, for he could not select more than six or eight men of marked ability.

Amendment *negatived.*

Clause *agreed to.*

Clause 8 (First Members of the Council).

MR. VERNON SMITH said, he thought that some amendment was necessary in this clause. He wanted to know what was the meaning of the words "Directors of the said Company, or having been theretofore such Directors," and whether it was proposed that the elected members might be elected from men who had ceased to be Directors.

LORD STANLEY said, it was intended to leave that option to the Court of Directors, hough probably they would elect them from their own body.

MR. VERNON SMITH observed that made their duty more invidious still. He should therefore propose to omit the words "or having been theretofore such Directors."

Amendment proposed, in page 3, lines 25 and 26, to leave out the words "or having been theretofore such Directors."

Question put, "That the words proposed to be left out stand part of the clause."

The Committee *divided*:—Ayes 146; Noes 71: Majority 75.

SIR JAMES GRAHAM said, that the other night the Motion of the hon. Member for Nottinghamshire (Mr. Barrow) raised a somewhat general discussion on the 3rd clause. He had himself, then, ventured to call the attention of the Committee to the unlimited transfer of the power over the expenditure and patronage of India to the Government. That discussion had been censured. He was, however, glad to say that that discussion had been productive of great advantage; for the noble Lord, during that discussion, was enabled to ascertain the views of hon. Members in different parts of the House, and, in consequence, had given notice of extensive Amendments, which, in his humble judgment, removed all the objections which he had entertained in reference to patronage and expenditure. It would be quite premature to enter further into details. His object in rising was to state that he should wish, immediately after the words which they had just passed, to insert the words "not to be nominees of the Crown." If this were not done, it appeared to him that the elective principle of the measure would be much impaired. Of the entire body of the Court of Directors five were nominees of the Crown, and it was supposed that out of the seven members of Council which the Court of Directors were to choose, they would elect the five nominees of the Crown. The Crown would then appoint eight nominees to the Council; and the first vacancy would be filled by another nominee, so that fourteen out of the fifteen members of the Council might soon be nominees of the Crown. He thought that that would be reducing the elective principle to its minimum. He wished, on the contrary, to avoid that chance. He wished that the choice of the Court of Directors should be limited to those who had been elected. His principle would be no hardship on the five nominees of the Crown, for after the election had taken place the Crown was to exercise the prerogative of nominating eight members of Council, which was a majority of the whole body.

Amendment proposed, in line 26, page 3, after the word Directors to insert the words "not to be nominees of the Crown."

LORD STANLEY said, he cordially agreed with the right hon. Baronet that the discussion the other evening upon the 3rd clause, so far from being premature, had been productive of much advantage, inasmuch as it had shown the necessity of providing some further security than existed in the Bill against financial abuses. The Government would be ready at all times to receive any suggestion from the right hon. Baronet with that respect to which it was entitled; but the proposition which he had now made did not seem to be calculated to carry out the object for which it was intended. It was said that if this Bill passed in an unaltered state, the Council, though nominally elective, might contain fourteen out of fifteen nominees. The answer was, that if any of the five were elected they would cease to be nominees from the moment of their election. Because a man had been once nominated by the Crown to a certain office it did not follow, if he were subsequently elected by an independent constituency to fill the same office, that he would remain for life a nominee of the Crown. He would sum up what he had to say briefly thus—that if the Government had not thought that the Court of Directors were to be trusted with the exercise of this power, if they had not thought that, irrespective of any preference they might have for elected over nominee members, they would choose those whom they thought fittest to perform the duties of councillor—if they had not thought that, they would not have given them the power. Having that opinion, they thought it right to give them the power and to leave it as unfettered as possible.

Amendment *negatived.*

MR. GLADSTONE said, he could not but express his regret that the Government had not adopted the proposition of his right hon. Friend (Sir J. Graham), providing for the election of three names by the Council, and the nomination of one of the three by the Crown, subject to certain rights of the House of Commons. That proposition would have given them a more homogeneous, and therefore more harmonious; body, and moreover would have prevented that mass of abuses which were likely now to grow out of this Council, not the least of which was the number of vested interests and retiring pensions which it would create. Perhaps the best thing would have been to take the short term proposed by the noble Lord the Member for Tiverton, as there would then be time and opportunity to settle the conditions of retirement. It appeared to him that the tenure of good behaviour, although it might work well in the case of the Judges whose whole conduct was before the country, would hardly do for men who were constantly employed in the recesses of their own offices. In the case of the latter, he feared the tendency would be, unless they were carefully watched and guarded, to lapse into sinecure. The theory they were now proceeding upon seemed to assume that there was a balance in the Council between the elected and the nominated members; but the plan adopted in the Bill might tend to the appointment of a large preponderance of nominees, since vacancies were to be filled up alternately by nomination by the Crown and by election by the Council, in which the nominee members constituted the majority. To regain something like the balance referred to, he should propose that instead of seven members elected by the Directors, the number should be ten; and if that proposition were agreed to, he should afterwards move that five members should be nominated by the Crown instead of eight.

Amendment proposed in line 26, to leave out the word "seven" in order to insert the word "ten."

LORD STANLEY said, that they could not properly consider the proposition without remembering the peculiar nature of the system by which the vacancies were to be filled up. If the right hon. Gentleman's Amendment were agreed to they would have comparatively a very small minority nominated, and the great majority elected by a process of self-election. The right hon. Gentleman said, that as matters stood at present they would have always a majority of Crown nominees. No doubt that might be so, as far as the first appointments went; but as years went on it would be difficult to say whether mortality would be greater amongst the nominees or the elective members. The ultimate proportions of the two branches of the Council would depend upon the accident as to which would live the longest. But when those nominees of the Crown were once nominated, and their nomination being for life, there was no ground for supposing that they would not be as independent in their position as the elected members. The object of the Bill was to strike a balance between the nominated and elected members, and he did think that object would

be attained by the division of the Council into ten elected and five nominated members.

LORD JOHN RUSSELL observed, that of course the desire of the Committee was to have, as far as possible, an independent Council. Now there were two modes of rendering the Council independent, either by election or by making the tenure of their office for life. The system of self-election adopted by the Government could scarcely be called the elective principle, controlled very much as it was by the Ministers of the Crown. For his own part, he thought that seven was too large a number to be elected; but as so large a number was to be appointed upon the principle of election, he thought the best protection that could be afforded was the tenure of office for life. He should support the Government upon this part of the Bill, his only regret being that so large a proportion of the Council was to be elected.

MR. CHICHESTER FORTESCUE said, that being in favour of the principle of nomination by the Crown, he trusted that the Committee would not consent to increase the number of the elected members. Indeed he did not understand why the noble Lord retained this fragment of the principle of election.

SIR ERSKINE PERRY said, he hoped that the noble Lord would clear up the doubts arising from a statement made by the Chancellor of the Exchequer, to the effect that the members of the Council were to devote their whole time to their office. There was no provision for it in the Bill, and many of the present members who were to be eligible were otherwise engaged in various occupations.

LORD STANLEY said, that the members of the Council would receive a large salary, each £1,200 a year, together with a considerable amount of patronage. It was therefore reasonable to expect that they should devote their time to the performance of the public duties assigned to them. With that understanding, he should not propose to insert anything in the Bill restricting the choice of the Directors. With regard to the members to be nominated by the Crown, their nomination would rest upon the understanding that they would give up their whole time to their duties.

MR. GLADSTONE suggested a mode by which the intentions of the Government and of Parliament in this respect could be effected—that the Government should take power in the Bill of reducing the vacancies that might occur in the Council, in case they thought that the business to be done would not require so many hands.

MR. VERNON SMITH observed that most of the Directors had some other business to attend to, either being bankers or connected with public companies. With regard to the salaries of Members of the Council he thought those Members who were nominated, and who devoted their whole time to the duties of their office, would fully deserve £1,200 a year, while the elected Members, who would probably be engaged in commercial occupations, would be overpaid if they received that amount. In his opinion some rule should be laid down as to the time which the elected Members should devote to their duties, instead of leaving the matter entirely to the honour of individuals. He wished to know, if two or three Members of the Council died, how the vacancies were to be supplied? because under the system proposed the proportions of the Council might for a time be disturbed.

MR. AYRTON said, he believed that there was no statutory regulations which prohibited persons in public offices from engaging in other occupations, and his impression was that the only influence which could be brought to bear, in case of any misconduct in this respect, was that which was exercised by Parliament upon the Government, and by the Government upon the persons who held public offices. If an attempt were made to prohibit persons in official positions from engaging in other pursuits, it might be held that a man who wrote an article for a newspaper was violating the rule, and he thought the better plan would be to have the Members of the proposed Council upon the same footing with other officers employed under the Crown. This Bill would confer extensive patronage upon the Government and he thought it would be satisfactory to the House and to the country, if Her Majesty's Ministers would declare that none of the appointments at their disposal would be bestowed upon Members of that House, with the exception of hon. Gentlemen who were Directors of the East India Company, but that they would be conferred upon individuals who were acquainted with the affairs of India, or who were otherwise, by their personal qualifications, fitted for official positions. He believed that by pursuing such a course they would best

provide an efficient and independent Council for the Secretary of State for India.

MR. VANSITTART said, that he thought, that the Act should contain some clause compelling the Councillors to devote their whole time to their public duties. If that were not so, they might have gentlemen who received these appointments becoming directors of half a dozen companies; and in that case the salary of £1,200, which a Councillor was to have under the Bill, would be excessive. He thought it would be well if after Clause 13 a clause was introduced declaring that no Member of the Council should be capable of engaging in any trade or profession.

SIR GEORGE LEWIS said, that the number of offices under the Crown held during good behaviour was very small. The principal class of officers were the Judges, with respect to whom it was quite absurd to suppose — from their exalted position, the character of their duties, and the fact that they were performed in the presence of the Bar—that they would engage in other occupations to the neglect of their offices. The other civil servants held their offices during pleasure, and if they engaged in other occupations they would be quickly brought to a recollection of their duties by a hint that if they did not devote their whole time to the performance of their duties they would be discharged. But now that they were going to appoint a new class of officers who were to hold the offices during good behaviour, but with respect to whom we had not the same guarantees as they possessed in reference to the Judges, he thought it might fairly be doubted whether they ought not to take some further guarantee than a mere understanding for their sedulous devotion to the discharge of their duties.

LORD STANLEY said, that the understanding would be that those who accepted these offices did so on the implied condition that they were to devote their whole time to the performance of their official duties. He should not object to put such a provision in the Bill if he could satisfy himself of the possibility of framing a clause that would cover all that was wanted and nothing more. There was, however, a well-known case not merely of a subordinate officer of the Government, but a Minister holding an important position, who was a partner in a mercantile establishment. He probably took no active part in the management of the concern; the partnership was no doubt nominal, but he was a partner in such an establishment and he (Lord Stanley) did not know what right that House would have to say that such a nominal connection should not exist in the case of a Member of Council, while it might exist in that of a Member of the Government. But he apprehended that there was already in the Act a remedy for evils that might be expected to arise in this respect. Those who entered the Council would do so on the understanding that they were to give to the duties of Councillor their whole time, and if they notoriously and openly violated that understanding, they could be removed for official misconduct; for he had no doubt that such conduct, being a breach of faith with the Government, would be held misconduct under the terms of the Act. A suggestion had been made, that if hereafter the number of the Council should be found too large, power should be given to the Government to reduce it; but he thought it would be better to leave the subject in the hands of Parliament. Nothing would be easier than for the Government at any time to propose the reduction of the number of the Council. They had been also told that they ought to insert a proviso in the Bill, or, at any rate, make a declaration that the appointments of Councillors under this Act should be limited to those not Members of that House. That was not necessary on the one hand, while on the other it would be an inadequate security against the abuses which it was intended to guard against. Assuming that there was an intention on the part of the Government to use these appointments for the purpose of patronage, it was not only, or perhaps mainly, in that House that that kind of patronage was likely to be used. There had at all times been within the walls of that House many men of great ability and Indian experience, well qualified to be members of such a Council, and to whom any Government, on which ever side they sat, would be glad to look for assistance in the formation of a Council. He (Lord Stanley) wanted to be free to choose the best men for the Council. No Government could do otherwise without suffering in the opinion of the public and of that House, and, as a mere matter of political loss or gain, the loss by such an abuse of patronage would be greater than the gain. As to the objection that no provision had been made for nominated and

elected members of the Council dying alternately, all he could say was, that the Government had secured that their numbers should be as nearly equal as possible in the outset, and that, supposing the present arrangement should be permanent, they would again become equal on the death of the last of the original members of the Council. The arrangement was fair at the outset; it would be perfectly fair some years hence. And he did not know a way to provide, nor did he think it important to provide, for the numbers being equally balanced in the intervening time.

SIR ERSKINE PERRY said, he understood clearly that it was the understanding and desire of the Government that those who accepted the office of Councillor should not engage in any other business, and that a breach of faith on that point would be considered such a violation of official duty as would subject the offending party to a loss of office. [Lord STANLEY: Hear, hear!] It had been said that it was impossible to draw up an account securing the devotion of the whole time of the Councillors to their duties; but a similar object had been pursued and attained with respect to the servants of the East India Company by the Act 33 *Geo.* III., which forbade any one connected with the administration of the affairs of India, from the Governor General down to the lowest officer, from engaging in a trade or traffic.

SIR G. C. LEWIS: Yes; but that provision was intended to apply to the company as a trading company.

SIR ERSKINE PERRY: Yes; but that statute is in force to this day.

SIR GEORGE C. LEWIS repeated that the Act to which the hon. Member referred applied merely to the officers of the company as a company of traders. If any provision were inserted on this point in the present Act of Parliament, it would be better to employ something like the language of the orders of the Poor Law Commission, which required not that every union officer should abstain from trade or traffic, but "should give his whole time to the union." Those words had proved effectual for the attainment of the object in view.

MR. T. BARING said, he would submit whether it would be wise, expedient, or practicable to exclude any member of the Council on account of transacting "any other species of business whatever." The end of such a provision would be that they would be obliged to select men who could do nothing else. Another important question was, whether the members of the Council were to be excluded from Parliament or not. He had entertained some doubts, but upon the whole thought it was better they should be admitted. But if they admitted them to the House, then they would have other business to transact besides that of the Council. The great object ought to be to have a Council of intelligent and independent advisers, and not a mere Council of clerks. Would they exclude men because they wrote for the public papers or reviews? They would not be able to carry into effect any such provision. If they would have none but men who must give up their whole time for £1,200 a year, then he must say, they were going in a very fair way to emasculate the Council. His own opinion was, that it was better to leave it to the sense of honour of the members, and their sense of duty, than to impose any such rigid restrictions.

THE SOLICITOR GENERAL said, that in the course of the discussion two things essentially distinct had been confounded. It was one thing to say that the whole time of the person appointed should be at the disposal of the Council, and another that he should not engage in any trade or traffic whatever. The two things were quite distinct. What his noble Friend had said was simply this—that it was expected that the time of every person who joined the Council should be at the disposal of the Council. But to frame a clause by which every member of the Council would be bound to be engaged in no trade or traffic whatever was a very different matter. Such an arrangement with regard to the Government would have deprived the country a few years ago of the services of one of its most able men, inasmuch as he was a member of a mercantile firm at the same time that he was a member of the Government. If it should be found that a member of the Council did not devote sufficient time to the Council the Government could take steps to remove him for misbehaviour. Then, again, it was always in the power of Parliament to address the Crown for the removal of any Councillor who did not perform his duties, so that there was a double check—one in the hands of the Executive, and the other in the hands of Parliament. Every one must desire to see the Council formed of

men of the greatest experience and practical ability, and it might in some cases be that their very connection with some other pursuit was a guarantee for the possession of those qualities, and he could not therefore consent to the proposal.

SIR JAMES GRAHAM said, he could not understand the application of a principle to members of the Council which it had not been considered necessary to apply to Ministers of State. Speaking with accurate knowledge, he had known Cabinet Ministers in both Houses of Parliament, and hon. Members holding high position, who were partners in breweries or insurance companies, or who were connected with some commercial pursuit. He saw no reason for introducing any such principle as absolutely to prohibit members of the Council from being engaged in any other occupation. They would be always under the review of that House, and they would be actuated by a sense of duty, and any such restriction would probably interfere to prevent persons of the highest qualification from undertaking the duties of Councillor. The duties of the office need certainly not occupy the whole of a man's time, and he should certainly deprecate the insertion in the Bill of any such provision as that members of the Council should be absolutely bound down not to follow any other occupation. If a Councillor neglected his duties, that would be a gross offence, amounting to a misdemeanour, for which he might be removed from his office.

THE CHANCELLOR OF THE EXCHEQUER said, he wished to point out that the hon. Member for Devonport (Sir E. Perry) had placed a very strange construction upon what had been said by his noble Friend. His noble Friend had stated, what was the unanimous opinion of his colleagues, that those Members of the Council appointed by Her Majesty would be expected to place their whole time at the disposal of the Secretary of State, but he did not at all intend to say that the whole of their time should be devoted to the duties of their office, or that they should not be allowed to do anything else. As regarded those Members of the Council appointed by election, his noble Friend would not for a moment lay down the principle that they should be required to spend the whole of their time in the fulfilment of their duty as Councillors. It was very possible that persons might be elected from their connection with the Court of Directors, who at the same time would be occupied with public or private interests, but he did not think that any disadvantage would result from that; but, on the contrary, the election of such men might be the means of introducing into the Council a great deal of practical knowledge and experience. In effecting a transition from a Government of an anomalous character to one which in time would assume a more regular form, it would not be wise to adopt a principle which would negative a practice which had in the Government that was about to be abolished been productive of beneficial results, and it would be highly impolitic, in his opinion, to define by a clause in an Act of Parliament what time the members of the Council, who would of course be bound by their own sense of duty, should devote to the duties of their office.

MR. RICH said, he understood from the Chancellor of the Exchequer that an East India Director carrying on the business of a banker in the city might be appointed a Councillor by the East India Company; that while he so acted he would have £1,200 a year; and that after doing some occasional duties for a few years he might retire on a pension of £500 a year. He thought that if the Committee sanctioned that arrangement they were entering upon a most prodigal expenditure.

THE CHAIRMAN intimated, that the discussion which was going on was most irregular, the real question before the House being whether ten or seven Members should be appointed by election.

SIR HENRY WILLOUGHBY, on the ground that the East India Company and stockholders would still have important rights, involving £110,000,000 of money, which might be influenced by the acts of the proposed Council, urged the importance of appointing persons upon it who would command their confidence. With that view he should support the Amendment of the right hon. Gentleman.

COLONEL SYKES said, he thought it would be better to have two-thirds of the Council elected and one-third nominated, instead of the proportions fixed by the Bill. If the nominated were to the elected members in the first place as eight to seven, the former, if they hung together—which, however, they were not likely to do—might secure a continued preponderance of nominee members. He certainly thought also that when a person accepted an office, who himself intended to do his duty, he would not engage in multifarious occupation which

would interfere with the performance of those duties, but at the same time he would not bind persons by a strict rule in an Act of Parliament. It was absurd to say that men engaged in literary or scientific pursuits should not be eligible for the Council. Such a rule might exclude some of the best men. Moreover, he thought it would be most unwise to exclude the business element. There were many subjects, as finance, exchanges and other matters, which came before the Secret Committee of the Directors, with which he confessed he was not competent to deal, and he thought it would be most injudicious in the proposed Council to debar the Government of the assistance of those who particularly understood those questions.

MR. DANBY SEYMOUR remarked, that both the noble Lord the President of the India Board and the right hon. Baronet the Member for Carlisle were beginning to show signs that they thought the Council too numerous; and he did wish the noble Lord would at once act upon his better judgment and reduce it. He had no objection to gentlemen engaged in literary occupations being Councillors, but it would be most improper that persons engaged in trade or traffic of any kind should be so, as they would have to deal in public contracts. At present the Court of Directors expended £4,000,000 of the public money annually upon contracts in the City of London, and therefore it was that although all the great towns had petitioned against the continuance of the Company, the City of London had at all times upheld it. When the proper time arrived he should move the insertion of the words.

MR. HUDSON suggested the propriety of confining the discussion to the question before the House, namely, whether the number of elected members should be ten or seven.

Amendment *negatived.*

LORD STANLEY said, he would move to add the following proviso at the end of the clause:—

"Provided always that if the Court of Directors of the East India Company shall refuse, or shall for such fourteen days neglect to make such election of such seven persons, and to certify the names of such persons as aforesaid, it shall be lawful for Her Majesty, by warrant under Her Royal sign manual, within thirty days after the expiration of such fourteen days, to appoint from among the said Directors seven persons to make up the full number of the said Council."

MR. VERNON SMITH said, he wished to inquire what provision was contemplated in the event of those elected refusing to serve.

LORD STANLEY thought it was scarcely necessary to provide for what was so unlikely to occur.

MR. LINDSAY said, he would propose that the words "or other duly qualified persons," should be added to meet the difficulty.

THE SOLICITOR GENERAL explained that the Court of Directors were required to certify the readiness of their members to serve as well as to elect, and the proviso gave power to the Crown to appoint if Members were not ready to serve within the time. He would, however, undertake to introduce words to obviate the objection, in case any member, who might be elected, should unexpectedly refuse to serve.

Proviso *agreed to.*

Clause 8 *agreed to.*

Clause 9 (Vacancies in the Council how to be filled up).

MR. ELLIOT suggested that it would be better that vacancies occurring in the number of the nominated members should be filled up by the Crown, and those occurring among the elected ones by the Council—a course which would keep the proportions as originally constituted.

LORD ADOLPHUS VANE-TEMPEST said, he regretted that the Amendment he was about to propose had not fallen into abler hands; but having waited for a long while to see whether any other hon. Member would place anything of the kind upon the Paper, and finding that no one else did so, he felt compelled to do so himself. The Amendment was strongly in accordance with the sixth Resolution, to the spirit of which it had been understood the Government would adhere; and he could not understand how it was that the spirit of that Resolution had come to be departed from; nor upon what principle it had been decided to form the Council in a way which must result in the Council—at first, partly elective and partly nominative becoming completely nominative. It was desirable that such a Council should neither be the tool of the Treasury bench by being completely nominative, nor the tool of the Opposition by being completely elective; and to secure the complete independence of the Council his Amendment had been framed.

Amendment proposed in line 4, after "filled up," leave out to the end of the Clause, and add,

"By persons, to be elected as hereinafter mentioned, from among persons who have been ten years, at least, in India, in the service of Her Majesty, or of the Government of India, in any department, whether legal, civil, naval, or military, or who have been fifteen years resident in India; and the persons qualified to vote in the election of such members shall be proprietors of capital in Indian Stock, or of paid-up capital in Railways or other public works in India, of the amount of £1,000; or of persons who have been ten years in the military, naval, or civil service of the East India Company, or of Her Majesty: Provided always, That no person shall be entitled to vote in the election of such members as aforesaid unless he shall have been qualified as aforesaid for six months before the election, and be registered according to the regulations hereinafter to be mentioned."

LORD STANLEY said, that this question had been several times argued at great length, and he did not wish to re-open it. If a constituency could have been obtained which would have efficiently discharged its duties, he should have preferred an election by such a body to the plan proposed in the Bill; but no such constituency could be obtained, and therefore he should oppose this Amendment.

SIR HENRY WILLOUGHBY said, that when he voted that a portion of the Council should be elected he certainly intended, and he believed most other Members intended, that there should be a constituency. It would, no doubt, be difficult to obtain one, but he thought that a Government which set itself seriously to work might effect that object. The constituency provided for in this Amendment was too numerous. He should prefer one of about 1,000 persons, to be divided into panels in the mode sketched out by the Earl of Ellenborough.

Amendment *negatived.*

Clause *agreed to.* art of

Clause 10 (Major p tion the Council to have served or resided years in India).

LORD ADOLPHUS VANE-TEMPEST said, that although the right hon. Gentleman in the chair had not observed him, he had said "No," when the question was put on his Amendment on clause 9, as he wished to take a division, in order to test who were in favour of an independent election of the Council.

LORD STANLEY said, he wished to propose the insertion of words providing that the major part of the persons nominated by the Crown, to form the first Council, as well as those elected by the Court of Directors, should have resided or served for ten years in India. With this view he should move as an Amendment in line 2 to insert the words "or major part" after the word "and;" and also in line 7 to omit the word "eight," and insert "nine."

Amendments *agreed to.*

Clause *agreed to.*

Clause 11 (Tenure of Office of Members of Council).

MR. GREGSON said, he should move to leave out the words "good behaviour," in order to insert the words "five years, and to be eligible for re-election."

Amendment proposed,—

In page 4, line 10, to leave out the words "good behaviour," in order to insert the words "five years, and to be eligible for re-election."

LORD STANLEY said, that the Amendment raised the whole question of the dependence or independence of the Council, which had been discussed on the Resolutions, and with regard to which the opinion of the House was decidedly expressed for the longer term. He thought that by the tenure laid down in the Bill the best guarantee for the independence of the Council was obtained.

MR. LINDSAY begged the Committee to observe the effect of the clause as it stood. It had been determined to have a Council for India now, but some few years hence, when the present state of things in that country had subsided, the House might come to the conclusion that it would be better to have no Council, and the consequence would be that those gentlemen who were elected during good behaviour, that is for life, would hold vested interests, and could not be dispossessed without burdening the revenues of India with an intolerable amount of compensation. If the hon. Gentleman divided, he would support his Amendment.

MR. DANBY SEYMOUR said, that some explanation was wanted from the Government on this subject. Suppose that the noble Lord thought it right hereafter to diminish the number of the Council from fifteen to twelve, were the gentlemen who were reduced to have compensation for the loss of a life office. It was advisable, at this stage, to look to this possibility. He was opposed to a Council, for he could not understand that it would be of any assistance to the Minister. If members were appointed for life, a man who was appointed at thirty might live to be eighty, and every one knew how invidious a task it was to deal with an official who had outlived his capability. What good advice could a man give the Minister who had not been in India for fifty years? The best

plan for the Minister to adopt would be to take as Council the men who returned from India year by year, who were well acquainted with the local circumstances of the country, and who were uninfluenced by Parliamentary intrigues.

THE SOLICITOR GENERAL said, that it had been urged that if it was considered hereafter advisable to abolish the Council, there would be a difficulty in knowing what to do with members who had been appointed for life. But it was thought that the best security for the independence of the Council was that the members should hold their office for life and during the continuance of the Council. If the Government thought that the Council would exist only for two or three years they would not appoint the members in the manner proposed; but in their opinion the establishment of a Council was the proper mode of governing India, and would be permanent. All that the noble Lord, the President of the Board of Control, had said was that, if hereafter the Council should be considered too numerous, certain vacancies would not be filled up.

VISCOUNT PALMERSTON said, that he should vote for the Motion of his hon. Friend, to omit the words "good behaviour," as that would be consistent with a subsequent Amendment which he (Viscount Palmerston) intended to propose, "that the members of the Council should be appointed for ten years." This was a very important question. The point at issue now with regard to the Council was of the greatest importance in reference to the whole Bill. If he understood the object of the Committee, it was to make the Council independent. They were all agreed that there was to be a Council. He regretted that it was so numerous, and he believed that out of fifteen members holding the office of Councillor one-half at least would hold sinecures, but as the House had determined on that number he should not ask them to re-consider it. Nevertheless, he was sure that it would turn out that they had created seven or eight sinecure offices, with salaries of £1,200 a year, and retiring pensions. That was what he wished the Committee not to do. What was the object in view in reference to the formation of the Council? It was that it should be independent. Very good. Independent, not for action—no one maintained that; for when he, on a former occasion, used the words "Executive Council," the Chancellor of the Exchequer denied that it was an "executive," but simply an "administrative" Council. It was to be a Council of advice. The principle was, the Secretary of State was to be responsible; and the members of the Council should be independent enough to give him honest advice. He thought that the Government had taken a cumbrous way to obtain that. In order to make them independent it was proposed to make them hold their offices practically for life; or if they should become incapacitated by age or infirmity, they were to have retiring allowances varing from £600 to £800 a year. He (Viscount Palmerston) proposed a shorter and cheaper method of getting an independent Council, and that was by causing them to hold their offices for a fixed period of ten years, and that they should not be capable of being re-elected or re-appointed. Surely a Councillor holding office in that way was as independent as he could well be, for he had no hope by currying favour with the Government of getting re-elected or re-appointed. Could anything be more objectionable than appointing Councillors for life? The main object was to have the advantage of Indian experience, but as his hon. Friend (Mr. D. Seymour) had said, Indian experience, if it was to be of any value, must be experience of the India of the day. Experience which had become obsolete would be worse than useless, for it might lead to error. India was in a state of transition and advancement from its present condition, and the experience of a man who left India ten or fifteen years ago would be of little value compared with that of a man who had recently left that country, and knew the changes that were going on and the matters that were in progress. He knew he should be met by the objection that the Council would get more knowledge of India by transacting the business of that country at home than they would get in India itself. If that were so, why tie up the choice of the Government to persons who had Indian experience? In fact this came to the adoption of the principle of the hon. Member for Birmingham (Mr. Bright), who, instead of a Council, would have permanent Under Secretaries of Indian experience. By making the office for life they would get men of obsolete experience of India, and of growing age and infirmity; and it would become an effete Council, many members of which would hold sinecures. Let the Committee consider how, in this way, they would debar

the Government from taking advantage of the services of men of ability) who would be constantly coming home from civil or military service in India, in possession of all the current knowledge, but whose advice would be unavailable, because the Council would be full of old men whom you could not get rid of, and who would prefer their full salaries of £1,200 a year to a retirement on £800. Then look at the question of the accumulation of retired allowances. It might be said that that was nothing to their constituencies, as it would only be a charge on the Indian revenue; but he trusted that no such argument would be urged in that House. If they wanted independence in the Council, it would be equally secured by fixing a final limit to the service of the Councillors, say ten or twelve years, while the Government would have from time to time opportunities of infusing fresh blood and recent experience into the Council, and thus making it more valuable and useful. There was another question to be considered. It was stated, and it was admitted by the noble Lord the President of the Board of Control, that in course of time such improvements would be made in the transaction of business, that fifteen members might be found too large a number for the Council, and that a smaller number could do the business required of them. According to the plan proposed, however, every member would have a vested interest and a Parliamentary title to compensation or a retiring pension. If he might be allowed to use the expression, without meaning anything offensive, but which really designated the proposed Council, he would say that it was the most gigantic job which was ever proposed for the sanction of Parliament. There were hon. Gentlemen in the House who prided themselves on being administrative Reformers. He claimed their votes, for he was sure none of them could agree to such a Council as the Bill proposed to create. He also claimed the support of the Government; for surely, as a body, they could not think this a proper arrangement, and the strength they had gained in recent divisions ought to make them feel independent of the support they had hitherto been so solicitous to catch. In the short voyage which they had hitherto made they had trimmed their sails to catch every breeze which might fill their sails from whatever quarter it might blow. But now they ought to feel themselves strong enough to act upon their own opinions.

Viscount Palmerston

He was sure they could not suppose that the best mode of securing the independence of the Council was that proposed by the Bill, but that they must admit such an object would be more certainly and cheaply attained by limiting the period of service to ten years, without re-election or re-appointment. At all events, if he could not claim the support of the whole Government, he would claim that of the right hon. Gentleman the President of the Board of Trade, for he recollected a few years ago that that right hon. Gentleman, in his desire for economy, wished to reduce at one fell swoop, the salaries of all the hard-working clerks in the public service by 10 per cent. He was sure, therefore, that the right hon. Gentleman could not support such an unnecessary expense as this plan would cast on the Indian revenue, and which would be an obstacle in the way of the future retrenchment which the Government and Parliament would have to consider. He should support the Motion of his hon. Friend for striking out the words "good behaviour," in order to insert the words "for ten years, without being capable of re-election or re-appointment."

Mr. A. MILLS said, that the example of the noble Lord afforded a good argument against turning away men who had faithfully served them. The noble Lord had served the public a great many more than ten years, and he afforded a signal instance of the fact that vigour often remained to considerable age in gentlemen who were engaged in the public service. He thought that it would be a most ungracious thing to turn out the Councillors after they had served ten years.

Sir EDWARD COLEBROOKE said, the question raised by the noble Lord was a difficult one, but on the whole he was in favour of the proposition of the Government. The object desired was to obtain the independence of the Council combined with the complete efficiency of its members. That object might be gained either by the proposition of the Government or of the noble Lord, but he thought it could not be obtained by that of the hon. Member (Mr. Gregson). It might be possible that Members of the Council might be prevailed on to give up their emoluments as Councillors, but they might not be so ready to give up their patronage.

Mr. AYRTON said, it was most unfair of the noble Lord to call on Administrative Reformers to support this Amendment. The question of expense was not before

them, and it was a little remarkable that members on the chief Opposition benches were always asking hon. Members below the gangway to vote on something else than that which was under discussion. When the financial question was before them it would be time enough to consider it. The real question they had now to consider was when the Council were to retire. He thought it would be highly inexpedient to be constantly shifting the Council. The noble Lord had said he hoped to see great changes in India in fifteen years, but a great nation which had remained unchanged for 2000 years was not to be changed in fifteen years, and it was the attempt to change India in one man's life time that had caused the destruction of the present system of government. He believed that the most likely change they would see in India in the next fifteen years would be the expulsion of the British from it. It was the want of a Council of advice which enabled the Government to carry on a war with Persia through the Indian army which was a main cause of the insurrection. An executive Council was a phantom which had long flitted before the eyes of the noble Lord, and had reduced him to the pitiable condition in which he now was. By the course he had pursued his majority of 400 had given place to a minority of 149 on Indian questions. He would suggest to Her Majesty's Ministers to consider whether they could not provide that after a certain period one member only should retire from the council in a year, so that no violent change should take place, while at the same time new blood would be constantly added.

MR. W. EWART said, that in order to have an efficient Council it should be subject to renewal. He could not agree with the hon. and learned Member for the Tower Hamlets (Mr. Ayrton), that no change should be looked for in India. Education, the diffusion of intelligence, and the introduction of railways, had already produced a great change, and it was an antiquated and antediluvian notion that there was to be no further change. He strongly adhered to the proposition of the hon. Member for Lancaster, for he thought that in five years the Councillors would have every opportunity of qualifying themselves for renewal of office; but if they accepted the Council proposed by the Government the members would be so long in office that it would become effete. He should support the Amendment.

MR. RICH said, the question was how they could ensure steady progress in the government of India by providing a scheme for the periodical admission of new blood into the Council. A Council elected for ten years, and not re-eligible, would have all the elements of independence. Those persons who held office for a certain term of years generally showed more zeal and energy than those who held office for life. He believed, upon the whole, it would be found that the duties of the Council would be light. If the Council were appointed for life it would not be so independent as if appointed for a definite period. But it was said they would not be able to procure the services of such good men. Now, no one could deny that the gentlemen who had been nominated under the Act of 1853 were not eminently qualified for the duties they had to perform, and yet those gentlemen only had £500 a year, and held office for five years. It was proposed by the Government to nominate the Council for life, with salaries of £1,2000, with retiring pensions of from £500 to £800, and leave them a large patronage. The present inducements which they offered were quite sufficient, and why, therefore, should they run into this wasteful extravagance?

MR. LINDSAY said, he would merely ask whether, if the Amendment or the Motion was carried, there ought not to be a proviso to prevent the Council claiming compensation?

Question put, "That the words 'good behaviour' stand part of the clause."

The Committee divided — Ayes 154; Noes 118: Majority 36.

SIR GEORGE LEWIS said, he would suggest the propriety of omitting all the words in the clause after the words, "upon an address of both Houses of Parliament," on the ground that nothing ought to be inserted in the Bill that would imply a stigma or reflection upon the character of the Council. If any Member of the Council were guilty of criminal conduct the criminal law would be sufficient to deal with him; and with regard to "disgraceful conduct" he would not define the meaning of the phrase.

SIR JAMES GRAHAM said, that as the Committee had determined that the Members of the Council should hold office during "good behaviour," he wished to direct attention at the words which were adopted in the Act of 1853 with respect to the nominees of the Crown, who under

that Act held their offices for a much shorter period. This matter was then very carefully considered, and in Section 11 of that Act, regulating the tenure of the nominees of the Crown, these words were inserted, "that they should be removable by Her Majesty from inability or misbehaviour." He would suggest to the Government, therefore, whether they might not adopt the recommendation of his right hon. Friend (Sir G. C. Lewis), and use these words in the 11th section of the Act of 1853.

THE SOLICITOR GENERAL said, if he remembered rightly, certain persons were, on the occasion referred to, appointed by the Crown, not to be servants of the Crown, but Directors of the East India Company. If special power had not then been reserved to Her Majesty the Crown could not have removed such parties under ordinary circumstances. The present case, however, was very different from that. Those Members of the Council were only to hold office upon the tenure of good behaviour and they were removable upon an Address to the Crown from either House of Parliament. He proposed to omit all the words after "Houses of Parliament," believing them to be wholly unnecessary.

Amendment proposed in line 12 to leave out from the words Houses of "Parliament to the end of the clause."

SIR JAMES GRAHAM said, he must express his opinion that some other words ought to be adopted, so as to give power for the removal of Members of the Council who were ineligible for their office by misconduct or otherwise.

SIR GEORGE LEWIS said, that the case referred to by the right hon. Baronet the Member for Carlisle was not parallel with the present. In the former case the Directors were not removable by the Crown nor by an Address of either House. They held their offices independently as Directors. The present case resembled rather that of the Judges, and consequently, if any Member of the Council misbehaved in his office, it was competent for any Member of that House to come down and move an Address for his removal. The same rule would also apply to cases of inability.

SIR HENRY WILLOUGHBY wished to know how the noble Lord intended to treat the case of a Member becoming bankrupt or insolvent.

MR. WARREN said, that the County Court Judges were removable on the ground of inability or misbehaviour.

LORD STANLEY, in reply to the hon. Baronet (Sir H. Willoughby) said, if any Member was guilty of any conduct disgraceful or discreditable, the Bill gave power for the removal of such party by means of an Address from either House of Parliament. As to any removal on the ground of inability, there would be a great difficulty in putting such machinery in force, as there was an indisposition to take harsh proceedings under such circumstances. He apprehended that in the case of ineligibility the removal of a person might be effected by negotiation.

LORD JOHN RUSSELL said, he apprehended that some individuals occupying the position of Judges might be induced to remain for a much longer time than they ought, if they were not induced to retire from an apprehension of an Address being moved in Parliament for their removal. He apprehended in the present case that the same feeling would exist among the Members of the Council.

THE CHANCELLOR OF THE EXCHEQUER said, there was nothing so difficult to punish as incapacity. By making an attempt to define incapacity, they would be raising an obstacle to the independence of the Members, which it was the object of the clause to secure. He therefore hoped that the Committee, on consideration, would not sanction the view which the right hon. Baronet, who had offered so many suggestions worthy of their attention, had taken in respect to this matter.

Amendment *agreed to.*

Clause as amended *agreed to.*

Clause 12 (Members of the Council not to sit in Parliament.)

SIR ERSKINE PERRY said, it was desirable that the members of Council should not be engaged in trade. He had understood that this was the opinion of the Government; if so, a provision to that effect should be introduced into the clause.

THE SOLICITOR GENERAL said, if a member was appointed on the understanding that he should give the whole of his time to his duty, and if he did not do so, it would be a breach of the understanding, and would come under the definition of misbehaviour.

SIR ERSKINE PERRY said, that notwithstanding what had been said, he must still urge that the words "or concerned in any trade or traffic whatever" should be introduced into the clause. It was well known

that a late President of the Board of Control had been engaged as a sleeping partner in a large commercial concern ; and he wished to prevent anything of this kind occurring with the new Council.

MR. LIDDELL said, he had a prior Amendment to make, which was in line 22, to leave out the word "no," and to add the letter s after the word member. He thought that the members of Council ought to be allowed to sit in Parliament. The presence of the Directors of the East India Company had been found most valuable in times past, and surely in future it was to be expected that the presence of the members of Council would be eminently conducive to the success of their deliberations, especially on matters connected with Indian finance. They had laboured for months to establish the independence of the Council, and he asked them to give to that independence one more bulwark, by allowing to the members the liberty of a free statement of their opinions in Parliament. He might add that in the course of nearly three-quarters of a century there had been only one instance of a conflict of opinion between a member of the Court of Directors in Parliament and a President of the Board of Control.

Amendment proposed, in page 4, line 22, to leave out the word "No."

MR. ELLIOT said, that they wanted information as to what had been going on for years back in India, and they could not get it from any quarter so well as from the members of Council who were employed daily in transacting business connected with the subject. Great benefit would result to the House from the presence of some of the members of the Council, and he hoped they would not be shut out as was proposed in the clause.

MR. GROGAN said, he thought that the proposition made by the hon. Gentleman (Mr. Liddell) was well worthy of consideration. Now that the House was about to assume to itself so large a share in the management of Indian affairs, the knowledge and experience of those gentlemen who were to be members of the Council would be very valuable to the Legislature. No doubt the same arguments as those Gentlemen would use on any particular question could be conveyed by them second hand, if the clause passed in its present shape, but not at all with the same force or the same amount of responsibility as if they themselves had seats.

SIR EDWARD COLEBROOKE said, he also thought that the matter was well deserving of the serious attention of the Committee. For his own part he thought that it would prove advantageous to have in that House—and the benefit would also be experienced in Committees up-stairs—Gentlemen practically acquainted with Indian affairs. It would also add weight to the newly constituted body, and give them strength, in which he was sure they were likely to prove very defective.

MR. CLAY said, he was far from undervaluing the advantages that might result from the presence in that House of gentlemen thoroughly conversant with Indian affairs ; but at the same time, from the number of gentlemen of position who were continually returning from India and obtaining seats in Parliament, he believed the House would never be without hon. Members capable of giving them advice on Indian questions. There were classes of people whom that House always had excluded, and always would exclude from sitting among them ; and there could be no class more justly excluded than the members of the new Council. He did not in the abstract defend the principle of exclusion, but he thought that to admit members of the Council into that House would have the effect of renewing those discussions which had taken place elsewhere, and that the House would, in point of fact, be called upon to review the proceedings of a deliberative body. He would therefore oppose the Amendment.

LORD JOHN RUSSELL said, it was difficult, perhaps, to support a proposition that had been condemned by two Governments, but nevertheless he thought it right that the Committee should have fully before it the whole question before they decided the matter. It had been said that generally speaking it was not desirable to restrain the choice of electors. Without a strong necessity they would not say, "Here is a man you desire to elect, but there is a law which restrains you from so doing." There had, however, been an inclination to press the principle of exclusion too far, for some years ago there was a proposition before the House which would have deprived them of the advantage of the experience and knowledge of a man like Sir W. Grant. A similar thing was now urged against these Indian Councillors ; for it was said, "If you accept of office, you shall be excluded from Parliament," and that would probably deprive the House of the greatest experience they

could acquire in Indian affairs. The hon. Gentleman who had last spoken appeared to be afraid that if the members of the Council were admitted to that House there would be a renewal of discussions which had taken place elsewhere, and that it would be better that the conduct of Indian affairs in that House should rest in the hands of the President and Vice President of the Council. Now, he had heard a story in which it was related of a Welsh magistrate, that after listening to the statement of counsel on one side he stopped the statement of the opposing advocate, telling him that he had made up his mind upon hearing one side, and if he heard the other it would only confuse him; and the hon. Gentleman appeared to think that that House would be in the same position if they heard both sides of the case upon Indian affairs. Even if the Minister for India should find a member of his Council taking a different view from him in that House on an Indian question, no doubt that Minister would be able to maintain his own opinions, and to enforce them with his eloquence and the weight due to his authority. But, appealing from mere hypothesis to actual experience, it was found that the members of the Court of Directors who had seats in that House generally lent their influence in favour of the Government. It tended to temper the heat of discussion in that House, that in the chances and changes of parties any man might in his turn be called upon to assume official responsibility. But under this Bill the most violent Indian agitator who might sit in that House would know that, by virtue of his seat there, he was excluded from the Council, and would thus have no motive for moderating the force of his invectives. No doubt, in questions of this kind they had to balance the probable advantages of any particular course against its disadvantages; but it seemed to him that, though the presence of a particular member of the Council in that House might be inconvenient to the Government, the public benefit that would accrue from certain members having seats in Parliament would more than counterbalance any such inconvenience. An eminent Indian statesman, on returning to this country, might have a preference for a seat in that House, and at the same time be willing, if allowed to do so, to promote the welfare of a distant country, to which he was heart and soul attached, by acting as a member of this Council. His exclusion would be most inexpedient, and abhorrent to the general spirit of our law.

LORD STANLEY said, he quite agreed with the noble Lord that in this case they had to balance opposite benefits and opposite inconveniences; but he could not admit that the preponderance of advantage was in favour of members of the Council sitting in that House. He was, however, quite ready to allow that there was much to be said in favour of that proposition. But when the noble Lord told him that it was not desirable to restrict the choice of the electors, he (Lord Stanley) would remind the noble Lord that already many classes—classes of high consideration too—were excluded from that House, for no other reason than the supposition that the duties which they performed out of the House were incompatible with the duties which they would be called upon to perform in it. The Judges and the permanent officials of the various public departments were now excluded from that House; so was the whole clerical profession; and therefore the extension of this exclusion to the fifteen members of this Council involved no new principle, and no considerable extension of the one existing. As a matter of personal inconvenience, there was no class on which it would press less harshly than on men who had passed their lives in India, and were bound by no political tie to any constituency. The object of the House in framing such a Council as that which had been agreed on was, that gentlemen who had resided in India, and who might therefore be considered most competent to deal with Indian affairs, should sit on the Council; but if they were admitted to that House, was there no fear of the patronage put into the hands of the Government being abused for political purposes? Might not the fittest candidate be rejected in favour of an inferior man on an understanding that he should obtain a seat in that House, and give his support to the Government, though such understanding might never come before Parliament or the public? He did not affirm that any Government would take such a course as that, but they ought to keep the Indian Council not only free from a transaction of that nature, but free from even a suspicion of the kind. Again, what was to be the relative position of the Council with the Minister with which it was to deal? With seats in that House, the Councillors of the Indian Minister would be his critics rather than his colleagues. Association

with the Minister in office and criticism of his conduct in Parliament were functions necessarily incompatible. The Minister might consult with great advantage a member of his Council whose views were opposed to his own; but if the former knew that whatever passed between them in confidence was likely to be afterwards used in that House, and for his disadvantage, the mutual confidence which might otherwise be perfectly reconcilable with differences of opinion would be wholly destroyed. He did not imply by this argument that the supposed member of the Council would make an improper use of his information. If a man were to argue at all he must make use of all the information he possessed, no matter in what manner he might have acquired it. The result would be, that a member of Council having a seat in Parliament, knowing that he was about to differ with the Minister upon an important question, would decline to argue it at the Council table, but would say when the matter came before Parliament he should there oppose the views of the Minister. There would be a risk of the duties of one character or the other, as members of Council or Members of Parliament, being performed in an unsatisfactory manner. He admitted that those who had acted in a somewhat analogous character, as Directors of the East India Company, had generally maintained very fair relations with the Minister with whom they acted, but those relations had arisen from accident; but, in creating a new Council, he did not think it was advisable that the system should be continued.

SIR JAMES ELPHINSTONE, said he thought that this was one of the most important clauses in the Bill, and that it would be a great misfortune if the very limited Indian information which the House possessed should be still further contracted by the disqualification of members of the Council. There had always hitherto been a standing Council for India, in the shape of Directors who were Members of the House. He had never known a case in which a Director had been guilty of an indiscretion in the discharge of his Parliamentary duties. He should therefore support the Amendment.

MR. VERNON SMITH said, although something might be said in favour of this Amendment, the preponderance of the argument was against it, for what the House required in the Council was independence and non-obstruction. But the Members, if introduced into Parliament, would either be dependent on the Minister or obstructives. Surely it was a small amount of independence they were looking for, if they were to be satisfied with a gentleman who committed no indiscretion in debate. He was sure the result of such an experiment would be an unseemly and inconvenient opposition to the President of the Board of Control by members of his own council in that House. And as for Indian information in that House, there would be no want of gentlemen returning from that country who would be found in Parliament. The adoption of the Amendment would be to make the House and subserviency to the Minister the high road to the Council on the part of members of the House.

MR. PULLER said, he had heard nothing on the opposite side which at all weighed with him against the arguments of the noble Lord the Member for London.

MR. RIDLEY said, he could not see why if Members of the House of Lords were eligible, Members of this House should be disqualified.

Question put, "That the word 'No' stand part of the clause."

The Committee *divided*:—Ayes 245; Noes 121: Majority 124.

On the Question that Clause 12 stand part of the Bill,

MR. RIDLEY said he wished to suggest that the wording of the clause should be so altered as to admit of persons who received peerages for services in India serving on the Council.

LORD STANLEY said, there was no necessity for the provision alluded to, as it was very unlikely that persons who had obtained peerages for services in India would seek seats in the Council.

LORD JOHN RUSSELL said, that an instance in support of the proposition might be found in Lord Elphinstone, who would on his return from India be a valuable member of Council if not legally excluded.

THE CHANCELLOR OF THE EXCHEQUER said, he must decline to accede to the proposition.

Clause, as amended, *agreed to.*

House resumed.

Committee report progress; to sit again *To-morrow* at twelve o'clock.

CHELSEA BRIDGE ACT AMENDMENT BILL.

SECOND READING.

MR. DILLWYN said, he thought it was understood that no opposed business was to be taken after twelve o'clock.

LORD JOHN MANNERS said, he should propose that the Bill be then read a second time, on the understanding that the discussion be taken at a further stage of the measure.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [11th June]—

"That the Bill be now read a second time;" and which Amendment was, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question again proposed, "That the word 'now' stand part of the Question."

Debate *resumed.*

Question *put.*

The House *divided*:—Ayes 161; Noes 96: Majority 65.

MR. BLACKBURN said, the Amendment had been rejected under rather peculiar circumstances. Three weeks ago the subject had been debated, and on that occasion it was evident that a large majority were opposed to the measure. The debate was then adjourned on the understanding, as he thought, that the Bill was to be abandoned; yet now, at past midnight, when the House did not well know upon what question they were dividing, the second reading had been carried. He believed that the more the measure was examined the less it would be liked, and he hoped, therefore, it would be thrown out on going into Committee.

Main Question put, and *agreed to.*

Bill read 2°, and *committed* for *Monday* next.

MARRIAGE LAW AMENDMENT BILL.

CONSIDERATION.

Order for consideration, as amended, read.

Motion made and Question proposed, "That the Bill be now taken into Consideration."

VISCOUNT BURY said, he rose to move the addition of the following clause:—

"That nothing herein contained shall render valid any marriage with the sister of a deceased wife, if either of the parties to such marriage shall, after having contracted such marriage, and before the passing of this Act, have married any other person."

MR. HENLEY suggested that the Motion should not be pressed at that late hour.

THE SOLICITOR GENERAL remarked, that the clause should be differently worded, for as it stood it contemplated that which could not take place by law—the marriage of a man with his deceased's wife's sister.

VISCOUNT BURY said, that the case contemplated by the clause had arisen, and that was the reason why it was proposed. The matter was fully discussed yesterday.

MR. ADAMS said, he should move that the debate be adjourned.

MR. KNATCHBULL-HUGESSEN said, that if a debate were to arise on the clause it could not be proceeded with at that hour, and suggested that the Government should give a morning sitting for the purpose of the discussion.

VISCOUNT PALMERSTON said, he thought the matter lay within the smallest possible compass. The object of the clause was to meet the particular case of a man who, having married his deceased wife's sister, and afterwards presuming on the illegality of that marriage, married another woman. It would except the second marriage from the operation of the Act.

MR. GLADSTONE observed, that if the question was fully debated yesterday it would be hardly gracious to prevent the noble Lord going on with his Motion, especially as private Members had cheerfully given up to the Government every night in the week.

Motion by leave *withdrawn.*

Main Question put, and *agreed to.*

Bill *considered*; Clause *added*; Amendment made.

Bill to be read 3° *To-morrow.*

House adjourned at a quarter after One o'clock.

HOUSE OF LORDS,

Friday, July 2, 1858.

MINUTES.] *Election* of the Earl of Caithness, as one of the Sixteen Peers of Scotland, in the Room of the Earl of Morton, deceased.

PUBLIC BILLS.—2ª Church Rates Abolition; Chinese Passenger Act (1855) Amendment; Commissioners for Exhibition, 1851.

THE WELLINGTON MONUMENT.

QUESTION.

THE DUKE OF WELLINGTON was understood to say that he hoped the noble Earl at the head of Her Majesty's Government would furnish the House with some information as to the course they intended to pursue with regard to the monument about to be erected to the memory of the late Duke of Wellington in St. Paul's Cathedral. Their Lordships would recollect that a large number of competitive designs had been sent in by various artists for this monument. These models had all been, as he understood, rejected, so far at least as those designs had been considered in reference to the original site fixed upon; but he believed that it was the intention of the Government to select one of the models, and adjust it to a new site which had been placed at the disposal of the Commissioners. This new site was to be prepared by the architect, who was to be assisted in his labours by some of the sculptors who had exhibited their designs. He thought that this plan of associating several artists with an architect in the construction of the monument was not likely to be attended by any satisfactory results, and he therefore begged the noble Earl to state what were the intentions of the Government on the subject.

THE EARL OF DERBY said, it was the desire of the Government and of the country to raise a monument which should, if possible, be worthy of the services of the illustrious man to whose memory it would be erected. He thought the noble Duke on the cross benches had, to a certain extent, misapprehended the state of the case, both with regard to what had already taken place and what was contemplated by his noble Friend at the head of the Board of Works. In the first place the noble Duke was in error in stating that the whole of the designs which had been sent in to the Commissioners had been rejected. With the view to obtain a fit monument, a very extensive competition was invited from artists, not only of this but other countries, and no less than eighty-three designs were exhibited. The Judges, of whom the noble Marquess (the Marquess of Lansdowne) was one, deemed eight of those designs worthy of substantial marks of approbation; but they distinctly laid down in their award that as to Mr. Marshall's, the premium was conferred merely for the intrinsic merit of the composition, and by no means with regard to the situation it was to occupy in St. Paul's. It was the opinion of his noble Friend at the head of the Board of Works (Lord John Manners) and upon consultation with the Dean and Mr. Penrose, the architect of St. Paul's, it was agreed that there would be more propriety in choosing as the site the old Consistory Court of St. Paul's, which was given by the Dean and Chapter for the purpose of constituting a Wellington Chapel, rather than the site originally fixed upon between two of the arches. Having selected the site—and he believed selected it with the approval of the noble Duke on the cross benches, who visited St. Paul's in company with his noble Friend at the head of the Board of Works—it was then for his noble Friend to select from the works exhibited one which, from its intrinsic merit, was best suited to the site prepared for its reception. He admitted that it was not absolutely imperative on his noble Friend to have selected any one of those designs, but at the same time he must say that when they invited competition from all parts of the world in the formation of a great national monument; when they called upon a number of artists — from eighty to a hundred — to spend their time, labour, and talents in preparing designs for the purpose, it was ungracious, to say the least of it, to throw over the artists who had competed, and capriciously, upon the authority of a single Member of the Government, select the work of an artist who had never competed at all. In point of fact unless the designs were absolutely devoid of merit, it was obligatory on the Government not to pass over the whole, but to select one for the monument. His noble Friend, acting upon that principle, did select one by Mr. Stephens, which was one of those selected by the judges as worthy of approbation. Mr. Penrose concurred in thinking that No. 18 was the best design, and he had since been told that the selection both of the design and the site had among artists created general satisfaction. The noble Duke had spoken of the combined work of several artists. There would be no combination further than this—that, having agreed upon the site on which the monument was to be erected, Mr. Penrose, as surveyor of St. Paul's, had undertaken to make such alterations as were necessary in the old Consistory Court for its conversion into the Wellington Chapel. That was the only combination which had taken

place, with this exception, that his noble Friend at the head of the Board of Works, although nothing further had been yet arranged, had been in communication with the artist to whom the first prize was adjudged, and if it should be found that there was sufficient space, and that consistently and subordinate to the monument itself other statues could be erected which would harmonize with the monument, and suit the internal arrangements of the chapel, the gentleman who obtained the first prize was to send in proposals for certain objects of statuary which would be erected within the chapel. That was the present state of things, and he confessed he thought that unless some discretion was left to the officer of the Government who was specially charged with the administration of that department, they would never come to a satisfactory conclusion with regard to this or any other great public work. The real difficulty under which they laboured was, that when a great work was to be undertaken no one would trust any one else with the performance of any portion of it. Inquiries by Commissions were succeeded by Committees, and there were fresh Committees and fresh investigations reopening the whole question, until after years and years had elapsed it generally resulted in nothing being done. He need only allude to the very savoury river in their immediate neighbourhood, with regard to which there had been no end of designs and no end of schemes. For the last twenty-five or thirty years every one agreed that there ought to be a new Foreign Office. Then came a number of plans for the erection of a mass of buildings without purchasing land. This was followed by the discovery of the impossibility of obtaining the land and purchasing such a mass of buildings. Then came the necessity of a new plan, and the complaints of competing architects that their plans had been set aside. The consequence was that for many years the great public offices had been, so to speak, kept in abeyance, because no one could decide who was the proper authority to carry into effect that which ought to be done. The proper person to make the decision in the present case was the First Commissioner of the Board of Works, who, taking the best advice, had selected out of these designs for a monument one which had been marked by the approval of the judges. His noble Friend had, he thought, done right in selecting one of the designs of the artists who had expended their talent and labour upon this work in the hope that one of them would be charged with its execution.

THE MARQUESS OF LANSDOWNE, having been one of the Commissioners to whom the task of making a selection from the great number of designs sent in was intrusted, begged to say that the feelings of the Commissioners were naturally engaged in obtaining a suitable monument for the Duke of Wellington. The Commissioners who were associated with him were highly competent to fulfil the duty confided to them. The prizes they were authorized to give were divided into three classes. It might seem an ungracious act not to accept one of the designs, but it was clearly and distinctly understood on the part of the artists that at the end of the competition the Government were not in the least compromised or bound to carry into execution any one of the designs sent in. He believed that a more judicious site had been chosen in St. Paul's than was originally indicated. With regard to the designs sent in, there was not one of such commanding merit as to induce the Commissioners to recommend it for public adoption. The object of the monument was to perpetuate the memory of one of the greatest men who ever lived, either in this or any other country, and not only to preserve the merits of that individual, but to do so in a manner worthy of the glory and the taste of the country. This was a national, and not a departmental object, for they had to consider, not only what was due to the merits of the Great Commander, but also the reputation of the country for artistic taste. Every effort ought, therefore, to be made without delay to perfect and complete a monument in which the reputation of the country was concerned. A little while ago it was said, that our constitutional system was on its trial. It might be said now, with the same truth, that our national taste was on its trial in this matter. He, for one, would not be satisfied that the work to be adopted and executed should possess some degree of merit. It ought to possess merit of a very high and commanding character, and he was not content that one individual should be intrusted with the sole decision on this subject. He inclined to think that a more limited competition would be desirable. He had no great faith in this system of unlimited competition which was now so much the rage, and it had not been very successful in the present instance, because some

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of the most eminent sculptors had refused to send in designs.

VICTORIA STATION AND PIMLICO RAILWAY BILL.

STANDING ORDER DISPENSED WITH.

THE EARL OF DONOUGHMORE moved—

"That Standing Order, No. 179, sec. 1, directing that no Petition praying to be heard upon the merits against any Private Bill shall be received by this House, unless the same be presented on or before the second sitting-day after such Bill shall have been reported from the Standing Order Committee be considered, in order to its being dispensed with upon the petition of the Commissioners of Her Majesty's Works and Public Buildings, praying 'to be heard against *The Victoria Station and Pimlico Railway Bill.*'"

The noble Earl read an extract of a letter from Sir Benjamin Hall, stating that his successor was not bound by anything he (Sir Benjamin Hall) had done in the matter. As to the propriety of waiving the Standing Order, there was no instance, he believed, in which the head of a public Department had ever petitioned Parliament before; and before the present First Commissioner became aware that he might take that step the time had passed. Under these circumstances he hoped the House would agree to the Motion.

EARL GREY said, that before consenting to suspend the Standing Order, they ought to understand that there was a clear case made out for doing so. He was not able to concur with the noble Earl opposite as to the propriety of such a course in the present case. The Chief Commissioner of Works had no right in this instance to act as representing the Crown, and he was merely to be regarded as the head of a corporation, which had for one of its duties the management of Battersea and Chelsea Bridge. That Corporation was to be treated just as individuals were. The fact that the head of the corporation had been changed made no difference whatever, and what had been done by a previous head was binding on his successor. The letter of Sir Benjamin Hall, therefore, put an end to the case. He would only add, that no grounds of public interest had been shown for suspending the Standing Order, for the case which had been made out was a most trumpery one.

THE LORD CHANCELLOR, while agreeing that it was most important to adhere to the Standing Orders, said that the question was, whether this was not a case in which this Standing Order should be suspended. The noble Earl (Earl Grey) said that this corporation was the same as other corporations, and that a change of head made no difference. But there was a great difference in the character of the corporation. This was a corporation instituted not for private purposes, but for the public benefit. He thought, indeed, that there was nothing to have prevented the late First Commissioner of Works from receding from his consent to the Bill, and presenting a petition against it on behalf of the Crown. But even if he had given such a consent as to preclude him from doing so, was that to bind his successor? On the contrary, he (the Lord Chancellor) thought that, if his successor looked upon the Bill as prejudicial to the public interests, it was his bounden duty to appear and protect these interests.

EARL GRANVILLE thought they ought to consider not only what was just in this particular case, but also how the general practice would be affected. He did not go so far as to say that the decision of the First Commissioner of Works on a point of this sort was to bind his successor; for if a case of great hardship on the part of the public were made out, no doubt the Standing Order ought not to be allowed to interfere. But no strong case had been made out, and in the absence of that he thought that they ought to adhere to their usual mode of proceeding.

LORD REDESDALE said, that it was not at all unusual for the Standing Order to be suspended in favour of petitions which had been accidentally delayed beyond the time. The extraordinary position in which the park and bridge were placed of itself justified a suspension of the Standing Order.

THE EARL OF WICKLOW thought it was a monstrous thing to suspend the Standing Orders in a case of this kind, when it was well known that the Board of Works, under the late Commissioner, had no intention of offering any opposition to the Bill. He trusted their Lordships would have regard to the interests of the public and to the interests of those companies which had, at a great expense and with vast trouble, endeavoured to find accommodation for the public.

On Question, That the said Section of the said Standing Order be dispensed with on the said Petition?

Their Lordships then *divided*:—Contents 63; Not-Contents 48: Majority 15.

Resolved in the *affirmative*.

CHURCH RATES ABOLITION BILL.
SECOND READING.

Order of the Day for the Second Reading read.

THE DUKE OF SOMERSET, in moving the second reading of this Bill, said, that the principle of the Bill was simple abolition of the church rates without providing any substitute for them. He should not have undertaken the charge of the Bill if he had not already in the other House of Parliament voted in favour of its principle, and if he had not—after hearing the question frequently discussed during the twenty years that he had sat in that House, and various schemes suggested with great ingenuity for providing a substitute—come at last to the conclusion, at which many others had arrived, that the best course in the first instance was the abolition of the compulsory rate. The great number of petitions which had been presented from all parts of the country by himself and other noble Lords in favour of the Bill showed the strong feeling which existed in the country. These petitions came, not only from the great towns, from public meetings summoned by the Mayor or the chief local authorities, but there were a great number from small villages. From the western villages they were numerous, as from the small villages in Cornwall and Devon; and, indeed, in almost every county many villages had petitioned in its favour, and he scarcely knew any subject which had excited so much feeling throughout all parts of the county. The Bill came up from the House of Commons supported by a large majority, and year after year the question had been sifted there calmly and temperately, and with an earnest desire to arrive at a solution of it. Up to this time their Lordships had not committed themselves to any opinion on the subject; they were not pledged as the other House was, and they would, therefore, be all the better able to take an enlarged view of the question. For himself he knew of no conclusion that could be satisfactory which did not commence with the abolition of the compulsory rate. He believed, too, that the Government as a whole was not pledged to any particular line, and many of the petitions which he had presented were sent under the impression that this was an open question with the Government; and when the Bill was in the other House it was supported by a leading Member of the Government, who had not only voted, but had spoken in favour of the principle. He very much regretted, therefore, the declaration which had been made the other night by the noble Earl at the head of the Government, that he intended to move that the Bill be read a second time that day three months, for he supposed this must be taken as an indication of the resistance of all the Members of the Government in that House. But the present time was peculiarly favourable to the consideration of the question—no future time could be so favourable;—hereafter their Lordships would be pledged one way or the other, and in deliberative assemblies it was always difficult to bring about a change of opinions, however much circumstances may have changed.

He would now briefly call their Lordships' attention to some of the attempts which had been made to settle this question. In May, 1855, a Bill was laid on the table by the most rev. Primate, which provided that henceforth church rates should cease for ever in any parish where they had been twice refused by the inhabitants in vestry assembled. This was an assurance to those who had petitioned their Lordships that the question would be fully and fairly considered. The measure, however, failed. Since the year 1834 almost every Government and every leading statesman in the House of Commons had declared their earnest desire to settle this question; and they had one and all dwelt with great force and eloquence on the mischief done by these parochial disputes to the interests of the Church, the cause of religion, and to the advancement of Christianity itself. Various proposals had been made to obtain this end. In 1834 Earl Grey's Government proposed a scheme, the principle of which was to abolish altogether that portion of the rate which was devoted to providing for the services of the church, and charging that part which was devoted to keeping up the fabric of the church on the land tax—in other words, to make it a charge upon the Consolidated Fund. But when that proposal came to be discussed there were found to be so many objections to it that it was abandoned. When Sir Robert Peel came into office he took an early opportunity of stating his desire to bring in a Bill for the settlement of the question; but he went out immediately afterwards, and his design was frustrated. In 1837 Lord Melbourne's Government brought in a scheme placing the charge for the fabric on the revenues of the Church, which it

was thought might be so far improved by good management as to bear it. But when that scheme came to be discussed there were found to be so many claims on the revenues of the Church that it was thought unfair to put this additional burden on them, and that scheme, too, was abandoned. Two equivalents, therefore—the land tax, or in other words, the Consolidated Fund, and the revenues of the Church—had been proposed and set aside as unfit. A great number of compromises had afterwards been suggested in the House of Commons. The first was to exempt the towns and continue the rate in the rural parishes only, but that scheme was found to be so objectionable that it was rejected. There was another scheme, to exempt Dissenters who declared themselvers Dissenters; but there were many objections to that also, and especially that it would prevent them ever returning to the bosom of the Church. There was one point on which little or no difference of opinion existed. No person, he supposed, would wish to maintain the charges in church rates for the celebration of the services of the church. No churchman would wish that the sacramental bread and wine should be provided by the compulsory contributions of Dissenters. But to abandon that part of church rates would not produce peace. There would be the same contests about items for maintaining the fabric, the same disputes in the vestry, the same profanation of the church, and the same amount of litigation; and—no matter how the contest ended—the parish would be left in an unsatisfactory state, in consequence of the many passions—some personal and some religious—which had been called into play. It was stated by Dr. Lushington that there was no subject upon which there was so much litigation as church rates, and that in a country where the law was universally respected. They were told that there was no doubt about the justice of the principle that the majority had a right to tax the minority; but the application of that rule should be carried out with great caution, and particularly in questions of a religious nature. It was very different calling upon people to pay a church rate and calling upon them to pay a gas or highway rate. Dissenters said, "We know that gas is provided, and that it gives a good light; but we deny that the prelates and clergy of the Established Church can furnish us with light for the next world. We do not mind paying gas rates, because we know we receive a benefit; but we hold that we ought not to be called upon to pay for that the benefit of which we deny." No doubt they were told that all parishioners were bound to maintain the fabric of the Church. But if there was a legal right to compel the people to pay for the support of the fabric of the Church, all the people had a right to be accommodated in the church—if the State, acting with the Church, had a right to tax the people, there was the concurrent duty imposed on the State of finding accommodation for all parishioners within the church. It was obvious and notorious that church rates were totally inadequate for the purpose; and, as there were thousands upon thousands of our countrymen who could not find places within the church, the Dissenters, therefore, said, "We ought not to be called upon to pay for a church which, even if we want it, cannot accommodate us." The imposition of church rates was merely an arrangement suited to past times, when all men were of one religion; but it was not applicable to the present state of society, and was producing increasing discontent every day. The growth of dissent and the toleration of Dissenters had increased for the last 150 years, and opposition to church rates had increased also, until the people, calmed for a time by the prospect of church rates being abolished, now looked with great anxiety to the decision at which their Lordships had arrived. It was said that in the great majority of parishes church rates were paid; but it was fallacious to take the number of parishes and exclude the number of the population. It was idle to take parishes with a limited population, and compare them with parishes possessing an enormous population: the whole country must be looked at, and the number of petitions which he had presented showed the strong feeling which existed upon this subject. Since the Census of 1851 the importance of the question had greatly increased. That was the first report on the religious position of the people, and it showed what a vast amount of the population were totally unconnected with the Church. The spiritual wants of the people in many districts had been supplied by the Dissenters. It was stated in one of the returns that, while the number of churches was 14,000, there were not less than 20,000 dissenting chapels. These Dissenting chapels had been built without any aid from the State; yet the Dissenters

who had built so many chapels had also been taxed for the support of the churches of the Establishment. One objection to church rates was that the peace of parishes was left in a precarious condition, depending as it did upon the discretion of the churchwardens, who might propose a rate whenever they pleased, and thus create a disturbance. Was it worth while to levy a tax which only produced £300,000, and which cost so much irritation in its collection? He undertook to say that if their Lordships looked at those districts where of late years no church rates had been collected they would find that more had been done for the Church, and that more new churches had been built in those districts than in any others. He had presented a petition from Boston, where no church rate had been levied for twenty years; no difficulty had been felt in meeting the expenses of the church, which were cheerfully raised by subscription; whereas during the time when church rates were levied, extraordinary repairs of the fabric of the Church—though greatly needed—church rates could not be obtained; but, since they had ceased, not only had the sum of £12,000 been raised for extraordinary repairs, but two new churches had also been constructed in the parish on the voluntary principle. A few years ago Parliament voted a sum of £1,000,000 for church building; but there had been given by the subscriptions of the public a further sum of £1,500,000 for the same purpose. Let their Lordships look at Scotland. In thirteen years the Free Church of Scotland had raised £3,900,000, being at the rate of £300,000 a year; and yet the advocates of church rates in this country were struggling to keep up a fight in every parish sooner than give up these rates. A statement of the existence of great spiritual destitution was not long since made by a right rev. Prelate, and a Committee had been appointed by their Lordships to consider the question. That Committee unanimously agreed that there were no adequate means of relieving the existing spiritual destitution, except by appealing to the voluntary principle. But, then, if the Church made such an appeal, let their Lordships look to the condition in which she was placed. She held out one hand for the munificence of the zealous and the other for church rates; showing that she distrusted her own principle, and was ready to fight and wrangle in every parish in the country for this miserable sum. In many country parishes the return showed that the church rates varied from £18 to £15 and £7. Was it not idle to discuss whether the power of raising such a sum should be retained, when large numbers of our countrymen conscientiously objected to the mode in which these rates were levied? But then it was said the abolition of church rates would relieve the landowners from a charge which they now paid. In 1834, when a Bill was brought in to relieve the land, it was strongly supported by the noble Earl (the Earl of Derby); but nothing was said then about the unfairness of relieving the landowner. Indeed, if he wanted a strong condemnation of church rates, he had only to turn to the speech of the noble Earl on that Bill. He had, however, determined to give their Lordships no *Hansard*. In the present day no one defended church rates, and the only ground for opposing their abolition was that they did not know where to find the money anywhere else. He was speaking in an assembly of landowners, but he must say that the liberality with which their Lordships had given sites for schools and churches rid them from the imputation of wishing to get rid of church rates for the sake of relieving themselves. He did not believe there would be any difficulty in making that portion of church rates which had been applied to the maintenance of the fabric a charge upon the land. This must be a voluntary charge, because if Parliament made it compulsory the town populations would object to the charge: but as a voluntary charge he believed it might be raised. He believed that many landowners would willingly subject themselves to such a charge. But it might be said that this was only the first of a series of attacks that would be made upon the Church, but he was not of that opinion. Though many who now sought the repeal of the church rates might, from their feelings having been roused, be hostile to the Church now, he believed that when the cause of agitation was removed they would return to their good temper and good sense. With regard to the sentiments of Dissenters towards the Church, he believed that many misconceptions prevailed. The grievances which they complained of and the remedies they sought for were laid before the House of Commons in 1835, and they then stated that what they asked for was the abolition of church rates, a registration of births, deaths, and marriages, the celebration of

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marriages without the intervention of the Church, admission to the Universities, and National education conducted in a fair and liberal spirit. Most of these things had been conceded. Parliament had of late years done much in the way of legislation for the great mass of the people of this country, and the people had reciprocated the benefits conferred upon them by their loyalty, their industry, and their obedience to the laws. He might refer to the recent Royal progress at Birmingham as a convincing illustration of the loyalty and good feeling with which the great body of the people were animated, and as one proof among many of the beneficial results which had flowed from past legislation. He asked their Lordships to deal with the church rate question in the same spirit in which they had dealt with other grievances that pressed upon Dissenters, and to make the removal of that impost the crowning act of their legislation in the direction of concession. There were other reasons why it was desirable at the present moment that they should settle this question. They were told on both sides of the House that a new Reform Bill was in progress. Any Reform Bill that was proposed must give the Dissenters, who were an active class of people, great influence with the constituencies. They were a class of people who were to be found in all the centres of our commercial, mineral, and manufacturing wealth, and they could have no Reform Bill that would not give to them great additional power. Was it wise, then, to leave this question pending as a source of bitterness and religious animosity in the minds of a class whose influence was sure to be very materially enlarged. On the contrary, it was most desirable that it should be settled, and he maintained that they would never be in a better position to settle it than now. They might find themselves in a much worse position hereafter. He would propose that their Lordships should adopt the principle of this Bill, but delay the period of its coming into operation, and he would enable landowners to charge their lands with rates, a thing which would be willingly done in many rural parishes. In regard to other parishes, where the great mass of the population were opposed to church rates, there the rates must go, and be regarded as a bad debt. In such places they were very much like some old manorial rights that existed in the country, which were of no use to the lord of the manor, and only served to torment his neighbours. It was of no use to talk of church rates in such parishes as these. He was exceedingly anxious that this religious question should not be permitted to remain to embitter future controversies, and he asked their Lordships to remember that almost all great commotions of which they read in history had been mixed up with religious questions. He regretted, therefore, that the Government meant to meet his Motion with an Amendment to read the Bill that day three months. Before sitting down he would read a few words from a speech delivered by Lord Stanley in 1855 on this subject. He said:—

"I have voted for the abolition of church rates, and shall do so again. When the matter was first brought forward for discussion, in the Session of 1853, I thought, and many others thought, that a compromise would be possible, which, while equally relieving Nonconformists from the unjust burden to which they are subjected, would serve to mitigate, in no small degree, the opposition and the dislike to any change which were felt by the great body of churchmen. That plan was proposed by another member of Parliament; I supported it in writing, and I voted for it in the division; it was fully and fairly discussed; and the result of the discussion which then took place upon my mind was to convince me that, fair and equitable as that compromise might be in point of principle, it was encumbered and embarrassed with so many practical difficulties in the working as to make it difficult for it to be carried through the House of Commons, and to make it quite impossible for it to be successfully carried out. Well, then, I had only to choose between maintaining the law in its actual state, or voting for its total repeal. I thought it was a question, not merely of policy—not merely of expediency—but of justice and right; and I, therefore, could have no hesitation as to the course I should take. I am quite aware that in some districts, especially in the rural districts, inconvenience would be caused for a time by the withdrawal from parishes and congregations of that compulsory legal support to which they are at present entitled. I do not overlook that objection, and I do not underrate its importance; but I think the inconvenience in question would be only temporary: I think it would be more than counterbalanced by the termination of that strife and dissension which we have so long witnessed in connection with this question; and I think that the change is doubly important, not only on account of the intrinsic merits of the case, but because it will afford us the first trial, the first practical experiment of that principle of self-support in religious matters which, whether we like it or no, whether we approve it or no, whether we think it the best possible system or no, seems likely, perhaps certain, in the inevitable progress of public events, to be the principle of the next generation."

Their Lordships saw what was to be expected from the next generation. Without going so far as the noble Lord from whom he has just quoted, he would still

say that it was in the highest degree desirable to terminate the controversy about church rates, and he trusted that they would hear from the Government some definite plan for the settlement of the question. If the question were not now settled, the result would be that the people throughout the country who were in favour of the abolition of church rates would continue to agitate it year after year, and eventually some other Government, finding itself pressed and hampered by it, would say to their Lordships, as had been said on a very recent occasion, that the feeling of the country was so strong upon the subject that it would be advisable for them to give way. This was no party question, and he would urge their Lordships, for the reasons he had adduced, to try and settle it now, once for all, in a calm spirit and in the best way they could.

Moved, that the Bill be now read 2ª.

LORD ST. LEONARDS said, in order to satisfy himself upon what grounds he could give his vote on this question, he had considered what really was the position in which they stood in reference to it in point of law. The noble Duke had pressed on their Lordships the necessity of settling the question once for all. Nobody desired to see the Legislature arrive at a fair settlement of it more than he (Lord St. Leonards) did; but the noble Duke's Bill was the most singular mode of settling it of which he had ever heard. It was literally a receipt without payment. The noble Duke said in effect —"I come to settle your bill; give me a receipt for it; but I decline to pay the money." That was the noble Duke's mode of settling this question. He (Lord St. Leonards) contended that there was not a man in their Lordships' House who held any species of property, the enjoyment of which was more sacredly guarded by the law of England than was the obligation to pay church rates. By the law of England church rates were a charge upon the land of England, and that law, at this moment, bound every man's property throughout the country. For centuries this had been a charge on the property of the country, and their Lordships were now asked to go back to the voluntary principle, and leave it to every man to pay church rates or not, just as he chose. Everybody admitted that the fabric of the Church must be preserved, but to maintain the fabric of the Church money must be found, and who was to supply it? For ages the poor of this country had been furnished with regular and stated opportunities and facilities for hearing the Gospel preached without being called on to pay a single shilling, but now it was proposed entirely to alter that beneficent arrangement. It is the right of the poor at the expense of the rich: not depending upon bounty, but on an actual legal liability. He who improperly withholds his assent robs the poor. Your Lordships are asked to commit this spoliation for your own benefit. If their Lordships had now to provide for the maintenance of the fabric of the Church for the first time, he asked how they could do it more easily and effectually, and at the same time less objectionably, than by the system of church rates, which was now established by law. They did not want any new law for providing for the preservation of the fabric of the Church. It was an axiom of law that there was no right without a remedy. Here there was an incontestable right, but in many cases the remedy was gone, because the Church had no longer the means of enforcing it. Upon the general question he held it to be the duty of every good subject to give effect to the law as he found it for the benefit of the whole community. Their Lordships' estates were all charged with the payment of church rates for the benefit of the poor as well as the rich, and they were not at liberty to divest themselves or their property of that obligation. If they did, they, the landowners of England, would put millions of money into their own pockets at the expense of the poor throughout the country. Nobody disputed that the fabric of the Church should be maintained, and it could be maintained under the existing system of church rates. What was now proposed in lieu of it? Various propositions had been suggested. One was the voluntary system; another was the system of pew rents; and a third had been hinted at—namely, that the landed interest should be enabled voluntarily to charge their own estates for the maintenance of the fabric of the Church. As to the voluntary system, he would only say that it was entirely adverse to the Established Church as it now stood; and if their Lordships wanted to abolish the principle on which the establishment was founded, let them begin by putting an end to church rates. He regarded the present agitation as a mere

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passing storm, such as was often raised, and which might fairly be met by a proper compromise. He hoped their Lordships would resist the demand, but at the same time would declare themselves open to a fair and reasonable compromise. With respect to the voluntary system — good enough in itself — he would remind the House that property had been bought and inherited subject to the charge of church rates, and why should that charge now be remitted upon the chance that those relieved would hereafter subscribe voluntarily? It was like asking a creditor to give a release from a debt upon a promise of future voluntary payment. Voluntary payment might be made for some time after this charge had been remitted; but in the course of a few years those payments would become unpleasant to many, and would entirely cease. The noble Duke had alluded to the large sums raised by voluntary subscription in Scotland during the last thirteen years, but it must be remembered that was done under peculiar excitement and was done in antagonism to the Established Church of the country. The noble Duke had also referred to the large sums raised in England for building churches, and he (Lord St. Leonards) admitted the voluntary system to be an admirable system when called in aid of an established rate. It came, like God's gracious gifts, to supply wants which we could not otherwise meet. The suggestion of pew rents to supply the deficiency that would be caused by the abolition of church rates he did not like at all. Estates were now charged by law for the maintenance of the Church, and their Lordships were asked to remit that charge altogether, for the benefit of the landowners. The charge was of a fluctuating nature, the extent of which was always in the breast of the majority of the vestry. It was suggested to repeal a portion of the Mortmain Act, and to allow landowners to charge their estates for the support of the Church. That would be introducing new difficulties into the titles and transfer of land, and the amount to be so charged could not be properly ascertained, because the amount of the rate was fluctuating from year to year according to the necessities of the time. Then they would be thrown entirely upon the voluntary system. Dissenters were said to object to church rates upon religious grounds, but he could not see what religion, in a proper sense, had to do with the matter. Church rates were a charge upon property which Dissenters had bought, subject to that drawback. At present the rector was bound at least to keep the chancel in repair, and the vestry were bound to keep the fabric of the church in repair. Did their Lordships intend to relieve the vestry from their responsibility, and leave the rector still liable to his? Now, let their Lordships consider for a moment how the question stood with respect to Dissenters. In seeking to abolish church rates, the Dissenters must be regarded as desiring to introduce the voluntary system which prevailed among themselves, and which, so far as they were concerned, worked well, but which could not operate otherwise than disadvantageously in the case of the Established Church. To the Dissenter who made such a proposition he would say, "I am not disposed to impose upon you anything which is degrading, but if you demand the abolition of church rates and the adoption of the voluntary system you cannot expect to exercise the right of voting for a churchwarden or to be allowed the privilege of being eligible for appointment to that office." Dissent was allowed by law, and Dissenters leaving the Church had to provide themselves with another place of worship, and perhaps it was only fair that they should be released from the obligation of paying these rates; but the Motion of the noble Duke was a different thing from this altogether. It was a unilateral sort of thing—it was a sweeping measure for getting rid of church rates altogether. What right had Dissenters to ask the members of the Established Church to abolish church rates? Dissenters had a right to say there was a grievance, but they had no right to ask that church rates should be abolished. When they asked for what did not concern them, he knew they meant mischief. It was not a question of pounds, shillings, and pence, but it was a question of damaging the Establishment. The present measure was an attempt to introduce the thin edge of the wedge. While making that statement he must not be understood as entertaining towards Dissenters any other feelings than those of the utmost goodwill, and he might add that, in his opinion, the wisest and best members of that body had always shown themselves most anxious to support the Established Church. He objected strongly to any measure the tendency of which should be to introduce the voluntary system, which must damage that Church;

but, while he should, for the reasons which he had stated, oppose the second reading of the Bill, he was as willing as any man could be to meet in a spirit of the utmost fairness any proposition which, while maintaining unimpaired the rights of the Church and the privilege of the poorer classes to attend at divine service, should remove any conscientious difficulties by which the question was attended.

Lord WODEHOUSE said the arguments which had been advanced by the noble and learned Lord against the Bill were not, in his opinion, of much intrinsic weight. The noble and learned Lord had stated that by law church rates constituted a charge upon land; but how, he would ask, could that be the case when it was shown by a return which lay upon their Lordships' table that there were five hundred parishes in which the rate was not paid at all? The fact was that it was a charge which the majority of the inhabitants of a particular parish might or might not impose upon the land as they pleased, and of which the owners of property might rid themselves, provided they could get the majority to accede to their views. It could not, therefore, be a legal charge upon the land. But, passing for a moment from the arguments of the noble and learned Lord, he should contend that the reason which, above all others, should recommend the Bill to the notice of their Lordships was that which was founded upon the interests of the Church of England itself. If, in his opinion, it were calculated to operate in a manner prejudicial to those interests he should be the last to say a word in its favour, and it was because he thought that the contrary would be the result, and that it would be most unadvisable that the contest with respect to church rates should be any longer protracted, that he should give to it his cordial support. The noble and learned Lord who had just sat down seemed to think that Dissenters would always be Dissenters, and that occasional conformity had gone completely out of fashion. His own experience, however, did not tend to confirm the justice of that view, and he might add that one of his main objections to the continuance of the church rate was that occasional conformity was thereby rendered less common than would, under other circumstances, be the case. It was not for the interest of the Church that a broad line of demarcation should be drawn between Churchmen and Dissenters. He could not see that there would be any danger of churches being neglected by the abolition of these rates. In many large towns where they were abolished—the churches were not only maintained, but built by voluntary subscriptions; and in many of the rural parishes the land was owned by one or two proprietors who would always have influence enough to raise voluntary subscriptions for the repair of the fabrics. In some rural parishes there might, perhaps, be a difficulty in finding money for that purpose, but there was an equal difficulty now; and where an ancient structure had fallen into ruin, either from the poverty of the parish or because it was too large for the wants of the parish, it was not by levying a church rate that it was repaired, but by the success of some zealous clergyman in raising voluntary subscriptions from the public at large. As the noble Duke (the Duke of Somerset) had clearly shown, all the compromises which had been proposed were entirely inapplicable. He hoped their Lordships, therefore, would take a large view of this question and not look merely to the petty sum now produced by these rates. By putting confidence in the voluntary principle and abolishing this obnoxious impost at once, they would attain an end which was of even greater importance than the sustentation of the material fabric of the Church, for they would do more than by any other measure to strengthen the Church in the affections of the people.

The Duke of MARLBOROUGH said, that this question was now in a very extraordinary position; he had listened with very great attention to the discussion, and it appeared to him that the main topic which ran through the speech of the noble Lord (Lord St. Leonards) was nothing else than a plea *ad misericordiam* for Dissenters, while, on the other hand, the main argument on which the noble Duke who had moved the second reading of the Bill was upon the ground that it was unjust to tax Dissenters for the maintenance of the Established Church, and of tenets and opinions in which they did not concur; and the remedy he proposed for that was the introduction of a Bill which proposed to abolish church rates altogether. A cry was raised that a certain class of our fellow-subjects ought to be exempted from an impost that was obnoxious to their feelings and contrary to their inclinations; and then, for the purpose of relieving them, it was proposed to sweep away the impost altogether, to exonerate a large class of persons and

a widely-extended sphere of property, including a vast number of persons who had never raised the slightest objection to it. He did not think that their Lordships' House, amongst whose high functions were comprised the remedy of evils and abuses, should be called to adopt a mode of redressing a grievance so unprecedented as this. He could not but think it a most extraordinary thing that the other branch of the Legislature should have passed a measure, not only doing that which was necessary to accomplish the object, but going even further. They had been told that they should be careful lest the question of church rates should become one of the Established Church; but it had already assumed that phase. If their Lordships were to pass a measure for the abolition of church rates, it would be nothing more nor less than to give a successful commencement to an attempt which had long been made with greater and greater pertinacity and encouragement of hopes of success on the part of those whose main object was to promote the separation of Church and State, and to place the Church on the same voluntary basis of support on which the Dissenting communities of this kingdom now stood. He would illustrate this by certain proceedings at a meeting of the "Liberation of Religion Society," on the 5th of May last, at the Milton Club, as given in their organ, the *Liberator*. The presentation of the report of that Society was followed by the remarks, among others, of a Mr. Robinson, of Bristol, who, having inquired

"Whether, in the event of Parliament proposing to abolish church rates, on the agreement that the fabrics should be kept up out of the funds now in the hands of the Ecclesiastical Commissioners, the Society would assent?"

was answered by Mr. Miall that—

"In his judgment the Society might consistently do so. Such a change of the law would extinguish the taxing power of the Establishment, and dry up one of its sources of revenue, while the Ecclesiastical revenues applied to the purposes for which church rates are now levied would still be national property, and be capable of appropriation to secular purposes at a future time. As yet the Society could not secure such an appropriation, but in the meantime it was a gain if the application of the Ecclesiastical funds was so altered as to remove the burdens now imposed on the Nonconformist body."

And that this was not the language alone of the Society in question, he would produce to the House a declaration of the policy of the Dissenters, as it appeared in their organ, the *Nonconformist*, more than a year ago:—

"Of course we do not expect that our convictions on this matter can be safely thrust into a programme of policy. But, as we said before, a fundamental truth or two, stopping short of our ultimate aim, and yet broad enough to answer present need, will be found an indispensable feature of any manifesto which is designed to serve as a banner to the radical party, and as a source of inspiration and a bond of union to its members. They will never gain either unity, discipline, or courage, until they can dare to face the greatest anomaly of the age—the Established Church. It is the only remaining enterprise capable of inspiring enthusiasm. The policy which ignores that is but the play of Hamlet with the part of Hamlet left out."

These were the sentiments of a numerous and influential party, which exercised considerable influence in the House of Commons, and who were likely to increase still more after the passing of another Reform Bill, to which the noble Duke appeared to look forward with considerable apprehension. The real question for their Lordships' consideration was this—Was the Church of England to be placed upon a voluntary basis? He was surprised to hear the remarks which fell from the noble Duke as to the feelings and sentiments which he assumed to pervade the Committee of their Lordships' House that was now sitting to consider the question of spiritual destitution. He (the Duke of Marlborough) was a member of that Committee, and it was certainly true, as the noble Duke had stated, that the general feeling of the Committee was, that a large portion of those funds which were necessary to meet the increasing spiritual necessities of the country must come from voluntary sources. But the funds which were expected from that quarter were for purposes of a permanent character, such as for the building of churches—expenses that would not occur again—and for these it was thought that an appeal might be made for voluntary aid. But with regard to those expenses that were temporary and transient, and continually recurring, voluntary efforts were clearly inappropriate; for them recourse must be had to an assessment that was fixed and constantly to be depended on. Let them consider what were the real rights of the question. He would not go into the question which had been argued with so much force by the noble and learned Lord (Lord St. Leonards), whether or not church rates formed a legal liability upon property. He admitted there was a

difference between tithes and church rates—upon a permanent impost like tithes, and a rate which might be imposed or not by the action of a majority,—they could not be said to be precisely in the same position. He would also ask their Lordships to consider that the Dissenters had rights with regard to the Establishment, and which they could enforce by law. They had the right to call upon the clergyman to perform for him the offices of religion, and the clergyman was mulcted in heavy penalties if he refused. They had a right to sepulture in the churchyard, and this right they often enforced. As was so eloquently expressed by a right hon. Gentleman in "another place" (Sir James Graham), "At the time of death the voice of Nature cries 'let my bones lie beside his bones.'" Another right which was used by those very Dissenters who refused to contribute to the expenses of the Church, would strike their Lordships as extraordinary. He held in his hand a letter from a clergyman in a populous town, which stated that every householder in his parish claimed, but without any legal right, the possession of a pew; but their pews were let by Dissenters for considerable sums—from £1 to £3 per annum; and yet the same parties refused a church rate for the maintenance of Divine service. At the same time it must not be forgotten that the opposition to church rates had not, in all cases, arisen from Dissenters, but sometimes from members of the Established Church. Churchmen themselves had in former times great reason to complain of their operation, as in those cases where an outlying district from a parish church was erected into a separate parish; but the inhabitants of that district were, until a recent period, still required to pay rates for the mother church. He quoted from the evidence of the vicar of Stoke-upon-Trent, given before the Commission for the subdivision of parishes, that he was unable to levy a rate in his parish, not from the opposition of his parishioners properly so called, but because the inhabitants of some outlying districts, which had chapels of their own, would have to pay to the mother church, while their own chapels would receive no benefit. An Act was lately passed, chiefly through his (the Duke of Marlborough's) instrumentality, which exonerated these new parishes from rates from the mother church, and applied the rates of each district to its own chapel; and he was happy to find that in this very district not only did the parishioners of Stoke now raise a rate for the mother church without opposition, but the inhabitants of these outlying districts, without hesitation, raised a rate for their own purposes. These circumstances made him feel that it was unadvisable to rush to a hasty conclusion, for he thought causes were in operation that would diminish the opposition to church rates. This question was not new to their Lordships. The matter had already come before them in their judicial capacity, and nothing could be fairer to all parties than the position in which their decision had placed it. That the question should be decided by a majority in the parish was in accordance with all the constitutional maxims of the country, and he believed that the effect of this decision, by leaving the matter to the vote of the majority, would be to popularise church rates. No doubt here and there the rate met with opposition; but he believed the noble Duke had greatly exaggerated the agitation to which the question gave rise. There had been church-rate contests in his own neighbourhood; but when they were brought to a close little or nothing more was heard of them. Even where the rate was carried, and the churchwardens proceeded to collect the rate, if a few refractory individuals were met with, it was found better to pass them over than to incur the trouble, expense, and ill-will of putting their case into the Ecclesiastical Court. He strongly condemned the proposition made by the late Government to extinguish church rates wherever the rate had been refused for years in succession, and characterised the scheme as a premium on agitation. He thought the advantage of the present scheme was this—that even after the rates had been refused for years a change of circumstances might occur, a more popular clergyman might be appointed, or one with more tact and wisdom than his predecessor, and under his auspices the collection of the rates might be resumed. But by the proposition of the late Government, the parishioners were agitated by being told that if they persevered in refusing the rate for five years the impost would be abolished altogether. He for one was quite willing to exonerate Dissenters, and that without branding them as Dissenters. As the noble and learned Lord had stated, he thought it would be quite enough that a man should come forward and state that he contributed to the support of some other church

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or chapel, and that that should constitute his exoneration from the payment of the church rates. To this he would be disposed to add that such a person should not vote in vestry upon the levying or distribution of the rates, or for the election of churchwardens. In fact, he would introduce into the vestry the rule which obtained in every other assembly, that a man should not vote who did not pay rates. The reason why this plan of exemption had so often before failed was this, that it was usually coupled with exclusions which amounted to a virtual excommunication from the Church, to which he did not wonder that Dissenters objected. He trusted that the time was not distant when some reasonable and satisfactory arrangement of this question would be come to; but he trusted that their Lordships would always be resolved to maintain intact and inviolate the rights of the Established Church.

THE DUKE OF NEWCASTLE said, that the noble Duke who had just sat down said, he feared this question was one which already affected the stability of the Established Church. He (the Duke of Newcastle) was happy to say he differed entirely from his noble Friend; but if he had unfortunately arrived at the same conclusions as his noble Friend, he should indeed tremble for the Established Church. However, so far from concurring with him in that part of his speech which was founded upon quotations made from what passed at some meeting intended to show that the opposition to the church rates had its origin in a spirit of hostility to the Established Church, he (the Duke of Newcastle) felt confident that a very large proportion of Dissenters who objected to the payment of church rates were not hostile to the maintenance of the Established Church. He thought the noble Duke had, in the course of his own speech, given the strongest possible reasons for believing in the impossibility of maintaining church rates, for though the whole of his speech was directed to the maintenance of a compulsory rate, he yet maintained the policy and propriety of preserving a difference between town and country; and he even went so far as to say that in places where a church rate was levied, and every man was liable to payment of the rate, those who objected should be allowed particular exemption, and should not be cited before the Ecclesiastical Courts, and made to pay. It was clear, therefore, that the noble Duke himself had no confidence in the preservation of church rates as at present constituted. Exaggerated arguments were maintained equally on one side of the question as on the other. On the one hand, the question was treated by many—as, for instance, by the noble Duke (the Duke of Somerset), who had introduced the measure in a most powerful and able speech—as a question of religious liberty; on the other hand, the Bill was opposed by others who believed it to be a violation of the law of property. He (the Duke of Newcastle) could not believe that it was a question of religious liberty. Last night he had voted in favour of a measure he had uniformly supported, because he believed that the spirit and principles of their present system of toleration was in favour of every man enjoying the same civil rights: but he could not agree that that principle could be applied to the measure then before the House. In his opinion no man had a right to refuse payment of taxes on religious grounds; and the Dissenter had no more right to refuse to pay a church rate, legally imposed, than a Quaker had to refuse to pay a tax levied for the maintenance of a war to which he might be conscientiously and religiously opposed. But if this were not a question of religious liberty, it was a question which strongly interested the feelings of a large portion of the community, which their Lordships were disposed to respect. It might not be a question of right and justice, but it was a question of policy and wisdom, and upon these grounds it ought to be considered. It was in some respects a double question; first they had to settle the point whether they would maintain the present system of church rates; and secondly, if they maintained them, whether they would compel Dissenters to pay them. As regarded the second point, all seemed to be agreed that in some shape or other Dissenters were to be exempted from the payment of church rates. But how far his noble Friend could maintain the absolute exemption of Dissenters from church rates, and yet say that church rates stood on the same footing as other kinds of property, he (the Duke of Newcastle) could not understand. The two doctrines were irreconcilable. It was said that if they abolished church rates, tithes must follow; but that was pursuing a line of argument which he could not understand. How could he call that his property which any noble Friend had a right to give or withdraw at his option? How

could that be property in the Church which it was equally in the power of vestries to give one year, and to withhold the next? He maintained that there was a wide distinction between church rates and tithes. He now came to the question in which they found themselves, in reference to the Bill before the House. His noble Friend, who moved the second reading (the Duke of Somerset) seemed to feel that this was not quite the measure to satisfy himself or the House, and therefore he said he hoped the operation of it would be suspended for two or three years, if it should be read a second time. Now, he (the Duke of Newcastle) could see no good in such a proposition. No good could accrue to the Church by any such suspension; but, on the contrary, it would not be a compromise, it would create further difficulties, and would increase the irritation that already prevailed. It was not a fair way of dealing with the question, and some other measures providing some substitute for the church rates were necessary to be passed before, or at least concurrently with, this measure. If this Bill had come up to their Lordships two months ago, and there had been time to refer it to a Select Committee, he, for one, would have consented to vote for the second reading; but believing that it would be a delusion to suppose that it could become law in this Session, any attempt to pass the Bill this Session would only complicate matters, and therefore, he should not vote for the second reading. But, in consenting to vote against it, he hoped it would be one of the first questions which would be taken up by the Government at the earliest period in the next Session of Parliament; and, moreover, that it would be introduced in their Lordships' House. The question had been discussed over and over again in the House of Commons, and, though necessarily some irritation had been created, there was so much that was conciliatory in the speeches even of many of those who might be regarded as opposed to the Church, that he had the highest hopes of an arrangement being come to which would be satisfactory to all parties. He would briefly refer to some of the propositions that had been made for settling this question. In 1834, it was proposed to throw a portion of the church rates on the Consolidated Fund; but that was not a scheme that ever would be accepted by the country. As regarded the substitute of pew rents, he agreed with the noble Duke who spoke last that that was a most objectionable one. It would act most unfairly on the poor; in the rural parishes it would be intolerable under any circumstances, and it would be, in his mind, a violation of the principle on which the Established Church was founded. As regarded anything like a registration of Dissenters, he knew that was proposed some few years ago with the best possible spirit; but he rejoiced that it was not adopted, as well in the interest of the Established Church as of the Dissenters; because he believed if they once imposed on a Dissenter the necessity of writing down his name as a Dissenter, from that time it would become a matter of honourable pride with him no longer to frequent the church or participate in its ordinances, and thus the breach already existing between the Church and the Dissenting body would be widened; whereas he (the Duke of Newcastle) looked forward to the day when many of the Dissenters, now separated from the Church of England by comparatively slight differences of opinion, would be brought back to the fold. As to maintaining church rates in rural parishes and abandoning them in towns, that, he thought, was an impracticable and unstatesmanlike suggestion. What their Lordships wanted to do was to get rid of the heart-burning to which church rates had long given rise; but by abolishing church rates in towns and maintaining them in rural parishes they would be continuing the grievance in many parishes—for instance, those in Wales—where it had been especially felt all along. He now came to the proposition for permitting a charge to be imposed on the land by a relaxation of the laws of mortmain. He could not imagine that any man's title to his estate would be so complicated as the noble and learned Lord opposite (Lord St. Leonard's) had said it would by a proposition of that kind, and he, for one, looked to it as one way of providing a fund which would be, to some extent, an equivalent for the system of compulsory church rates. He had every confidence in the voluntary principle, and that not merely because it had been found successful in those cases where church rates had been refused, but also because there was a better understanding and feeling in many provincial towns on the subject. But it was in the rural districts where, if they abolished church rates, the greatest difficulty would be experienced in providing a substitute. He would be perfectly ready to abandon them in towns, because he knew the Church would not there suffer from

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their abolition; but in the rural parishes the case was different, and there, he repeated, the difficulty would be found of finding a substitute. He looked at this measure more in the light of an abstract proposition that church rates should be abolished than as a practical measure for providing a substitute for them, and it was for that reason, and that reason only, that he should vote against the second reading of this Bill. He entirely disbelieved that, as had been stated by his noble Friend (the Duke of Marlborough), the agitation for the abolition of church rates was an agitation for the abolition of the Church of England. He believed that those who supported the abolition of church rates looked on it, not as a stepping-stone to the abolition of the Church of England, but as a grievance from which they desired to be relieved; and he was confident that it was the interest, as he believed it to be the duty of the Church of England to meet them and endeavour to effect a settlement of this long-pending dispute.

LORD WENSLEYDALE rose to bespeak the attention of their Lordships, for only a few minutes, whilst he stated his strong objection to the measure proposed by the noble Duke, the total abolition of church rates. It had been suggested to-night, and on other occasions, that some other measure might be adopted, to provide for the support of churches. He thought it possible that some provision might be made that the repairs of the fabric of the church might be charged on all the owners of the lands in the parish—leaving the congregation who frequented the church to provide the sacramental elements and all other things necessary for Divine service. The repairs to be from time to time made and the charge for them imposed by an equal rate; not by the churchwardens, for they might be Dissenters, and possibly leave the church unrepaired, or, on the contrary, might be members of the Church of England, who had a taste for expensive renovations. Perhaps some body of elected ratepayers, analogous to the Board of Poor Law Guardians, might have the power safely delegated to them. But the measure proposed by the noble Duke would entirely put a stop to every chance of a compromise. Whether the abolition was immediate or suspended till the end of two, five, or seven years, as suggested by the noble Duke, what possible hope was there that the House of Commons would ever consent to an intermediate measure? It is entirely out of the question. Not so, if the law remains unrepealed, and an opportunity be thus given to devise some reasonable plan for effecting this object. The noble Lord said, that it was highly desirable that their Lordships should clearly understand what the existing law was. I have necessarily, said his Lordship, paid to this subject the greatest attention, having had, as a Judge, the duty of giving my opinion in all the several cases which have occupied the Courts for several years past, with respect to the Braintree church rate. I assisted as a Judge in the Court of Exchequer Chamber when it was decided, on a writ of error from the Court of King's Bench, that the churchwardens had no power to make it, if the vestry would not; and again, when that Court of Error held, by a majority, that a minority of the vestry could make it, if the major part refused to do so; and lastly, when this House asked the opinion of the Judges, and finally reversed that decision. On the argument of the first of these cases, I sat with my late lamented Friend, Lord Chief Justice Tindal, who delivered the opinion of the Court, and laid down and explained the whole of this branch of law in the clearest and most satisfactory manner. I may take upon myself, therefore, to state with perfect confidence what that law is. With all deference and respect to my noble and learned Friend opposite (Lord St. Leonards), he is not perfectly accurate in stating that at common law every man's estate is subject to the burden of church rates, though, practically, from very early times it has been so: but that remark induced a noble Friend of mine, who spoke after him (Lord Wodehouse), to state that the burden of church rates was not imposed by the common law, but by the voluntary act of the vestry. My Lords, it was undoubtedly a mistake of my noble Friend. In the full and satisfactory judgment to which I have referred it was distinctly laid down that there was at common law not an option but an absolute and binding legal duty on every parish to repair its church; and no Judge, in the course of the long discussions which have taken place in these late years, has even intimated a doubt on this subject. This legal obligation is analogous to that of parishes to repair all highways within their limits, save such as individuals are bound to repair *ratione tenuræ*, or a township by custom, or others

specially exempt. It is analogous to that of counties who are bound to repair bridges, with similar exceptions, and the mode of performing this duty, in every one of these three cases was the same. The inhabitants of the district so liable were to meet, and by common consent make a bye-law, which, when reasonable, was binding on all. It might be, in early times, by providing that the repairs were to be made by one contributing carts or horses or materials, or personal labour, so that the burden of repairing a road or bridge should be equally distributed. So in the repair of churches, a like bye-law might be made; and instances are to be found in the old books of special provisions of the same nature, but for many centuries the only mode adopted at the vestry meetings, because the only mode now practicable, is by an equal pecuniary rate. With respect to roads and bridges, the mode of performing the common law obligation by parishes and counties, has, from the more frequent occurrence of the necessity, been regulated by the statute law. But, as to churches, the common law liability, in almost all cases, continues. In all cases of roads and bridges, if the common law obligation to make repairs was disregarded, the remedy was by indicting the inhabitants for a misdemeanor, and in imposing an adequate fine on them to secure the repairs. But in the case of a parish not performing its duty in repairing the church, no indictment was maintainable—an interdict was the remedy, which, before the Reformation, was all powerful; but after that event, as is pointed out in a pamphlet published some years ago on the question of church rates by my noble and learned Friend the Lord Chief Justice of the King's Bench, this remedy became idle and useless. In the time of Lord Kenyon, an attempt was made to enforce the making of a church rate by mandamus; but it was held, and it must now be considered, that the non-repair of churches is not only matter of ecclesiastical cognizance, but exclusively so; and the Court of King's Bench has no power to enforce the obligation by mandamus, unless the rates have been pledged for money borrowed by virtue of an Act of Parliament, in which case that Court will enforce the payment of the rate by applying that remedy. If it had been decided that the repairs of the church could be enforced by the common law remedies, I believe that the payment of this rate would have been regularly made, and we should not have had those disputes which unfortunately in late times so extensively prevailed. But, my Lords, notwithstanding the want of these means of enforcing the performance of the undoubted legal obligations, attaching to every parish, it is not to be assumed that there is no remedy. The Ecclesiastical Court will proceed to punish those who are contumacious, in refusing to concur in making a church rate. Upon a clear case presented to the Court, showing that the party complained against totally refuses to perform his duty, the offender may be punished by writ *de contumace capiendo*, and imprisoned for six months; and there are instances of the exercise of such jurisdiction since these disputes began, and within a very few years. But this remedy is expensive, and beset with difficulties; and how can it be effectual where in some populous parishes five or ten thousand would have to be proceeded against? Practically, therefore, the legal obligation, though undoubtedly existing, may be said to be more capable of being enforced; but still every one ought to obey the law, and is not morally excused from obedience by the chance of impunity, any more than a person would, who should commit a more serious crime, when he knew it would be easy to escape punishment. It has happened on more than one occasion that I have had to attend meetings convened for the purpose of raising a church rate, where I reside in the country; they were attended by some very respectable Dissenters; a few objected to church rates, as contrary to Scripture; others, who did not feel that objection, yielded to the argument that there was a legal obligation, and that they ought to obey the law, though there was a difficulty in punishing the offence of disobedience. I cannot help thinking, that if it was generally well understood, that there is an absolute legal duty to contribute to repair the church; and that there is not, as a great many suppose, a mere voluntary power by law which the vestry may perform or decline, at their discretion, to provide for the repair of the church, there would not be the difficulty which in many places, unfortunately, occurs.

THE EARL OF DERBY: My Lords—I confess I looked with some anxiety and some curiosity to see which of your Lordships would have the courage to press upon our acceptance a Bill the effect of which would be to deprive the Church of England of a large amount of property to which she is entitled—not by virtue of any

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law, but by a prescription older than any law, dating from the earliest history of the Church in this country—and to prevent a majority of the inhabitants of any parish from rating themselves for the purpose of a great national as well as personal object, and to make the Church of England, as far as regards the maintenance of its fabric and the support of its worship, entirely dependent upon the voluntary principle. My Lords, I must confess the noble Duke (the Duke of Somerset) exhibited as much ability as courage in undertaking the hopeless task—for hopeless I trust and confidently believe it will be—of seeking to induce your Lordships (although, unfortunately, the other House has been induced partly to sanction it) to deprive, without compensation and without equivalent, the Church of England of that which I believe to be essential to her maintenance, and which is unquestionably one of her most indisputable rights. Upon what principle or plea does this Bill proceed? The preamble states that,

"Whereas church rates have for some years ceased to be made or collected in many parishes by reason of opposition, and in many other parishes the levying thereof has created litigation and ill-feeling."

What then?—

"Therefore be it enacted that in the vast majority of parishes where there has been neither resistance, nor opposition, nor ill-feeling, but, on the contrary, a general readiness to pay rates, it shall not be lawful for the inhabitants in vestry assembled to discharge that which by law is a solemn duty and obligation upon them."

It was said, I think by the noble Duke who spoke last but one (the Duke of Newcastle), that there was a broad distinction between the question of church rates and that of tithes, inasmuch as the former was a voluntary, while the latter was a compulsory payment. For my own part, however, I can see, so far as the principle involved is concerned, no distinction whatever between both those charges — with the exception, perhaps, that the church rate is fluctuating in amount while the amount of the tithe is fixed, and that the latter is recoverable by means of any easy legal process, while there is considerable difficulty in enforcing the payment of the latter. It is quite true as had been stated by the noble and learned Lord who has just addressed the House, that although practically speaking church rates do not constitute a direct tax upon land, yet that their payment involves a personal obligation in the case of every inhabitant of a parish, which obligation can be enforced only by having recourse to the means which a person may happen to possess in the parish; in other words, to the land of which he is the occupier. The rate is, therefore, to all intents and purposes, as much as the poor rate or any other rate, or as tithe itself, a charge upon property. It is, moreover, a charge which when one buys or sells property always enters into the question of the value at which it is to be estimated. My noble Friend behind me stated a case in which some generations ago a member of his family purchased the tithes of a particular parish. Those tithes were estimated at a certain amount, and he obtained them at a lower price than he otherwise would, because, in virtue of his becoming proprietor of those tithes, and therefore the lay rector of the parish, he would have to defray the expenses connected with the repairs of the chancel of the Church. Now, let me suppose that my noble Friend's ancestor had paid a sum of £2,000 less than their real value for those tithes, in consideration of his having to devote a sum of £100 per annum to the maintenance of the chancel, and that, being a Dissenter, he should, after the bargain had been concluded, turn round and say, "To keep up this chancel would be to act in opposition to my conscientious feelings. True, I have purchased those tithes for a sum lower than the estimated amount because I undertook this obligation, but I beg to be excused for adhering to the terms of our bargain, because I do not happen to be a Member of the Church of England." What, I ask, would your Lordships say to conduct such as that? Would such a plea be listened to either upon the principles of law or morality for a single instant? Church-rates, then, I contend—a charge though it may be fluctuating in amount, yet capable of being estimated by striking certain averages—one a distinctly recognized charge, which the Church of England has a right to receive upon the one hand, and which every landlord throughout the country is bound to pay upon the other, as a debt upon his estate from the liquidation of which he must not hope to escape upon the plea of conscience. For my own part I must confess that, while disposed to look with the utmost indulgence upon the claims of Dissenters in relation to this as well as to other questions, I am nevertheless inclined to look with very great suspicion upon those conscientious scruples,

the result of yielding to which would be to effect a saving of money in the case of those by whom they are put forward.

My Lords, it is nevertheless a matter which admits of no doubt that the circumstances in which the Church stands to the great body of the people have undergone considerable alteration since the period—if, indeed, the period can be fixed—at which church rates were originally instituted. In the early days of our history the parochial system was in itself complete and entire. All the persons in a parish being of the same religious persuasion, every inhabitant was by ecclesiastical authority, which was then all powerful, obliged to contribute to the due performance of Divine service and to the maintenance of the fabric of the Church of which he was of necessity, a member. Unfortunately the increase of the population in many parts of the country has greatly out-grown the parochial system and the parish churches have become in many instances inadequate to the accommodation even of that portion of the community who may be considered as desirous of frequenting them. This inability of the Church to receive those who might otherwise be drawn to her has no doubt been one of the great causes of the propagation of dissent. Then, again, partly out of consideration for the feelings of Dissenters, and partly influenced by other motives, the course of our recent legislation has tended very much to break through that bond of union which, in accordance with that system to which I have adverted, subsisted between the Church in each parish and its inhabitants in earlier times. The Church in its original intention was connected with every individual in the parish, not only for the purposes of weekly or daily worship, but for the celebration of the three most important events which are bound up with human existence. In the parochial church every individual received the rites of baptism. Under its sanction he entered into the solemn obligations of married life. Within it he received, or was entitled to receive, the rites of sepulture according to the service of the Church of England. As dissent, however, has increased, and the population of the country has outgrown the means of religious worship afforded by the Church, recent legislation has tended to diminish the closeness of that connection in relation to all those ties which formerly prevailed. We have recognized the scruples of Dissenters, and have admitted the celebration of the rites both of marriage and of baptism to take place in places of worship other than the Church, provided they be duly licensed for that purpose. We have partly upon sanitary grounds, partly from other considerations, constructed cemeteries and public burial-grounds, apart from the grave-yards attached to the parish churches, thereby removing one of the closest and most sacred of those bonds which bound the population of a particular locality to the parish church. I do not mean to say, my Lords, that each and all of those changes might not have been called for by the interests of the community—that remark I should especially apply to the case of constructing new cemeteries, a measure which sanitary considerations render essential, more particularly in large and populous towns. But while I make this admission, the fact remains undisturbed, that the operation of recent legislation tends to dissociate the bulk of the members of the community from their respective parishes, and, as a consequence, to render them disinclined to contribute to the support of the Church. I am, my Lords, very far indeed from saying that I look upon the law relating to church rates as being at the present moment in a satisfactory state. I must at the same time observe that the right of the Church to receive those rates and the obligation of the parishioners to pay them, in my opinion, admits of no question. That being so, it would, I cannot help thinking, be an act of gross injustice by a single sentence in an Act of Parliament, without equivalent and without compensation, to deprive the Church on the one hand of its rights, and to exempt the parishioner from his obligation upon the other. I have said, however, that I do not think the question of the payment of church rates is in a satisfactory position. There are two classes of difficulties by which it is surrounded. The one involves the ill-will, the ill-feeling with which payment of church rates is attended, and the legal obstructions which stand in the way of levying the tax when it is proposed. The other class comprises the still more serious question of how those parishes are to be dealt with in which the majority of the vestry is unwilling to impose a church rate. In the latter case no practical remedy can be provided, no rate can be enforced; but does not that fact, I would ask, considerably weaken the case of those who advocate the abolition of church rates, inasmuch as the tax does not depend upon an arbitrary levy to be paid by all the

inhabitants of a parish, but upon the voluntary choice of the majority, who assess themselves? If their Lordships were to sanction the principle that no individual should be subject to any charge of which he himself did not happen to approve—if you were to say that no majority is to have the power of imposing any pecuniary obligation on the minority—you strike at the root of the whole system of taxation of this country. Within certain limits and for certain purposes of importance the majority as to taxation must have the power of binding the minority, and I have not heard any one—not even the noble Duke (the Duke of Somerset)—contend that the maintenance of the fabric of the church and the celebration of Divine worship are not objects of paramount national importance, and that it is not necessary to raise at regular and stated periods sums of money for the purposes to which church rates are at present applied. On the contrary, he frankly admits that, but he says that these objects may safely be entrusted to the voluntary principle. The noble Duke went on to enforce his views by referring to what took place in Scotland upon the disruption of the National Church there, and in London, when, upon the earnest remonstrance of the late Bishop of London, a great effort was made for the increase of church accommodation here. I have a great respect, my Lords, for the voluntary principle. I would trust to it willingly for any sudden and immediate effort which the wants of a particular district might call for; but I have not at all the same confidence in that system when the object to be achieved is one which will require regular and steady funds, year after year, to the amount required for the maintenance of our churches. I am sure that all those who have had to deal with public subscriptions, either for the building of a church, the establishment of a hospital, or any object of that sort, will bear me out in saying that, while there is comparatively little difficulty in obtaining large sums for an immediate and pressing object, there is the greatest difficulty in keeping up a steady list of subscriptions. If a great effort is to be made under a great stimulus, such as arose from the jealousies caused by the disruption of the Church of Scotland, and the eagerness of the Free Church to place itself at once on a level with the Church of Scotland, and to provide kirks and manses for their clergy; or such as that which took place when the late Bishop of London raised great subscriptions for building a large number of new churches in London, the voluntary principle may be fairly relied on; but you cannot trust to it with the same confidence for the purpose of maintaining steadily, year after year, an object which you may have had little difficulty at first in setting on foot. No one contends that there is in itself any injustice in calling upon any one to discharge the obligation into which he entered when he inherited or bought his property, particularly when there is this further security—that he cannot be called on to discharge it unless by the decision of a majority of those parishioners who, equally with himself, are interested in maintaining the church. The case of Dissenters has been put prominently forward in support of this Bill. I am quite ready to admit that in this crusade against church rates there are not only many members of the Church of England combined with the Dissenters, but also many Dissenters who are not influenced by any feelings of hostility to the Church so much as by an hostility to an impost which they look upon as a grievance. Nevertheless, I cannot conceal my firm conviction that a large proportion of those who are carrying on this agitation against church rates are doing it from a political-religious principle, and for the purpose of shaking the power and influence of that Church to which, as Dissenters, they are opposed. I know that there are many Dissenters who are not only not hostile to the Church, but who would be sorry to see her weakened; and, on the other hand, I know there are large masses of political Dissenters, the leaders in this crusade, who are animated by a spirit of the most deadly hostility to her, and who, relying on the support of conscientious Dissenters and honest but deceived Churchmen, are endeavouring, under the pretext of getting rid of an obnoxious impost, to lower and despoil the Church, and to compel her to rely on the voluntary principle only. As I said before, I conceive that the payment of church rates has always been a matter of positive obligation, to be measured by a pecuniary sum, which was inherited or acquired with the property which any man possesses, and I cannot, in point of principle, concur with those who contend that a Dissenter, as a Dissenter, has a right to be relieved from it. No doubt it may be annoying—no doubt it is—to have to contribute to an object from which one conceives he derives no personal benefit, or to

which one may be personally opposed; but it is an annoyance to which a great many other persons besides Dissenters have to submit. To use a personal illustration—at this moment I pay tithes to a Roman Catholic—on a portion of my own property the great tithes are owned by a Roman Catholic; but what would be said if I were to declare that I had conscientious scruples against paying tithes to a Roman Catholic, and should therefore refuse to discharge my legal obligation to him? The result would be, that I should put the tithe into my own pocket; and, under the pretext of preserving my own conscientious scruples, I should reap the benefit in my pecuniary interests. But what is the difference in principle between the two? None at all: but the tithe can be by law enforced against me, and the church rate cannot be practically enforced against the Dissenter. I admit, though not as a question of strict right, that I should be willing to stretch a point, and if possible to come to some arrangement which would relieve the honest, conscientious Dissenters, who pay for the maintenance of their own places of worship, and who, though they do not sit in our parish churches are compelled to contribute to their maintenance, from the obligation of contributing to church rates. But, then, surely, I may ask for some equivalent. I may ask, in the first place, that the person who claims that exemption should claim it on the ground that he desires no benefit from the services of the Church, to whose support they refuse to contribute. But then you turn round and say, "Oh, that is what is called 'ticketing' the Dissenter—it is obnoxious to the Dissenter and prejudicial to the Church." But if the Dissenter claims exemption as a Dissenter, how can I possibly give him that exemption except he proclaims himself to be such? He must either have exemption because he is a Dissenter, or he has no ground whatever in point of conscience to stand on. If every person were exempted from payment of church rates on the simple ground of entertaining conscientious objections to them, I am afraid that the list of the exempted would be very much extended, and that it would include many who had no possible claim to exemption. Again, if Dissenters are exempted, have we not a right to require that they should cease to have any voice in levying the rate—that they should forego any claim upon the services of the Church, and that they should have no voice in the election of churchwardens? And how are we to give Dissenters the exemption on the one hand, or subject them to these restrictions on the other, unless they put forward their claims? My Lords, it appears to me that the question has now gone through the process of exhaustion. The noble Duke has gone through every proposition connected with the law on this subject from the most distant day, and has shown that, conclusively to his own mind, there are serious, if not insuperable, objections to each of them. He has put aside payment out of the Consolidated Fund; he has put aside the question of the Land Tax, which, in point of fact, is the same thing; and he has put aside calling on Dissenters to claim exemption as Dissenters from the legal and legitimate payment of a legal obligation on their property. I have heard it suggested that there should be levied in every parish not a church rate, but a worship rate, to be applied according to the option of each person to any place of worship within the parish. To that proposition there are objections of a various and conflicting kind. There is naturally, on the part of members of the Church, an objection to become contributories to places of worship different from their own, and which they are not under any legal obligation to maintain. But there is also the objection raised against this proposition, which I should have thought would be most unobjectionable to Dissenters—that there is a class of Dissenters who object to any compulsory payment at all, and who consequently would as strenuously resist levying a rate for the maintenance of their own as of any other place of worship. Because they desire to rely upon the voluntary principle they repudiate any notion of a general rate, to be levied on the land of the country to maintain all descriptions of religious worship within the district, according to the wish of the person subscribing. No doubt, the objection may be raised on the part of the Church of England, that it is placing it on a level with any other sect and denomination—a position they would not willingly take up, and one not very consistent with the position of an Established Church. Such, however, is the principle which prevails in many parts of the United States of America, and I believe no difficulty arises in regard to it. A worship rate is levied, and every person is at perfect liberty to say to what denomination he desires his quota, which he is compelled to contribute, to be applied. In

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this country, however, those who advocate the voluntary principle would refuse to levy any rate, even though it were impartially and indiscriminately raised.

My Lords, in the speech with which the noble Duke opened this discussion, after supporting the principle of absolute and unrestricted abolition, he somewhat surprised me, first by a proposition that the operation of the Bill should be postponed for a period of four or five years, which I think is more objectionable than the Bill itself; and in the next place by a proposition that a charge should be voluntarily levied upon land equivalent to the amount of church rates. Undoubtedly, if the noble Duke were able to carry a proposition that there should be a fund levied in the first instance by voluntary subscription of charges on estates, equivalent to the average amount of the existing church rates, it would require the most serious consideration of your Lordships and of the other House of Parliament. But such a proposition is wholly at variance with the object of the present Bill; and, moreover, if the noble Duke ever looks forward to such a result, the surest and most certain mode of defeating it is by passing the present Bill, which abolishes unconditionally the existing payment. According to the proposition which the noble Duke makes, we should really be recurring in a short time to the same difficulties under which we at present labour. The noble Duke proposes that we should have power to charge a certain portion of our estates with a certain amount of money for the payment of church rates in each parish or district. Be it so. But supposing that the noble Duke or I were to sell that portion of our estates, and the person who purchased were a Dissenter, we should come back to precisely the same position in which we now are. We should come back to it, I grant, with this advantage, that it would be a fixed and positive charge, and there would be no possibility of a refractory vestry refusing to levy the amount, because, being a charge upon property, it would require no interposition of a vestry, and could be enforced by law. I do not say that the difficulties could not be overcome. On the contrary, I think if there be a mode in which it is possible to come to a practical solution of this question, the only mode in which I can conceive it is to be looked for is in some such proposition as that shadowed out by the noble Duke, but extended and carried further than the noble Duke proposes; that is the only mode which I can see — namely, by voluntary action, in the first instance, imposing a permanent liability, and not trusting to the permanent operation of the voluntary principle. Every other proposal that I know of has been already refuted in the course of this discussion. The supply from the Consolidated Fund, the exemption of Dissenters on their declaring themselves to be Dissenters, the levy of a general rate for the services of all religious denominations—all these have been brought forward and refuted and summarily repudiated. I confess that, anxious as I am—and I am most anxious—to see the present law put upon a different footing and made more satisfactory both to those who have to receive and those who have to pay, I am too sensible of the difficulties which surround this question to venture to give to your Lordships any distinct or decided pledge that I will undertake to produce a measure upon a subject which has baffled some of the ablest statesmen. It is a question which must be approached with the greatest caution and deliberation. It is a question, moreover, in which some advances must be made both on one side and the other, and before we proceed to offer some suggestions for a compromise there ought to be fair and reasonable grounds for believing that the compromise so offered will be accepted. But if there be a mode in which it is possible gradually but permanently to put an end to the present system—I do not mean to say in every place, for there are places, particularly in large towns, where it would be impracticable—but as regards the bulk of the country, if there be any effective means of providing for the abolition of the church rates, it must be by a voluntary commutation. I see no other possible solution. There would be difficulties, no doubt, in fixing the amount of average upon which the commutation should be based, because from their nature church rates are fluctuating. But of this I feel confident, with regard to a great number of rural parishes especially, where the sums levied are not very various in amount or very extensive in character, there would be a great prospect of extensive commutation taking place if the option were given to landowners within the parishes to commute either by means of a permanent charge upon their property, or by payment down of a certain sum towards a fund of sufficient capital to meet the annual charge. The amount required in the rural parishes would be comparatively small. Take the average parish of

£6,000 a year. The average rate is 2*d.* in the pound. Consequently it would amount in a parish of £6,000 a year to 1,000 shillings, or £50. And I cannot but think that, looking to the great number of parishes which are on this small scale, there would be found a large number in which the proprietors and inhabitants would be willing to contribute either by subscription of capital or by charge on their property to give security equivalent to the annual value of church rates. I think further that many persons who object to church rates, many persons even who dissent from the Church, would be willing to contribute once for all for the purpose of raising capital to redeem church rates. I do not say this with entire confidence with regard to all the great towns and all the parishes of this country, but I believe the principle of voluntary commutation is the only system to which you can by possibility look with the prospect of escaping from the great difficulties which surround this question—with the prospect, on the one hand, of removing the dissatisfaction caused by the present system, and, on the other hand, of maintaining, as we are bound to maintain, the rights of the Church, not for the benefit of the Church itself, but of the community at large, and more especially of the poorer part of the community, upon a stable and permanent basis. I may refer in illustration to the several new parishes which have been formed under the Church Building Acts. By 1 & 2 *Will.* IV., c. 38, it is competent to persons to build district churches, but one of the conditions is that, apart from the endowment for the payment of the minister, there should be a repair-fund of 5 per cent upon the cost of the church charged upon the lands, buildings or houses within the district, and another 5 per cent charged upon the pew rents in the church. There is, therefore, a capital sum of 10 per cent upon the outlay on the church, which is invested as a permanent sum for the repairs of the church. Whatever course may be adopted I am quite sure it will be necessary carefully to consider and to limit any alteration in the law as to the precise objects to which church rates are applicable. But the limitation of these objects, or any commutation of church rates, or any less objectionable mode of carrying out a great national object, would be utterly hopeless if your Lordships should accept the Bill of the noble Duke; because it is clear to demonstration that if you look to the prospect of a commutation, or to voluntary payments, or if you rely upon yourselves or your neighbours, or the districts, your motives will be defeated if you do away with the legal obligation for which that commutation is introduced. If therefore you have any hope or expectation that we may come to a compromise or agreement upon this most difficult question—if you think it possible to introduce any terms that may be satisfactory to the Church and conciliatory to the Dissenters (and I am most anxious to do that which is conciliatory to them on this question)—if you have any hope that we may place this matter upon a satisfactory, and above all upon a just footing, it will be incumbent upon your Lordships to reject the proposition of the noble Duke for the absolute and unconditional repeal of church rates. I know not whether it may be possible to come to some arrangement. I cannot pledge the Government to introduce a measure upon a subject on which so many Ministers have failed; but I should gladly hail any indication of a desire on the part of the Dissenters to meet the Church half way upon this subject. As long as they stand aloof and say they will be content with nothing but the absolute and unconditional repeal of the church rates they tie up our hands. It is impossible for us to propose anything if they are immediately to repudiate it as a partial, unjust, and unsatisfactory instalment; and we are then compelled, in self-defence, to fall back upon that which, however imperfectly, does maintain that which it is most important to preserve—the maintenance of the fabric of the church and a due provision for its services. I think that in the interest of the Dissenters themselves, and in the interest of those who desire to see this question settled upon fair and natural grounds, it is most important, not only that the Bill of the noble Duke should be rejected by a considerable majority, but that it should be rejected by so large and overwhelming a majority that it should be clearly hopeless to carry a Bill for the unconditional and absolute repeal of church rates. Your Lordships will therefore hold out the best inducement to all parties to come to an understanding by rejecting this Bill. I will venture to say to the Dissenters on the part of the Church—and I believe I may add on the part also of the Government—that we will meet them with the most conciliatory and friendly feeling, but that unless some prospect is held out to us that we shall be met by them in the same spirit, we must maintain

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the law as it stands. I will only again remind your Lordships that the larger the majority against this Bill the better prospect there is of bringing all parties to a reasonable, fair, and impartial consideration, of this most important and most dimcult question. My Lords, I move that this Bill be read a second time this day six months.

Amendment *moved*, to leave out ("now,") and insert ("this Day Three Months.")

THE ARCHBISHOP OF CANTERBURY: My Lords, after what has already passed in this debate, and especially after the speech of the noble Earl who has just sat down, I feel that I not only rise under great disadvantage, but that it is superfluous for me to rise at all. Still, I believe your Lordships will allow that in the situation which I have the honour to hold, I could not be silent on this occasion, or hesitate to bear my testimony and my belief that it is essential to the permanent welfare of the Church of England that there should be a legal provision for the sustentation of its fabrics and the maintenance of its services. I believe, moreover, that with regard to nine-tenths of the parishes in England, nothing more would be necessary than to render such a payment legally assessable and practically recoverable. A great deal has been said and written on the voluntary principle. The Church, it was said, would be no loser by what it gave up. It would gain in good will what it lost in money. My Lords, this sounds very plausibly in theory, but it would be very unsatisfactory in practice. It may be good rhetoric, but bad policy. For what is the voluntary principle in practice? What is it but the dependence of the clergyman upon his parishioners for the repair of his church and the expense of his services? He is at once reduced to a servile and unworthy position, a position which must materially weaken his influence and his usefulness. I do not believe that it would affect his faithfulness—that he would be less ready to correct error, or to rebuke with all authority and doctrine,—but it must be owned that his faithfulness might often become very inconvenient, and subject him to great embarrassment. My Lords, it would be unwise, even if it were not unjust, to render the condition of the great majority of the clergy less desirable than it is. As regards its worldly advantages, its temporal remuneration, in three cases out of four it offers a less prospect of recompense than any other profession in which the same amount of education or of talent is employed. Certainly they are not temporal advantages which are expected by a large proportion of those clergymen who are now labouring in the cause to which they have devoted themselves with a zeal and diligence unknown at any former period; because the inadequacy of their recompense in a worldly point of view is compensated by the sacredness of the object in which they are engaged and by the general respect in which the great body of the clergy are held. My Lords, most of your Lordships, in your respective neighbourhoods, must have known and experienced the value of such a class of men, in which the United Church of England and Ireland, I believe, stands alone of all the Churches of Christendom. My Lords, we little know the risk we run if we sanction any measure which may tend to lessen the respect, to destroy the independence, which the clergy have hitherto enjoyed; and we shall do this if we make them dependent upon the voluntary offerings of the people for the decent sustentation of their church and their church services. Your Lordships are not unacquainted with the class of characters with which they would often have to deal in those many rural parishes where no resident proprietor is to be found to set an example of liberality, or to supply the deficiencies of others. My Lords, I hold it to be certain that such a change of system must continually tell upon the class of men who devote themselves to the ministry of the Church. Men will be content to be inadequately paid for their labours; they will be content to be more poorly provided for than many of those who are, in education and station, far beneath them; but they will not be content to be habitually begging of their people for what their people will be ready to believe is, in fact, to benefit themselves. My Lords, I think it certain that if no legal provision is left for the repair of our churches, another generation will see many of those churches in a state of dilapidation and ruin. But I confess that I think that the lowering of the character of the Christian ministry no less certain and no less to be deprecated. I fear that this may not be a cause of anxiety to many of those who have excited the present agitation; but it ought to be well considered by your Lordships, who are guardians alike of the religious as of the temporal interests of the land. Still, my Lords, I am by no means of opinion that church rates should remain as they are. I believe that I speak the opinion of those around me when I say that we should gladly welcome any proposal which would be

likely to settle this difficult question, and consider any offer of compromise which was not entirely on one side, and was not merely concession. There are matters respecting the distribution of church rates, and the charges laid upon them, which require to be regulated, and which have tended to excite a feeling against them among many who are not dissenters from the Church; and that Government will deserve well of the Church and of the country which shall devise and carry into effect a measure which may restore harmony to our vestries and tranquillity to our parishes, and at the same time establish what is indispensable to the maintenance of our religion—a legal provision for the fabrics and the services of our Church.

EARL GRANVILLE: My Lords, it has been said, and said very truly, that the great majority of your Lordships are not committed to any opinion on this question; but there are some exceptions to that statement. Those who have been connected with almost any Government that has existed during the last twenty years, have been so far committed to the opinions of some of their colleagues in "another place," as that they may be said to have agreed that the present state of the law upon this subject is indefensible, and ought to be altered. But the question has now assumed another phase. We find now, for the first time, that the other House has declared by a large majority in favour of the total abolition of church rates; and a Bill, having that object in view, has been sent up to your Lordships' House. I can assure your Lordships that I have carefully and conscientiously considered the course which it is my duty to take on this question, not merely with reference to the public advantage, but with regard particularly to the advantage of the Church of England, with which the interests of the public are intimately bound up; and I have come to the conclusion to vote for the second reading of this Bill, believing that the passing of the measure will be most advantageous to the Church itself. I think it hardly necessary to go into any abstract discussion as to the mere justice or injustice of church rates—I look more to the state of the law, and to the practice as it exists under that law. The law has been laid down to-night by a great authority on all such questions—the noble and learned Lord opposite (Lord St. Leonards); but I must confess that I was somewhat surprised at the definition of the law given by the noble and learned Lord. He told us that the right of property in church rates stood exactly in the same position as the right of property which your Lordships have over your estates, or anything else that you may possess. Now, there is something serious in such a definition as that. There appears to be no doubt whatever that, by the common law of England, there is a right on the part of the Church to the maintenance of the fabric of the churches, and that the mode of such maintenance is by the means of church rates; but, on the other hand, if the rate is not granted, there appears to be no practical remedy whatever; and the result is that the right possessed by the Church is, in many places, utterly inefficacious for any practical purpose. [A noble LORD: In not more than 5 per cent.] The noble Lord refers to the number of parishes; it is not so in reference to population. I must say I can conceive nothing that would give an uncompromising opponent of church rates greater pleasure than to be dragged into the Ecclesiastical Courts for non-payment of his rates; but the truth is, that practically such measures for enforcing payment are never resorted to. This being the state of the law, what is the case with regard to facts? These are in many respects most unsatisfactory. In an enormous number of parishes church rates are practically abolished. [A noble LORD: No!] The noble Lord says "No;" but I must repeat, nevertheless, that in a large number of parishes church rates have, to all intents and purposes, been abolished, and the number of such parishes increases every day. Do any of your Lordships believe that things will remain exactly as they are now? It cannot be denied that there is an active movement against church rates, and that this movement has been a spontaneous one. ["No, no!"] A noble Lord seems to doubt the accuracy of this statement, but there can be no doubt that the movement has been to a great degree spontaneous, and at this moment an organization is applied to the question which, whether right or wrong, is likely to increase the number of parishes in which church rates are not levied; and this not only in the large towns, but among the rural parishes also. I think therefore that the longer your Lordships delay in settling this question, the more difficult you will find it to deal with. Printed papers have been circulated, showing the best means of getting quit of the rate in parishes where it is levied, and a calculation has been made to show that on an average

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something like three years will suffice to bring opposition to a successful issue. Now, is this a state of things which you ought to encourage by leaving matters as they are? Different proposals have been made to meet this evil, and the one proposed in the Bill of my noble Friend is to abolish church rates altogether, and leave the fabrics of the church to be maintained by voluntary efforts. I confess I am not so much afraid of this reliance on the voluntary system as some noble Lords who have spoken on this occasion. The noble and learned Lord said voluntary effort might be equal to one great occasion, but was not fitted for permanence; but I do not think the noble and learned Lord was very happy in his illustrations. It is rather extraordinary that no one instance has been mentioned of churches falling out of repair in those numerous parishes where church rates have been abolished. I believe it is the case that churches are better maintained in those parishes where rates have been done away with, than in those where they continue to be levied in the old way. For these reasons I cannot believe that in a great and wealthy establishment like the Church of England — comprising among its members the most wealthy in the land —it would be found, except in rare instances, that the fabric of the church would be allowed to fall out of repair if left to the operation of the voluntary system. At the same time I think it would be much more desirable if some arrangement could be made, or some machinery devised, for effecting a compromise. I will not go into the various attempts that have been made to settle this question. The most rev. Primate himself brought in a Bill that went to a great extent to the extinction of church rates without compensation; but in that Bill there were provisions which must have led to great agitation in parishes. The noble Earl has to-night thrown out hints of a plan on which I do not wish at this moment to give any decided opinion, but which I fear could not lead to any satisfactory result. Much stress has been laid on the character of the opposition to church rates. It has been admitted that hostility to the Established Church does not characterize the whole of the opponents of church rates, and that, with regard to a great number of Dissenters, that hostility does not exist. The noble Earl has sought to discredit the motives of the Dissenters in their opposition to church rates, by stating that there were cases in which conscientious objections were mixed up with pecuniary zeal. I believe that the infinitesimally small portion of the £250,000 a year which the Dissenters have to pay does not in the slightest degree influence them in their opposition to the church rates. I am ready to admit that there is a portion of the Dissenters who are on principle diametrically opposed and hostile to the Established Church, and that some of the advocates of this measure support it with the view of weakening the Church. But is it quite certain that by rejecting this Bill your Lordships will be taking the best course to neutralize that opposition? I do not agree with my noble Friend that it is advisable to pass this measure and suspend its operation. The speech of the noble Earl (the Earl of Derby) shows that he has carefully considered this question; and what I would wish to see would be this—that your Lordships should give a second reading to this Bill, and then, whether you went into Committee here or referred it to a Select Committee, where no party feeling would be observed, if the Government would introduce Amendments which might meet the question, your Lordships might come to a more satisfactory conclusion than by hastily rejecting the measure, without even a pledge from the noble Earl that he himself will bring in a Bill on the subject next year. I shall, therefore, vote for the second reading of this Bill; and I do so most conscientiously, believing that it is of the greatest importance for the Established Church and the peace of the country generally, and that the sooner we can arrive at a settlement of this difficult question the better for all parties concerned.

THE BISHOP OF LONDON said, the great exertions made by his revered predecessor towards the building of churches in London had been alluded to, and a noble Earl (Earl Granville) who had spoken, stated he fully believed that exertions of that kind were not merely such as were made once for all, and then collapsed, but might be continued easily from year to year. Now as a matter of fact there was no great difficulty in building those churches, but there had been infinite difficulty in maintaining them. At this very moment the clergy of Bethnal Green were obliged to have recourse to every means of supplicating the community to provide supplies for keeping the churches in that part of the metropolis in repair, and some of those churches were not in good repair even now, though so short a time had elapsed since they were built. It would

be in the poor districts especially that the greatest difficulty would be experienced in maintaining the churches without the assistance of the law. He conceived this to be a question which materially concerned the poor. Their Lordships had heard it said during this debate that the objection to the church rates was one raised by the poor; but he was there to contend, on the contrary, that the real poor of this country—the labouring poor—were not the persons who made any objection to church rates. And if the question were put to them it would be found that the really poor well understood that it was not their pockets, but the pockets of the classes above them, that would be relieved by the proposed abolition. He knew the noble Earl who had just spoken was perfectly sincere when he said he believed the measure before the House would be conducive to the welfare of the Established Church. He could not doubt that the object of all who had taken part in the debate was to bring about as speedily as possible a settlement of this question; and he was sure that their revered Primate expressed the sentiments of the whole Church when he said they were all anxious to have the question settled. It certainly was expedient that it should be settled. Year after year the Church saw the secession of friends who had, in past times, supported church rates. Some of these secessions, indeed, were not easily to be accounted for. A right hon. Baronet, formerly a near neighbour of his in the north, and kind friend, professing himself much attached to the Church, had lately elsewhere somewhat astonished his friends by voting for the total abolition of church rates, and assigning as his reason what certainly appeared a somewhat strange ground, namely, that he (the Bishop of London), had announced at a meeting at Islington, that the prayers of the poor were acceptable to God whether offered in a cathedral or in the open air. He could not exactly see the logic of his right hon. Friend's argument. He thought it rather hard that the clergy should be exposed to this dilemma. If they were careless, of course their means of maintaining the Church ought to be done away with—if they were zealous, they ought still to be done away with, for their zeal might prove mischievous. Probably the right hon. Baronet had been reading Hume's Essays, and thought of that philosopher's argument in favour of Church endowments, that they were to be maintained, that by them we might bribe the useful indolence of the clergy. And therefore the right hon. Baronet thought that if the clergy could not be indolent, but ventured to descend into the arena with the Dissenters, and preach the Gospel to the poor, therefore, the support of the State ought to be taken away from them. He (the Bishop of London) could not say whether such were the arguments that had influenced his right hon. Friend, but whatever influenced him, his sudden conversion to the principles of total abolition was ominous. It showed that there was no time to be lost in settling the question, for there was no saying who might go next. But there were various ways of settling the question. One, for instance, was that of totally doing away with church rates, without providing any substitute for them. But surely it was only common sense to keep what they had got, until they found something better. Far be it from him to say that it was the wish of those who petitioned for the abolition of church rates to destroy the church. He believed that a large body of the Dissenters had no hostility towards the Established Church which they knew to be now, as in time past, the bulwark which defended them against what they feared far more than the Church itself. There had been, some time ago, a good deal of discussion on Papal aggression, and upon that occasion the Dissenters felt they must rally round the Established Church in order to protect themselves against the power which that Church was then engaged in repelling. There had been times when the Dissenters, with the Established Church, had to take strong ground against those who would have subverted our constitution and our liberties, and especially our religious liberties. The Dissenters, he believed, did not forget 1688, nor were they unwilling now to support a Church which was regarded by them, by the Presbyterians of Scotland and the north of Ireland, by the Protestant communities of the Continent and of America, as the great bulwark of Protestant truth throughout the world. There was a kindly feeling, he was happy to say, on the part of a great body of the Dissenters towards the Established Church. There could be no doubt, however, that this question did unite political as well as—if he might say so—religious Dissenters. He could not himself see why any man should object to pay taxes because he did not approve the mode in which those taxes were applied. He paid willingly his quota towards the support of Maynooth, and there were many large pro-

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prietors in the northern part of this island who paid without scruple towards the maintenance of a Church of which they were not members. But, although there was no claim of justice for the abolition of church rates, people might work themselves into the belief that they had such a claim, and such he believed was the case at present. It was important to separate religious from mere political Dissenters—those who conscientiously, though without good ground, thought church rates unjust, from those who regarded the question of church rates as a convenient ground on which to assail and weaken the Church: therefore it was desirable to settle this question. He regretted much that it would be impossible to effect such settlement during the present Session. The Bill now before the House did not appear likely to conduce to any settlement. It was as the Church of the poor that he appealed for the Church of England, and he besought their Lordships, for the sake of the poor, not to take a step which would injure that Church. The Bill would cause to the Church a loss of £300,000 a year; and although the Committee to which the noble Duke had referred had come to the conclusion that the assistance of voluntary efforts was necessary to meet the spiritual wants of the country, yet that assistance was required not in substitution but in aid of the legal provision now made. It was a strange misrepresentation of the decisions of that Committee to say that it advised the Church to depend altogether on voluntary support. Voluntary support was needed to aid, not to supplant other means. The fact forced on the attention of the Committee was the laborious manner in which the clergy exerted themselves, in spite of the discouragement of very slender means. Would they now diminish those means by throwing so heavy a burden on the clergy? This Bill would deprive the Church of England of £300,000 per annum, the greater portion of which would pass into the bankers' accounts of the landed proprietors of England. It was quite certain that the mere occupiers would not benefit by the abolition of the charge, and he was sure that there was not the slightest desire on the part of the landed proprietors of this country to relieve themselves of this charge, but rather to assist the Church in the great duties it had to perform.

EARL GREY: My Lords, I wish to say a few words, chiefly in reply to what has fallen from my noble Friend (Earl Granville). Having listened to the whole of this protracted debate, I must express my great satisfaction at finding that, even among those noble Lords who support the second reading of this Bill, there has not been one who has ventured to say that it is a just course to pursue that a provision which has been made from a time beyond legal memory for the maintenance of churches should be swept away to the profit of the landowners of England. It is quite true, as the right reverend Prelate who has spoke last (the Bishop of London) has said, that the labouring poor are not in favour of this Bill, for it is they who are chiefly interested in the maintenance of our churches. We have heard it said that this Bill is an injustice towards the Church of England. That is not a proper way of describing it. I should describe it as a measure of injustice, a measure of robbery, against the labouring poor of the land. The labouring poor of this country are entitled to have their churches maintained by the land of the country, and yet that legal obligation is now proposed to be swept away without any compensation or substitute being provided. What is this but undisguised spoliation of the poor by the rich? The poor do not pay these rates, but they profit by the result, and their highest interests are concerned in the maintenance of the churches of the land. In none of the speeches which I have heard this evening has it been contended that if church rates were abolished it would be unnecessary to provide a substitute for them by some new scheme of legislation. But what, let me ask, my Lords, is our prospect of having any such scheme carried into effect if we should pass this Bill? The noble Duke near me (the Duke of Newcastle) advises us to introduce a clause into the Bill to suspend its operation for a certain number of years; but as that proposition has been conclusively disposed of by the noble Earl opposite I need not further advert to it upon this occasion. The noble Earl who spoke last but one (Earl Granville) has also a project by which he seems to think the difficulties of the case may be met. He does not ask your Lordships to pass this Bill; he merely desires that it should be read a second time, and then referred to a Select Committee. I confess I do not see what advantage would be likely to arise from the adoption of that course, while it appears to me to be open to the serious objection that, by assenting to the second reading of the Bill, we should, as it were, be passing sentence upon the existing state

of things, and thus cause the levying of church rates to be beset with greater difficulties than at present exist. Indeed, my Lords, I think we seem to be admitting somewhat too easily that there is an absolute necessity for doing something in this case. I entirely concur with the noble Earl opposite (the Earl of Derby) that it would be highly desirable to place the law of church rates, if it were possible to do so, upon a satisfactory footing. There are many objections, I am ready to admit, to be urged against the law as it stands ; but I am not very sanguine as to the feasibility, if we abolish that law, of finding an alternative. The only scheme, indeed, upon which I should be at all inclined to place any reliance is that which was shadowed forth by the noble Duke on the cross benches (the Duke of Marlborough) who proposed that all persons should be exempted from the payment of church rates who could prove that they paid something in the shape of an equivalent to some other place of religious worship to which the poor could resort, while they at the same time were prepared, in case they claimed the exemption, to waive their right of voting with respect to matters connected with the affairs of the Church. By acceding to that plan we should not be robbing the poor, while we should not at the same time be depriving the adherents of the Church of the right to rate themselves for its support. But while this scheme appears to me to be less open to objection than any of the others which have been submitted to our notice, I must confess I for one am not prepared, at all events until I see more clearly than at present the way to obtain an adequate substitute for church rates, to surrender the position which we now occupy. Let us for a moment consider the objections which are urged against the continuance of this tax. The question of its justice has been so ably argued in the course of the discussion, that I shall not trouble your Lordships with any observations upon that point. But it is said that although the charge may not be absolutely unjust, yet its payment is productive, in many instances, of considerable hardship. Now, in what does that hardship consist? Some years ago I admit the levying of the tax involved a real hardship, inasmuch as it was formerly supposed to be the law that when the majority of the ratepayers of a parish refused to impose a church rate, it might be levied by the authority of the churchwardens, with a minority of the ratepayers. Now, however, it is clearly laid down that no such tax can be levied if the majority of the ratepayers should be opposed to its imposition. If, upon the contrary, the majority should approve such a proposal, they might levy the tax ; and was it or was it not, he would ask, reasonable that they should possess that power? In order to supply an answer to that question, he should wish their Lordships to bear in mind what took place with reference to the imposition of taxes for other purposes. A few years ago a Bill was passed into a law enabling two-thirds of the ratepayers of particular districts to levy rates for the establishment of public libraries. To those libraries many persons objected, upon the ground that the Act under the operation of which they were established contains no provision for carrying out in connection with them a system of religious education. Those persons are, therefore, placed upon the same footing with those who object to the payment of church rates, and would be equally justified in resisting the will of the majority of the ratepayers. Again, it is said that church rates give rise to much dissension ; but that is inseparable from the system of local self-government, which has a necessary tendency to produce party spirit and difference of opinion on every subject to which it is applied, although beyond question it is, upon the whole, a most invaluable principle. The objections to church rates are chiefly in great towns, where, in fact, the maintenance of them is of little importance. But if the rates were abolished in country parishes, there would be great difficulty in obtaining a regular annual provision in place of them by voluntary subscriptions. Every one who has had anything to do with annual subscriptions in country places will readily acknowledge the truth of this. But, my Lords, I have been led into saying more on these points than I had intended. I rose originally simply for the purpose of declaring my opinion that this is a Bill to which your Lordships ought not to assent. I acknowledge that the present state of the law is defective, and I would willingly share in any attempt to amend it, but I cannot consent by a summary and unconditional abolition of church rates to forego the advantages which we at present possess, and for that reason I shall give my vote against the second reading of this Bill.

Lord CAMPBELL said, that when he was in the House of Commons no one dreamt of abolishing church rates without providing some equivalent, and it appeared

to him that to adopt a different course now would be most unjust and impolitic. It would, in short, be setting a most alarming precedent. There was no doubt whatever as to the obligation of the parishioners to keep their church in repair; but the means of enforcing that obligation had failed. Before the Reformation the parishioners who refused to do their duty were cut off with bell, book, and candle; but the remedy provided by the civil Courts had not proved so efficient as that mode probably was. He was not prepared to say that church rates were property in the sense that tithes were; but they exactly followed the analogy of an obligation to repair a road; and to pass the Bill, therefore, would materially weaken the security of property. The noble Duke admitted that some further legislation would be necessary; but surely legislation ought to precede the abolition of the rate, and not to follow it. He (Lord Campbell) hoped the noble Earl at the head of Her Majesty's Government would take the whole subject into his consideration, for he could not agree with the noble Earl who had last spoken that the law was at all in a satisfactory condition, and he was anxious, therefore to see a remedy provided at as early a period as possible.

The Earl of GALLOWAY said, that he had listened with attention and interest to the speech of the noble Duke (the Duke of Somerset) who had introduced the subject before the House, which had appeared to him able, temperate, and judicious, according to the views of the noble Mover, though he differed from them. He (the Earl of Galloway) only wished to remark on one of his observations. The noble Duke, when advocating the voluntary principle, had adverted in its favour to the great success which had attended the Free Church movement in Scotland after the disruption, and had quoted the large sums which had been collected by the voluntary zeal of those who had left the Church. Over that success, he (the Earl of Galloway) was enabled to rejoice—to the extent to which it had been used to make up for the deficiencies of the Establishment—for the Christian good of the people. But the noble Duke had made no reference to the Established Church of Scotland. That Church was in a very different position from the Established Church of England. In Scotland, a very large proportion of the cost of the building and repairing of the churches of the Establishment, and of the manses and parish schools connected with it, was borne by a dissenting body—namely, the Scotch and English Episcopalian proprietors of that country. He had never heard of their objecting to the rate which by law was payable by them for the maintenance of the Presbyterian Establishment, with whose system of church polity and form of worship they differed. But once let Parliament enact the abolition of the church rate in England—on the admitted plea of relief to the Dissenters—and he could not conceal from himself that the ground of an argument would be laid for similar relief to Dissenters from the Establishment in Scotland. He wished the House not to misunderstand him, or suppose that in saying this much he was desiring for himself relief from the rate in Scotland, which, as a legal charge, he had ever cheerfully paid; but he did think that what he had said was material to the question before the House, and to the consideration of the religious good of the country, being certain that defalcations in the Establishment would not be adequately supplied on the voluntary principle.

Lord PORTMAN said, he was strongly of opinion that the time must soon come when this question must be settled. He thought the best mode of arriving at this conclusion was by dividing the church rates in reference to the two purposes to which it was applicable—the expenses attending the services of the Church, and the expenses of maintaining the fabrics. For the former of these he was satisfied the offertory, or other periodical collection, would provide sufficient funds; but for maintaining the fabrics the church-rate system had proved ineffectual, and it was necessary to have recourse to some new system. The property of the country was liable by common law for the maintenance of the old parish churches, but it was not liable for the maintenance of the new district churches. And the ill-considered recent statutes had led to great injustice. Before any new law can be passed, all these Church Building Acts must be studied. At that late hour it would be too wearisome to recount their varieties. He believed that sufficient funds would be forthcoming if some such system as that which had been hinted by the noble Earl at the head of the Government were adopted—namely, a system of endowment for the maintenance of the fabrics of the churches, and he thought it would be well if such endowments were connected with the diocesan system; but the plans of the noble Earl would not be sufficient. He (Lord

Portman) believed that the Churchmen and the Nonconformists would easily agree as to the maintenance of the fabric, if the objectionable charges for washing surplices and such paltry details were provided by Churchmen; for the churches are generally regarded as works of local value, to say the least of the feeling, and are often restored by money subscribed freely by Nonconformists, who will not pay compulsory church rates spent on the service of the Church. He believed that in settling this question, not only was it necessary to consider the differences between Churchmen and Nonconformists, but also between different sections of Churchmen. If he saw any hope that the noble Earl (the Earl of Derby) would bring in a Bill next year embodying some such principle, he (Lord Portman) would vote against the present Bill. He did not at all desire to see the church rates abolished without provision being made for the maintenance of the churches, but he voted for the second reading because he thought that some pressure was necessary both on the Government and on the right rev. Bench to induce them to move towards a settlement of the question.

THE BISHOP OF OXFORD said, his noble Friend who had just sat down had completed the cycle of those remarkable arguments by which this Bill had been suported. The noble Duke who moved the second reading was in favour of the total abolition of church rates, but shrunk back from putting into practice his own principle, and so proposed that when the total abolition had been carried, it should not take effect for some years to come. The noble Earl who followed him was also for the total abolition of church rates, but then he was so merely that those rates which were abolished might be remodelled in some new form, in which they might be more easily collected.

EARL GRANVILLE: I said nothing of the sort. I vote for the second reading, in the hope that, when in Committee, the Government may propose Amendments.

THE BISHOP OF OXFORD: That was precisely what he said. The noble Earl supported this Bill abolishing church rates, in order that when in Committee a plan may be introduced for their easier collection. Then his noble Friend who had just sat down supported the Bill, but still he would keep up the church rates for the support of the fabric.

LORD PORTMAN: Not by church rates.

THE BISHOP OF OXFORD: Well, at any rate, his noble Friend would keep up some rate, though he voted for a Bill which abolished all. He did not mean to enter into the main question at that hour, but he believed that unintentionally there had been a misstatement of the real grounds of the objections entertained in some places and by some persons against church rates; and as their only hope of a real adjustment of the question lay in their right understanding of it, he was anxious that what were the true objections should be plainly and thoroughly understood by the country. He believed there were many Dissenters who had no desire for the destruction of the Established Church: they were men who, from lack of room, or it might be from the lack of all clear statements of Gospel truth, and from the absence of all manifestation of Christian warmth, in their parish church, had been led to wander to other places, and to other pastors, and who, finding elsewhere that support of their own spiritual life for which they craved, had learned to love those bodies, external to the Church's visible communion, to which they owed so much. These men were often counted amongst Dissenters, and esteemed themselves as such, because, unhappily for themselves and for us, they had thus become separatists; but these were not the Dissenters who were now leading the attack upon church rates. They, too, might be drawn in and take part in such opposition, but they did not originate it, and, if left to themselves, they would not continue it. But those Dissenters who led this assault on church rates did, and many of them he believed quite conscientiously, object to a Church establishment altogether. Far from thinking it unkind to say so, he believed it was the only justification of their conduct. They believed conscientiously in the sight of God that an established religion prevented the upgrowth of true, pure, and vital religion, and that in oversetting the established religion of the land they were honouring the cause of God and of godliness. In alleging this he wished it to be distinctly understood that he brought no charge against these men. They were many of them men of great reasoning powers, and just as much entitled to hold their opinion as he was to hold his. He had no unkindly feeling against them. He differed widely from them, but such difference need not breed ill will, and ought not to do so. He honoured the open, straightforward, and ingenuous manner in which,

without subterfuge or disguise, they stated their opinions. They were gathered into a Society with the professed purpose of putting down the Established Church in this country as an established religion; and their views were exposed in a pamphlet he held in his hand, in which the course of the present agitation was indicated. It was written twenty years ago, at a time when there was some intention on the part of the Government of the day to commute church rates into a charge upon other ecclesiastical revenues; and as he read the following extract which it contained from a newspaper representing the views of the political dissenting party at that time, let the House remember these were not his views, but theirs; they were the candid, open statement of what their real object was in fighting against church rates.

"Let no one mistake the church-rate question for the church question. The church question is not yet mooted. But we give notice to Churchmen that as far as we are concerned, we shall not the less earnestly seek for the separation of the Church from the State, because we have got rid of church rates. We are quite aware that the separation question will be put to sleep for years among Dissenters by granting that measure—but we shall not be quiet if they are. It is neither the abolition of the church rates nor the exclusion of the Bishops from the peerage, that will content us—we require the Church of England to be reduced to what she is, one of the Sects, because we believe it will diffuse a greater amount of truth and righteousness."

For this extract he was indebted to a pamphlet written at the time, and containing much important matter of the same character. But, whilst he gave these men credit for the honesty and courage of their avowal, was it wise or just, he would ask their Lordships who differed, as he himself differed, from those who had this destruction of an established religion as their leading object, was it wise or just in them to yield to the demands of such men, who honestly stated that in demanding the abolition of church rates they only meant to use it as a stepping-stone to the further demand for the separation between Church and State? He was as anxious for an adjustment of this question as any man. But then it must be a fair and reasonable, and not a mere one-sided adjustment, which would necessarily be full of injustice; and he would at once say that he held it would be the height of injustice to allow those who refused to maintain the Established Church to take part in the distribution of her funds, to elect her office-bearers, and to claim a share in those secular offices which exclusively belong to her members. Nor did he belive that any difficulty would be found in discovering the proper terms for such an adjustment, if men only set themselves honestly to the work. He thought a practical lesson might be learned on this subject from the sister country of Scotland. There, in spite of all the heart-burnings that had been caused by the secession from the Church, the payment of the Church cess had never been disputed, because it was paid by the heritors of the parish, who taxed themselves, and who managed the fund themselves. He thought something of the same kind might be done in this country, if the vestry for church rates was made to consist only of the owners of property, and of occupiers holding proxies to act for them. One word more. If this Bill were passed, and church rates abolished, the proceeds of those rates would go into the pockets of the owners of property. He knew their Lordships did not desire for their own benefit any such confiscation of funds which now went to maintain Churches and services for the poor; but in the nature of things it must be so, for the rent would be increased by the amount of the church rate saved; so that the farmer would be doubly taxed; he would first have to pay his church rate in increased rent, and then he would pay his share of the voluntary subscription, by which alone, under the proposed plan, the churches could be maintained. One word only he would add, and that was a warning to all Protestant Dissenters from our Church, that if the Establishment were destroyed the Dissenters would be the first to suffer. The various sects were held in peace with one another by the overshadowing influence of the Establishment. All the Protestant sects of England would suffer by the destruction of the Establishment, and the only body that would profit by it would be the intrusive Papacy. In saying this he begged again to say that he would heartily rejoice in any proposition conceived in the spirit of Christian love and Christian fairness, by which this question might be amicably and for ever adjusted.

LORD STANLEY OF ALDERLEY said, that he could not allow the discussion to close without protesting against the ungenerous and unfair imputation of the right rev. Prelate who had just spoken, that the agitation of the Dissenters of this country on this question did not arise from a conscientious objection to church rates, but that this question was put forward as a covert and indirect attack on the Established Church. If the abolition of church

rates was robbery, as some had contended, the noble Earl at the head of the Government was guilty, for he had abolished the church cess in Ireland, and that abolition, far from injuring the Irish Church, had contributed to its greater stability. With the single exception of the noble Earl near him (Earl Grey) there was hardly a noble Lord who had spoken to-night who had not expressed his serious anxiety with regard to the present state of the law, and almost every one of them had proposed some great or important alteration in it with a view to relieve the Dissenter from this impost. But finding that almost every proposal for a compromise was impracticable, he thought the best course he could take was to give his assent to the second reading of the Bill.

THE DUKE OF SOMERSET, in reply, said that, seeing the course which the majority of their Lordships seemed inclined to take, and that there must be another Bill introduced next Session, he felt that it was unnecessary to trouble their Lordships with another word.

On Question, That "now" stand part of the Motion? their Lordships divided:—

Contents—Present, 30; Proxies 6:—Total 36.

Not Contents—Present 109; Proxies 78:—Total 187—Majority 151.

CONTENTS.

(PRESENT.)

Somerset, D. [*Teller.*]
Abingdon, E.
Albemarle, E.
Cowper, E.
Ducie, E.
Durham, E.
Granville, E.
Portsmouth, E.

Belper, L.
Boyle, L. (*E. Cork and Orrery.*)
Camoys, L.
Carrington, L.
Chesham, L.
Congleton, L.
Dartrey, L. (*L. Cremorne.*)
Ebury, L.
Foley, L. [*Teller.*]
Granard, L. (*E. Granard.*)
Londesborough, L.
Manners, L.
Minster, L. (*M. Conyngham.*)
Mostyn, L.
Portman, L.
Rossie, L. (*L. Kinnaird.*)
Skene, L. (*E. Fife*)
Somerhill, L. (*M. Clanricarde.*)
Stanley of Alderley, L.
Talbot de Malahide, L.
Vivian, L.
Wodehouse, L.

(PROXIES.)

Dorchester, L.
Dormer, L.
Kenlis, L. (*M. Headfort.*)
Kilmarnock, L. (*E. Erroll.*)
Lovat, L.
Vaux of Harrowden, L.

NOT-CONTENTS.

(PRESENT.)

Canterbury, Archbp.
Chelmsford, L. (*L. Chancellor.*)
Beaufort, D.
Cleveland, D.
Marlborough, D.
Newcastle, D.
Rutland, D.

Bath, M. [*Teller.*]
Camden, M.
Exeter, M.
Salisbury, M.

Airlie, E.
Amherst, E.
Bathurst, E.
Beauchamp, E.
Cadogan, E.
Carnarvon, E.
Dartmouth E.
De La Warr, E.
Derby, E.
Doncaster, E. (*D. Buccleuch and Queensberry.*)
Ellesmere, E.
Graham, E. (*D. Montrose.*)
Grey, E.
Hardwicke, E.
Harewood, E.
Harrington, E.
Ilchester, E.
Lanesborough, E.
Leven and Melville, E.
Lucan, E.
Malmesbury, E.
Mansfield, E.
Nelson, E.
Pomfret, E.
Powis, E.
Rosse, E.
Sandwich, E.
Shrewsbury and Talbot E.
Stanhope, E.
Stradbroke, E.
Strathmore, E.
Westmoreland, E.
Wilton, E.

Clancarty, V. (*Clancarty.*)
Combermere, V.
De Vesci, V.
Dungannon, V.
Exmouth, V.
Hardinge, V.
Hill, V.
Hutchinson, V. (*E. Donoughmore*) [*Teller.*]
Melville, V.
Torrington, V.

Bangor, Bp.
Bath and Wells, Bp.
Chichester, Bp.
Derry and Raphoe, Bp.
Durham, Bp.
Gloucester and Bristol, Bp.
Hereford, Bp.
Lichfield, Bp.
Lincoln, Bp.
Llandaff, Bp.
London, Bp.
Manchester, Bp.
Oxford, Bp.
Ripon, Bp.
Salisbury, Bp.

Abinger, L.
Aveland, L.
Bagot, L.
Bateman, L.
Berners, L.
Boston, L.
Braybrooke, L.
Brodrick, L. (*V. Midleton.*)
Calthorpe, L.
Campbell, L.
Colchester, L.
Crew, L.
Crofton, L.
Delamere, L.
De Tabley, L.
Digby, L.
Dinevor, L.
Downes, L.
Farnham, L.
Foxford, L. (*E. Limerick.*)
Grantley, L.
Grinstead, L. (*E. Enniskillen.*)
Kenyon, L.
Ker, L. (*M. Lothian*)
Kingston, L. (*E. Kingston.*)
Lyttelton, L.
Melros, L. (*E. Haddington.*)
Raglan, L.
Rayleigh, L.
Redesdale, L.
Sheffield, L. (*E Sheffield.*)
Sondes, L.
Southampton, L.
Stewart of Garlies, L. (*E. Galloway.*)
Templemore, L.
Walsingham, L.
Wemyss, L. (*E. Wemyss*)
Willoughby, de Broke, E.
Willoughby de Eresby, L.
Wynford, L.

(PROXIES.)

Northumberland, D.
Richmond, D.

Cholmondeley, M.
Tweeddale, M.
Winchester, M.

Abergavenny, E.
Aylesford, E.
Belmore, E.
Beverley, E.
Brooke and Warwick, E.
Buckinghamshire, E.
Cathcart, E.
Cawdor, E.
Desart, E.

Lord Stanley of Alderley

Ellenborough, E.
Erne, E.
Essex, E.
Ferrers, E.
Guilford, E.
Hillsborough, E. (*M. Downshire.*)
Home, E.
Howe, E.
Huntingdon, E.
Manvers, E.
Mayo, E.
Mount Cashell, E.
Onslow, E.
Orford, E.
Poulett, E.
Romney, E.
Rosslyn, E.
Seafield, E.
Selkirk, E.
Shaftesbury, E.
Tankerville, E.
Verulam, E.

Doneraile, V.
Lifford, V.
Maynard, V.
Sidmouth, V.
St. Vincent, V.
Strathallan, V.

Carlisle, Bp.
Cashel, &c., Bp.
Exeter, Bp.
Peterborough, Bp.
Rochester, Bp.
St. Asaph, Bp.
Winchester, Bp.
Worcester, Bp.
Ardrossan, L. (*E. Eg'intoun.*)
Ashburton, L.
Bayning, L.
Blayney, L.
Castlemaine, L.
Clanbrassill, (*E. Roden*)
Clements, L. (*E. Leitrim.*)
Clifton, L. (*E. Darnley*)
Clinton, L.
Clonbrock, L.
Cloncurry, L.
Denman, L.
Dunsandle and Clanconal, L.
Feversham, L.
Forester, L.
Gage, L. (*V. Gage.*)
Gray, L.
Hawke, L.
Heytesbury, L.
Howard de Walden, L.
Kilmaine, L.
Middleton, L.
Sandys, L.
Scarsdale, L.
Sinclair, L.
St. John of Bletso, L.
Wenlock, L.
Wigan, L. (*E. Crawford and Balcarres.*)

Resolved in the *negative*.

Bill to be read 2ª on this day three months.

House adjourned at a quarter past One o'clock, A.M., to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, July 2, 1858.

MINUTES.] PUBLIC BILLS.—1° Detached Parts of Counties; Police (Scotland) Act Amendment; Lunatics (Scotland) Act Amendment.
2° Corrupt Practices Prevention Act Continuance; Navigation Advances (Ireland).
3° Herring Fisheries (Scotland); Marriage Law Amendment.

GOVERNMENT OF INDIA (No. 3) BILL.
COMMITTEE.

Order for Committee read.

House in Committee.

Clause 13, (Salary of the Councillors shall be £1,200 per annum).

MR. COLLINS said, he wished to propose as an Amendment, that the salary should be £500 a year, which was the remuneration agreed upon in 1853, when the question was debated at some length. No difficulty has been found in obtaining the services of competent persons at that salary. He did not think that fifteen Councillors could be employed during the whole of their time in managing the affairs of India, and they would have a great deal of patronage, which was an important element in the consideration of the question.

Amendment proposed in page 4, line 25, to leave out the words "one thousand two," in order to insert the word "five."

LORD STANLEY observed, that he could not assent to the reduction. It was desirable that they should have the very best men upon the Council, and as the members would be required to reside during the greater part of the year in London, he did not think the remuneration proposed was too large. He might add that, in pursuance of a suggestion which had been made on the previous evening, he had prepared a proviso to the effect that if Parliament should hereafter deem it desirable to reduce the number of Councillors, no member should be entitled to compensation on that account who had not served for ten years.

MR. GREGSON (who had also given notice of a Motion to reduce the salary to £500 per annum) said that he should support the Amendment. Previously to 1853 the salaries of the Directors had been only £300 a year, and he apprehended that an attendance of two hours a day for once a week would be ample. If so, £500 a year would be an adequate remuneration; but if the whole of their time should be taken up by the nature of the duties reposed in them, £1,200 would not be sufficient.

THE CHANCELLOR OF THE EXCHEQUER said, that the hon. Member was under a mistake as to the time which would be occupied in discharging the duties of members of the Council. No doubt the Council would only sit once a week; but it was anticipated that the duties devolving on the members, in their capacity as members of committees, would require their daily attendance for a considerable time during the day. The Council would therefore not come under the category of Boards where attendance once a week was the general routine of duty. On the whole, the Government considered that £1,200 was a just and proper salary for the members of the Council. They had fixed it at that amount, as there were many eminent individuals whom it would be desirable to have in the Council who were not in the habit of residing in London, and a less allowance would not meet their extra expenditure.

MR. VERNON SMITH said, he thought that it was high time that the duties of the Councillors and the way in which they were to perform them should be clearly defined. His own belief was, that fifteen members were too many to have upon the Council, and that at least half of these offices would be complete sinecures. The proposal would exactly double the expense of the home Government of India, and as to the new Councillors devoting the whole of their time to Indian affairs, he did not believe that they would do anything of the sort. He would ask the Committee to take the Indian register, to look at the first four names upon the direction, and to say whether it was possible to expect that men who were at the head of great commercial establishments would give up all their time to serve upon the Council. The gentlemen who were to be elected by the Directors of the Company could not be expected to give so much time to this business as the members to be nominated by the Crown, and if they were required to do so they ought to have a larger salary.

LORD STANLEY said, that it would be very invidious to establish a different scale of salary for the elected and the nominated members. It was not proposed absolutely to bind the members of the Council entirely to abandon all other employment; but he considered that the duties of this office would be so heavy that a great deal of their time would be required, and they would be bound to give as much of their time to the duties of their office as might be necessary. He could not pretend to say what the difference in expense would be between the existing and the proposed system of direction; but his belief was, that if there were an additional expense in one respect, there would be a saving in another. For instance, of all those voluminous documents which were now sent over from India in duplicate for the use of two offices, one copy only would in future be required, and this alone was not an insignificant item.

MR. LOWE said, that his difficulty was, that he was called upon to assess a salary for services of the nature of which he was ignorant. If he knew what the duties of the Councillors were to be he should be able to decide without hesitation upon the salary; but the members of the Government differed so much that it was impossible to discover from their speeches what the duties of these gentlemen were to be. The Solicitor General stated last night it would be competent for them to undertake other duties; while the noble Lord the President of the Board of Control stated there would be an honourable understanding that they should devote themselves exclusively to their duties. According to the Chancellor of the Exchequer there was to be a difference in the two classes of members — the nominated members were to give up all other engagements, but not so the elected members. On what basis, then, were they to fix the salaries? If the Solicitor General was right, £500 would be quite enough; but if the noble Lord was correct £1,200 was not too much. On the other hand, if the case was to be as represented by the Chancellor of the Exchequer, and if one set of Councillors were to be "hewers of wood and drawers of water," and the others were to be gentleman at ease dropping in to the Council whenever they pleased and just as it suited themselves, then he contended, however invidious it might be, that there ought to be a difference in the remuneration. In the absence of any intelligible explanation from the Government, he should vote for the Amendment, and he would earnestly warn the Committee against squandering away money which might make whole districts in India happy and prosperous, which might spread education, and might mitigate the evils resulting from a perverted religion and a false faith.

COLONEL SYKES said, that if the hon. Member for Lancaster (Mr. Gregson) knew anything whatever of the business of the East India Company, and if his right hon. Friends the Members for Northampton and for Kidderminster knew a little more about it, they would not have spoken as they had done. What were these Councillors to do? Why, they were to assist in the Government of India, which comprised no fewer than thirteen distinct departments of State. He could only wish that those who thought the duties of the present direction were light would visit his room at the India House. These Councillors would be men of position, to whom salary would be no object. He should wish the amount awarded them to be considered rather as an *honorarium* than a salary, and he, for one, would object to take £1,200 a year, and should say that £800 or £1,000 merely as a recognition of their services, would be ample.

MR. MONCKTON MILNES said, that the Committee should not forget that by the vote of the previous evening they had deprived the members of the Council of all political hopes and aspirations, and he

thought, if they reduced the salary below that of a Lord of the Treasury, that they would unduly derogate from the importance of the office. In spite of the able appeal of his right hon. Friend the Member for Kidderminster (Mr. Lowe) he did not think that the future welfare of India would be advanced by any petty parsimony; and he doubted even whether the expense of the direction would be increased by the Government proposal, because there would be a considerable saving from the consolidation of offices which was to be effected under the Bill.

MR. WHITE said, he had a strong opinion that the work would be quite as well performed if the salary were £500 as if it were £1,200 a year. Indeed, the influence and patronage of these gentlemen would be so great, and their personal dignity would be so much enhanced by being made Councillors, that he doubted whether we should not get quite as good men if they had to pay £500 a year for holding the office, instead of receiving £500 a year for discharging the duties of it. On the other hand, he feared that if they adopted £1,200 as the salary, he thought that many persons would be placed in the Council whose only qualification would be that of being hangers on of the Ministers for the time being.

MR. W. WILLIAMS said, the Committee ought to recollect that the members of the Council would have great patronage. In 1853 the patronage of an East India Director was estimated at £6,000 a year. Therefore, considering their patronage and the not very onerous character of their work it would be wholly unjustifiable to give them large salaries.

LORD JOHN RUSSELL said, he considered the question was one of considerable difficulty. That difficulty was increased by the large number of the Council, and the fact that they were to retain the patronage now vested in the court. With regard to the patronage, he entertained so strong an opinion on the subject that he intended to move a clause to deprive the Council of it. The principle that the patronage was to be considered as part of the emolument was a most dangerous one to introduce, as it would justify any member of the Council in disposing of this patronage to the benefit of his own family The experiment of this Council being a new one, he thought the Committee ought not to withhold from the Government any means which they might think necessary to render it less hazardous, and therefore, if the Government felt that £1,200 was the proper salary he would not be disposed to reject their proposal. There were many Indian officers who would be highly competent for the office, but unless the salary was such as would enable them to reside in London, they would not accept it. He thought some regulation should be made to the effect that the members of the Council should be bound to devote their whole time to the duties of their offices. Many of the present directors held offices which would render it impossible for them to make such an engagement, and he did not think they would be proper members of the new Council unless they undertook to give up their other duties.

SIR JAMES GRAHAM said, he believed that the occupation of the members of the Council would be daily, as power was taken under the Bill to enable the Secretary of State to divide the Council into Committees. Reference had been made on a former evening to Captain Shepherd; but he was authorised to say that if that gentleman was appointed a member of the Council he would give up all his other posts. This showed his estimate of what the duties would be. It was now settled that the Councillors were to be excluded from Parliament, and as they would be consequently precluded from attaining the highest object of the ambition of an Englishman, they were entitled to an increased remuneration. He admitted that patronage was the worst possible mode of remuneration; but after this Bill passed the amount of patronage left to the Council would be very small, comprising only the first appointment (subject to a strict examination) to the more scientific portion of the military service. On the whole he really believed that if a great change in the home government of India was to be made it could not be carried out in a better manner than was proposed by the Bill as it now stood; and although he did not wish to squander a single rupee of the revenues of India, yet, considering the duties to be imposed on the Council he did not think the salary of £1,200 was at all too much. He did not think it would be expedient to lay down a rigorous rule in an Act of Parliament binding the members so to devote their time; but there should be an honourable understanding that the daily occupation of the Councillors at Leadenhall Street would be expected, subject to the control of the Minister of State.

THE CHANCELLOR OF THE EXCHEQUER said, the Goverment expected the members of the Council would place their

time at the disposal of the office ; but they did not think it advisable to introduce words into the Act which would rigidly prevent them from performing any other business whatever. The understanding on this point to which his noble Friend (Lord Stanley) had referred was not intended to be a mere verbal understanding, but would be placed in such a form, by regulation or otherwise, as would leave no doubt on the subject. Any positive clause in the Act would only give rise to constant difficulties and misunderstandings. The power given to the Secretary of State to define the duties of the Councillors would sufficiently ensure that their time would be fully occupied. If any member found he could not fully discharge these duties, he should resign ; but the Government did not think it necessary to insert any clause which would prevent a member of the Council forming any relations which would not interfere with his duties, but which might render him a much more valuable member of the body. It was very easy to urge what might be called the sentimental argument, and ask how many wretched Hindoos might be made comfortable with the £10,000 a year of the increased expenditure. The same argument might be applied to any office. They might take any Minister of State, and ask how many starving families his salary would feed. He might as well ask a member of the administration which had engaged in a Persian war without the authority of Parliament, and spent £1,000,000 in it, what benefit that sum would not have produced if distributed among the population of India. With regard to the salary, he admitted he could not adduce any irresistible arguments to show that £1,200 was the exact sum required. The noble Lord the Member for London appeared to be in favour of a higher sum. The hon. Member for Aberdeen (Colonel Sykes) told them £800 a year would be a compliment, but £1,200 would be an insult. The Government thought the sum they proposed would be a fair equivalent for the services to be performed, judging by the analogy of the salaries attached to other offices of the State.

SIR GEORGE LEWIS said, the main difficulty arose from the large number of the Council. If it had been eight or ten, the Committee would have had very little hesitation in fixing the amount of salary. He should vote in favour of the Government proposition; but, as the clause fixed the salary absolutely at £1,200, the Government would have no control whatever over the amount, and he would suggest that, as there was considerable difficulty in determining beforehand the amount of duties to be discharged, words should be inserted to the effect that each member of the Council should have a yearly salary not exceeding £1,200 as Her Majesty by Order in Council might from time to time direct.

LORD STANLEY said, the Government thought that the independence of the Council would be best secured by allowing Parliament to deal with the question of their salary, and thus to prevent the Minister of the day from having any control over it.

MR. VERNON SMITH said, he wished to be informed by the hon. and learned Gentleman the Solicitor General whether he was to understand, from what he said on the previous night, that the Government would have power to remove any member of the Council whom they might suppose to devote too little time to the Council. If so, the Council would be in the position of clerks.

THE SOLICITOR GENERAL said, there could be no doubt that it would be misbehaviour on the part of a member to neglect to devote such portion of his time to the Council as the Secretary of State might require, and that for such misbehaviour he might be removed.

MR. COLLINS said, he was entirely in the hands of the Committee, and was perfectly ready to withdraw his Amendment if such was their wish.

SIR ERSKINE PERRY said, the statement as to Captain Shepherd's intention to resign two offices which he now filled, if he should be elected a member of the Council, was most satisfactory, and, if it was intended that the Council should devote their time to the business of the Council, in the manner indicated by the Chancellor of the Exchequer, it would be wholly unnecessary for him (Sir E.Perry) to move the Amendment of which he had given notice on that subject.

SIR JAMES ELPHINSTONE vindicated the character of Captain Shepherd from an imputation which he imagined had been cast upon it by the right hon. Gentleman the Member for Kidderminster, and bore testimony to the high sense entertained by the East India Company of the services of that gentleman. He hoped that he would form one of the new Council.

MR. LOWE said, he must disclaim any intention of disparaging the gentleman

The Chancellor of the Exchequer

referred to. Indeed, he was perfectly ready to agree in passing an eulogium on Captain Shepherd.

MR. COX thought, if the name of one candidate was to be mentioned in that House, the others ought to be brought forward too. The Directors of the East India Company had been eulogized by all parties, the late Government and the present. And, therefore, as they received only £500 a year, that was an ample payment for a member of the new Council.

Question put, "That the words 'one thousand two' stand part of the clause."

The Committee *divided:* — Ayes 224, Noes 57: Majority 167.

MR. MOFFATT said, he wished to propose the words, "providing that the salaries shall be paid out of the revenues of India."

LORD STANLEY said, he had no objection,

Words *added.*

SIR ERSKINE PERRY said, he had given notice of his intention to move to add the words "each member shall give his entire time to the duties of his office;" but, in consequence of the explanation of the Government, he would not move his Amendment.

In answer to MR. RIDLEY,

LORD STANLEY said, that the pension of any member who might have served in India would not be deducted from the amount of his salary.

Clause, as amended, *agreed to.*

Clause 14 (Retiring Pensions).

SIR FRANCIS BARING said, he wished to ask what was the object of making the pensions dependent upon the Government, and of requiring the warrant to be signed by the Chancellor of the Exchequer. This was an unusual course, and he would suggest that the pensions of the Councillors should be placed on the same footing as those of the Judges, so that a Councillor on retiring should be entitled to his pension as a matter of course. With respect to the increased pension after fifteen years, would not that afford a temptation to men to continue in office after they were unfit for their duties in order that they might have a title to the larger pension? Of course the object of every one must be to get rid of incompetent men; but this clause only induced men to "dawdle on," sticking fast to office when they ought to retire. Let the Committee fix the retiring allowance at a fair sum, and let it not be increased for length of service. Perhaps the logical inference would be, that the longer a man remained in office the smaller the retiring pension should be. He did not propose that, however, but he suggested that one uniform rate should be established.

MR. BLACKBURN said, he had an Amendment on the paper for carrying out the object which the right hon. Baronet had in view.

MR. RICH said, he agreed generally in the observations of his right hon. Friend who had just sat down, and with a view of giving effect to them he would move, as an Amendment, that no pension should be allowed under a service of fifteen years. He believed that this was the period of service required from the Judges, who were taken from the most lucrative profession in the world; and, considering the handsome salary which the Councillors were to receive, he contended that his Amendment would fully meet the justice of the case. Why should these men not be placed in the same position as the other public servants under the Civil Service Superannuation Act?

LORD STANLEY said, that the wording of the clause was adopted from the Act which granted the retiring pensions to the Judges, and the counter signature of the Chancellor of the Exchequer was required to bring the matter under the cognizance of the Treasury, which was necessary, as the expenses were to be paid out of the revenues of India. He admitted that there was a good deal in what had fallen from the right hon. Gentleman opposite, but it was open to argument whether there was not as much danger in inducing men to retire too early as there was in leading them to remain too long upon the Council. Originally he had intended to give no pension under fifteen years, but he feared that the effect would have been to retain men on the Council when it would be for the advantage of the public that they should retire.

MR. GLADSTONE said, he was disposed to support the Amendment, because he looked with apprehension on such an innovation of the law as was proposed by these pensions. The only cases in which he thought pensions could be justified were when you had obtained all the virtue and strength out of a man; but if persons were to be appointed to this Council who had spent the most effective part of their lives in India, and who enjoyed pensions

for their services there, and if they were now to be put into a new office for a short term, and were to receive cumulative pensions, he should look with the greatest aversion upon such an arrangement. He should prefer to get rid of the system altogether, but in default of that he should support the Amendment as a mitigation of the evil.

THE CHANCELLOR OF THE EXCHEQUER said, the reason why pensions were introduced in the Bill was not to give compensation for energies exhausted in the public service, but rather to give some security against persons who had become disabled holding office after their services were no longer of use to the public.

MR. TATTON EGERTON said, he though a retiring allowance ought to be given; but any pension to which the parties were already entitled should be deducted from it.

VISCOUNT GODERICH said, the retiring allowance was merely a plan to get rid of the old gentlemen when they got unfit for the office.

MR. AYRTON said, he wished to know whether these salaries and allowances were to be accumulative on any previous pensions.

LORD STANLEY said that, on reconsidering the question, he had no objection to stop the clause at the words "five hundred pounds," so that the effect would be to grant an uniform pension of £500 after ten years' service, and to give no increase for a more lengthened tenure of office.

Amendment *negatived.*

LORD STANLEY said, he would now propose the addition of the proviso to which he had referred in the course of the discussion, the effect of which would be to give the Councillors no claim for compensation for loss of office under ten years' service in the event of Parliament deciding at any future period to reduce their number.

Proviso *agreed to.*

Motion made, "That the Clause as amended stand part of the Bill."

MR. GLADSTONE said, he thought it was desirable that the Government should have the power of removing a member on the ground of inability.

LORD STANLEY said, there would be no difficulty in carrying an address through both Houses of Parliament in any case where a member's incapacity was notorious and such as to justify his removal.

MR. GLADSTONE remarked, that an Address of the House was intended not for such a case, but for cases of flagrant misconduct. The House would not stigmatize a man by agreeing to an Address to the Crown against him when his only offence was infirmity.

MR. MANGLES said, he objected to the Government having the power of removing members of the Council, because they might avail themselves of it to get rid of a "cantankerous" member—that is, one opposed to their views.

THE CHANCELLOR OF THE EXCHEQUER said, a case recently happened of an Address for the removal of a person from high office merely for physical inability—he meant the Address with regard to an eminent Irish Judge.

MR. GLADSTONE: That Address was not carried.

THE CHANCELLOR OF THE EXCHEQUER: You cannot provide by an Act of Parliament that an Address shall be carried.

SIR ERSKINE PERRY said, in France incapable men could be got rid of by very admirable superannuation rules. A man could be walked out of his office in France the moment the Government thought he was incapable. The House had agreed to give the members of Council a very absurd tenure—namely, one for life, and the Government ought to have the power of superannuating any member whom they might deem incapable. He thought the words "or shall be incapable by reason of infirmity" should be inserted in the clause.

MR. VERNON SMITH said, he fully concurred in the views expressed by the right hon. Member for Oxford University (Mr. Gladstone), and the hon. Member for Devonport (Sir E. Perry).

MR. AYRTON said, he wished to ask how it was possible that Parliament could judge of things going on in India when it had so much difficulty in judging of what was under its own eyes—namely, the Council proposed by the Government.

VISCOUNT PALMERSTON said, the House, of course, did not intend to bring a Member to the bar that he might there undergo an examination to enable them to judge of his mental and bodily health. An Address to the Crown was not the remedy, but a removing power on the part of the Government in such a case.

THE CHANCELLOR OF THE EXCHEQUER: All these suggestions strike at the independence of the Council.

SIR GEORGE GREY: I should have

thought that the first object of the Government would have been to get, not an independent, but an efficient Council.

MR. HUDSON said, he was opposed to the suggestion of the right hon. Member (Mr. Gladstone).

MR. RICH observed, that as he believed that £1,200 a year was more than a sufficient salary, he must object to the grant of any pensions to the Council, and insist that the sense of the Committee should be taken on the clause.

Question put, "That Clause 14, as amended, stand part of the Bill."

The Committee *divided*:—Ayes 199; Noes 101: Majority 98.

Clause *agreed to.*

Clause 15 (Secretaries and Offices of the Council of India).

SIR FRANCIS BARING said, he understood the object of Clause 15 to be that the plan of the first establishment of the Council should be framed by the Secretary of State, and submitted to the Government for their approval, and also to Parliament. If Parliament should approve it, the establishment was to be created by an order of the Queen in Council. But it would seem by the wording of the clause that all future alterations in the establishment would require only the approval of the Chancellor of the Exchequer and the Secretary of State. That was the first time that it was proposed to set aside an order in Council by the mere consent of two Ministers of State, and he must therefore, object to the proposal.

SIR JAMES GRAHAM said, he fully agreed with the right hon. Baronet. His official experience convinced him it was desirable to provide that no change should be made without the sanction of an order in Council.

LORD STANLEY said, he rose to move to insert after the words "Secretary of State," the words "in Council."

MR. CHICHESTER FORTESCUE said, this Amendment was one of a series of which the noble Lord had given notice, and which would alter the entire action of the Council, and prevent the Secretary from doing any act unless in Council.

LORD STANLEY said, such was not the case. He would consider the suggestion of the right hon. Baronet.

SIR ERSKINE PERRY said, that by the clause as altered by the Government the Secretary of State, like the "Governor-General in Council," would have to act in conjunction with his Council.

THE CHANCELLOR OF THE EXCHEQUER doubted the truth of the assertion that no addition could be made without an order in Council. Salaries, at all events, could be increased without such an order.

SIR GEORGE LEWIS said, he would admit that such was the fact with regard to salaries, but no alteration in any establishment could be made without an order in Council.

SIR EDWARD COLEBROOKE remarked that he concurred with the right hon. Baronet the Member for Portsmouth in thinking that, especially as they were dealing with Indian revenue, in the prudent expenditure of which the Chancellor of the Exchequer did not feel so much interest as he did with respect to English revenue, no important increase in the establishment of the Indian Minister should take place without the consent of Parliament.

Clause, as amended, *agreed to*, as were also Clauses 16, 17, and 18.

THE INDIAN ARMY.—QUESTION.

SIR DE LACY EVANS said, he wished to know whether it is the intention of the Government to establish a Commission to inquire into the best mode of transferring the Indian army to the direct control of the Crown?

LORD STANLEY said, he had stated, on the second reading of the Bill, that it was the intention of the Government to appoint such a Commission, and that it would consist of three Officers of the Indian Army, three Officers of the Queen's Army, three Civilians, and the Secretary of State for War, the Commander in Chief, and the President of the Board of Control.

ADJOURNMENT OF THE HOUSE.

PUBLIC BUSINESS.

THE CHANCELLOR OF THE EXCHEQUER said, with regard to the business for that evening, he had to suggest that the House should go into Committee on the India Bill as soon as possible; and if they did not conclude that night, as he hoped they might, that they should sit tomorrow morning for that purpose. Under these circumstances, he would not make the usual Motion for the adjournment of the House till Monday.

MR. H. BERKELEY said, he had a question to put to the Chief Commissioner of Works, which he had intended to ask on the usual Motion for the adjournment.

THE CHANCELLOR OF THE EXCHEQUER said, his noble Friend would be happy to answer the question if he could.

MR. H. BERKELEY replied, that that was all very well, but he had wished to preface his question with a speech, which would be out of order unless a Motion were made. He should, therefore, move that the House at its rising adjourn till Monday.

THE CHANCELLOR OF THE EXCHEQUER rose to order. He had merely made a suggestion, without wishing to force its adoption upon the House, contrary to any general feeling. The hon. Member would, he was sure, frame his question with his usual ability, and the Government would be happy to answer it.

MR. H. BERKELEY said, it was perfectly impossible that he could be content with merely asking the question on the paper.

SUPERINTENDENT REGISTRARS.

QUESTION.

MR. COX said, in order to place himself in a proper position for making a few remarks in reference to a question of which he had given notice, he would move that the House do now adjourn. He wished to ask the Secretary of State for the Home Department whether Mr. Wyatt, who has lately been appointed Superintendent Registrar of the parish of Islington, is to retain his office of Assistant Clerk at Somerset House; and whether any other Clerk in the Registrar General's Office holds the appointment of Superintendent Registrar of a large Metropolitan Parish. Mr. Wyatt was eighth Assistant Clerk in the Registrar General's Office, and his appointment to the important office of Superintendent Registrar of Islington, without resigning his former office, was unjust to a parish containing 130,000 inhabitants. A similar appointment was made in Clerkenwell some time since, and it created great dissatisfaction in the district.

MR. WALPOLE said, the hon. Gentleman was quite right in saying that the office of Superintendent Registrar was one of importance. He found, however, that most of the duties of the office could be discharged at other hours than those usually allotted to official business—namely, between ten and four. The Registrar General, who took immense interest in everything connected with his department, and who was one of the most deserving public servants that he knew, had thought right in this instance to reward a meritorious clerk in his office by appointing him Superintendent Registrar of Islington. In so doing, he had followed one or two precedents, and the appointment being a good one it would not be right to disturb it after it was made, though it would have been better had the reward of meritorious service been given in some other shape than an appointment to an additional office. Three years ago a similar appointment was made at Clerkenwell, and was confirmed; but the right hon. Gentleman who preceded him intimated that he did not consider such appointments as a general rule desirable. In that view he (Mr. Walpole) concurred, and he had written to the Registrar General requesting that no such appointments might be made in future, except on special grounds, and having been previously sanctioned by the Secretary of State.

HAINAULT FOREST.

PERSONAL EXPLANATION.

MR. CAIRD said, that before he put the question of which he had given notice he was anxious to take the first opportunity he had of correcting a charge of inaccuracy brought against him by the Secretary to the Treasury on Tuesday night, in reference to the discussion on Hainault Forest. On that occasion the argument on which he founded his case was that an excessive expenditure of £67,000 odd had been made upon an estate of 3,000 acres. The Secretary to the Treasury had contradicted him—

THE CHANCELLOR OF THE EXCHEQUER said, he rose to order. He must put it to Mr. Speaker whether the hon. Gentleman could refer in the manner he was doing to a former debate.

MR. SPEAKER said, he understood that the hon. Member had an explanation to make of a personal character. But his reference to a former debate, and the length to which he had already gone, appeared to him to transgress the rules of order.

MR. CAIRD continued: He had been about to say that he must ask the indulgence of the House, as the question was one involving his personal accuracy in regard to a statement of some importance which he had made to the House. The hon. Gentleman the Secretary to the Treasury had used these words:—"The truth was that Hainault Forest comprised an area of 17,500 acres." Now, his own

statement was, that the expenditure had been confined to an area of 3,000 acres. He now held in his hand the documents. ["Order!"] If it was out of order for him to produce these documents to prove the accuracy of his statement, he must only rely on the forbearance of the House while he said that which he had not had the means of doing at the moment. He had now beside him the map of the Forest——

MR. G. A. HAMILTON said, he rose to order. He was the last person in the world who would wish to prevent an hon. Member from entering into any explanation which he might think necessary in his own vindication, but if the hon. Gentleman went into the explanation he was now about to make, it would be necessary for him also, in his turn, to enter into a similar explanation, establishing the accuracy of the statement that he had himself made.

THE CHANCELLOR OF THE EXCHEQUER said, he again rose to order. He had no desire to interpose between the hon. Gentleman opposite and any personal statement which he wished to make to the House under any circumstances. But he thought the hon. Gentleman misconceived the position in which he had placed himself. His personal honour was not concerned simply because a statistical fact might not be correctly appreciated by the House, either one way or the other. This was really a statistical question, which might lead to a lengthened controversy, involving much delay to the public business, and it in no degree affected personal character.

PERUVIAN GUANO.
QUESTION.

MR. CAIRD said, that that being the case he would take another opportunity of referring to the matter. He would now proceed to ask the Under Secretary of State for Foreign Affairs the question which he had given notice with reference to the Peruvian guano monopoly. At present the English farmers have to pay very much more for their guano than had the farmers of America; but since he had given notice of this question the agent of the Peruvian Government had reduced the price £1 a ton. Still, however, there was a large difference between the price here and the price in America. He was aware that the Peruvian Government could charge what price they pleased, and all he asked was that the Government should point out to them the unfairness of placing the English consumer under a disadvantage as compared with the consumer of America. There was now a very large quantity of Peruvian guano in the docks, and if there was a proper combination against this gigantic monopoly the price would be brought down to what it was in America, if not to the old price of £9 a ton.

MR. SEYMOUR FITZGERALD said, the question was doubtless one of importance, and he was not surprised, considering the deep interest which the hon. Gentleman took in agricultural matters, that he had turned his attention to it. He was glad to say that he had received a communication from the agent of the Peruvian Government, which he hoped would be found satisfactory. There were certain circumstances affecting the consumption of this article which ought not to be forgotten, especially that the interest of the whole bonded debt of Peru was charged on the produce of the sale of guano. In the communication he had that day received he was informed that in the first place the price of guano would be reduced to £13 15*s.* to £12 a ton, and in the second place, the same price would in future be charged in this country as was charged in America. This would produce a saving to the agricultural interest of something approaching £400,000 a year.

STATE OF THE THAMES—BATERSEA PARK.—QUESTION.

MR. H. BERKELEY said he wished to ask the Chief Commissioner of Works whether he has received any communication from the Metropolitan Board of Works respecting the Main Drainage of the Metropolis—and, if so, to request that he will state whether the outfall of sewage be proposed to take place on the north side at Barking Creek, nearly opposite to the Warren at Woolwich, or where? During a long Parliamentary career the present was only the second instance in which he had availed himself of discussing a question on the Motion for the adjournment of the House. He did so now because a very strong opinion prevailed out of doors that on the very important question of the state of the Thames there existed great apathy on the part of the House, and on the part of the Government, who ought to have come down to the House, have taken the initiative, and have asked for plenary powers, and grappled with this great evil. If the matter were not dealt

with before Parliament rose, it would no doubt be hung up in red tape, and perhaps not dealt with at all. He was surprised at the silence of the metropolitan Members, and still more surprised at the opinion of those hon. Members, who seemed to think that the matter should be dealt with locally and not nationally. He differed from that opinion *toto cœlo*. His opinion was that it was a great national question, and ought to be so dealt with. Committees and Boards sitting in different places would be of no advantage; the proper plan was for the Government to act upon the centralizing principle and ask for dictatorial powers. The House would be the more bound to concede such powers, because it was it own legislation which had principally led to the creation of this gigantic nuisance. A few years ago the Members of both Houses found their olfactory nerves much affected by the nuisance of night carts; that was about the time of the reign of Mr. Chadwick, who was considered an authority for everything. Among the powers entrusted to him was that of preventing night carts from coming

"Between the wind and their nobility."

What was the consequence? Why, that the ordure of this great city was conveyed away not in carts, but Chadwick and the House of Commons plunged 100,000 cesspools into the Thames. The stuff was there out of sight, and the House of Commons and the House of Lords never for one moment fancied that there were poor inhabitants on the banks of the Thames who could not get away from the nuisance. If extraordinary heat had not prevailed, and the noses of hon. Members been affected, the matter might never have been considered. When they were affected it was astonishing to see hon. Gentlemen who had been parties to throwing this filth into the river, turning round and saying, "God bless me, where can it come from?" And then they said, "What is the Board at Westminster doing; what are they doing in the City of London; has the Lord Mayor got into Petticoat Lane?" It was necessary that they should give full power to counteract this evil. He appealed to them on behalf of the inhabitants of the banks of the river whose noses were forced to be continually in the smell, who could not go to their country houses and to the moors. There were also the merchants and bankers who were tied down to their places in the city. He trusted that the Government would give some promise that before the House rose they would ask for those powers which they ought to be proud on this occasion to demand. It was a question which the Government should be ready to meet. Let them prove their utility. They were a weak Government, but they would strengthen themselves immensely if they met this evil. If they did not do so, they would deserve the contempt they would meet with from every class of the community.

MR. GLADSTONE observed, that he could not help saying a few words with regard to the arrangement of business in connection with this question. A short time ago an hon. Member who represented an important metropolitan constituency gave notice of his intention to submit a Motion with the view of ascertaining what was the opinion of the House upon the question from whence the funds should come by which this great change was to be effected. The hon. and talented Member (Mr. H. Berkeley) had said he had heard hon. Members asking from whence the vile smell could come; but he (Mr. Gladstone) had never heard that question asked: on the contrary, he had never met a single person who was at all sceptical on the subject. But a question which he had often heard asked was where the sum was to come from by which the vile smell was to be cured. He would put it to the hon. Member who had given that notice of Motion (Mr. Cox), to Her Majesty's Government, and to that House, that it would be convenient to have an early day fixed for the consideration of the subject, which was to the full as important as the hon. Member had represented it to be. Her Majesty's Government would confer a great service on the country if they would deal resolutely and definitively with the whole question—but at the same time it would not be fair to press it upon them as if it was the duty of the Executive, as a matter of right, to be prepared at once with a complete solution. There were several important considerations connected with the subject. First, there was the important question of the mechanical and material means to be employed for curing the evil; secondly, the source from which the funds were to be raised, upon which he (Mr. Gladstone) held a very strong opinion and one not in unison with that of the hon. Member for Bristol. And, thirdly, the important question arose, if it should be the opinion of that House that London,

the richest city in the world, should not bear the cost of draining its own river, as was done by less wealthy and less important places, what would be the future position of local government in London if that House interfered to do that which ordinarily, ought to be done locally? He thought it would probably aid the progress of business if they would fix an early day for the Motion of the hon. Member for Finsbury.

CHELSEA BRIDGE AND BATTERSEA PARK.—QUESTION.

MR. ALCOCK said, he rose to call the attention of Her Majesty's Government to the expediency of ascertaining the value of the surplus land at Battersea Park, with the view of applying the produce of such surplus land (100 acres) to the payment of the principal money and interest, amounting in all to a balance of £284,730 9*s.* 3*d.* due to the Government in respect of Battersea Park, Chelsea Bridge, and the Embankment of the Thames at Chelsea; and to submit that Chelsea Bridge be opened to the public toll free. It was obvious that unless immediate steps were taken these tolls would remain for ever—

MR. FITZROY said, he rose to order. There was a Bill before the House relating to the tolls on Chelsea Bridge, which was read a second time last night, and which stood on the orders for committal; and, it was therefore irregular to enter on the discussion of the matter now.

MR. SPEAKER said the conclusion of the Motion was to submit that Chelsea Bridge should be open to the public toll-free. It would be irregular to discuss, on the question of adjournment, a subject on which there was a Bill before the House; and the hon. Member must confine his observations to the other part of his Motion.

MR. ALCOCK said, he would do so. There was a debt due to the Government on Battersea Park and Chelsea Bridge, the amount lent by the Government for Chelsea Bridge—

MR. SPEAKER: I repeat to the hon. Member that a discussion on Chelsea Bridge, is inappropriate and out of order; but there is a part of his question relating to Battersea Park, which I believe is not included in the Chelsea Bridge Bill which may be brought into discussion.

MR. ALCOCK said, he only wished to say that the amount which he had stated in his notice as being due to the Government in respect of Chelsea Bridge, Battersea Park, and the embankment of the Thames at Chelsea—£284,730—was perfectly correct, as appeared from documents obtained from the Office of Works itself. The Chief Commissioner might ask him whether, if the Bridge were opened toll-free, the parties interested would be prepared to repay the sum advanced by the Government with interest. His reply was, that if the noble Lord would allow any person to purchase the surplus land for the same sum he would be in a condition to answer his question in the course of a few days.

MR. BENTINCK said, he wished to say one or two words in consequence of what had fallen from the hon. Member for Bristol (Mr. H. Berkeley). After the pleasing manner in which the hon. Member had dealt with the subject, they must all regret that the hon. Member was not in the Executive Government, for he seemed to find no difficulty in dealing with the subject. Upon that point, however, the hon. Member would find himself mistaken. He agreed with the hon. Member in recommending the Government to deal at once with the question, but he joined issue with the hon. Member when he stated that it was an Imperial, and not a local question. He (Mr. Bentinck), on the contrary, believed it to be strictly a local, and not an Imperial question, and that the Government would not be justified in taking a farthing, in reference to this matter, out of the pockets of people who had no interest in it. Nothing was more uncalled for, more unjustifiable, or more at variance with what was due to the rest of the country, than that the richest city in the world should go about in this manner with the begging-box.

MR. ALDERMAN CUBITT remarked, that he thought it was quite a truism to say that every town and city should pay for clearing away its own filth; but if they imposed on the metropolis the whole cost of doing that, they ought to leave it the power of deciding how it should be done. The House, by an Act passed twelve years ago, decided that every house should drain into sewers. Every sewer ran into the Thames; and, therefore, Parliament compelled the metropolis to drain into the river, and since then Parliment had announced that great sewers should be made all along the banks of the Thames; and it also said that the metropolis should pay for them. He thought that if the Metropolitan

Board of Works had not been dictated to, but allowed the power of deciding what should be done, that body would have carried out a plan for purifying the Thames at a very much cheaper rate.

LORD JOHN MANNERS said, that the hon. Member for Bristol, if he were in his (Lord John Manners') place for twenty-four hours, would never have dreamed of charging apathy on the hon. Members of that House in reference to the drainage of the metropolis, for the hon. Gentleman was perhaps the only Member who had not, in the course of the last fortnight, suggested some plan for the purpose. The hon. Gentleman now came forward in a decided manner, not to suggest any plan, but to say that the Government should be impeached if they did not do something. The hon. Gentleman was mistaken if he supposed that the Government were apathetic with respect to the state of the river. They were most anxious to prepare and bring before Parliament, at the very earliest opportunity, a measure which would satisfactorily settle this long-standing and difficult question; but he put it to the hon. Gentleman whether it was wise to raise these preliminary discussions, which had only a tendency to throw additional difficulty in the way of a settlement, which was sufficiently difficult already. The hon. Gentleman asked whether the Metropolitan Board of Works had presented any scheme, and in reply he had to state that that Board yesterday officially submitted to him a plan which they believed ought to be adopted to remedy the grievance. Of course the hon. Gentleman would not expect any opinion from him on a plan which he received only yesterday; but he might state that the point of outfall, as contemplated in that plan, was somewhere down at Barking Creek. He respectfully declined at present to enter into the question which had been raised as to whether the metropolis should pay the whole expense or not. That question must be deferred until the Government produced the measure, which they intended to propose at the earliest possible day, and certainly in time to enable the Houses of Parliament to come to a decision—he trusted a satisfactory decision—on the whole question. With respect to the question put to him by the hon. Member for East-Surrey (Mr. Alcock), he could only say that he should be quite ready to hear what was the hon. Gentleman's offer for the land in question, which he was as anxious to sell as the hon. Member could be to purchase.

CHAPLAINS IN INDIA.—QUESTION.

MR. SERJEANT DEASY said, he rose to call the attention of this House to the arrangements now existing with respect to the provisions for Roman Catholic Chaplains for the troops serving in India; and to ask the President of the Board of Control whether his attention has been called to that subject as well as to the regulations respecting Regimental Schools and Orphanages for the children of European Soldiers in India, and whether it is intended to make any alterations in those regulations which would make them more satisfactory to the Roman Catholic Soldiers serving in that country.

LORD STANLEY said, that since last year there had been an increase in the pay and allowances to Roman Catholic chaplains serving in India. Formerly the pay and allowances amounted to £150, and they now amounted to £300. There had been some delay in complying with the orders sent out on this subject, and no longer ago than the 24th of last month instructions were sent out by the Board of Control, desiring that the regulations already made should be carried into effect without delay. The other subject adverted to by the hon. Member was under consideration, and he trusted to be able to remove any complaint with respect to it.

MR. GREER said, he wished to express a hope that something more would be done than at present for providing religious instruction for the Presbyterian soldiers serving in India. He would not at that moment enter into any details, as he intended to bring the subject under the notice of the House in the course of the ensuing Session.

IRISH BUSINESS.—QUESTION.

MR. BAGWELL said, he wished to ask the Chief Secretary for Ireland what are the intentions of the Government with regard to the numerous Bills now before the House relating to Ireland, and to ask him to state which of those Bills he intends to proceed with this Session.

MR. COGAN said, he rose to appeal to the Secretary for Ireland not to press the Dublin Police Bill at this late period of the Session. The measure was objected to by the corporation and ratepayers of Dublin, and therefore if Government per-

sisted with it the Irish Members would feel it their duty to give it every opposition.

LORD NAAS said, the Government were of opinion that the Bills which had been introduced with reference to Ireland were of great practical importance, and they hoped that during the present Session the greater number of them would become law. He must, however, appeal to hon. Gentlemen to allow Irish business to be proceeded with at a later hour of the evening than had been usual for some time past, and if that were done he believed many of the Bills now on the paper relating to Ireland might be passed. It was the intention of the Government to proceed with the Irish Police Bill, many of the objections to that measure being, as he believed, entirely groundless.

THE DUCHY OF CORNWALL.
QUESTION.

MR. A. SMITH said, he would beg to ask the Secretary to the Treasury when Copies of all the Documents submitted to the right honourable Sir John Patteson as arbitrator in a cause wherein the Attorney General is the Plaintiff and his Royal Highness the Prince of Wales, as Duke of Cornwall, a Defendant, together with a Copy of the Arbitration Award thereon will be laid on the Table of the House. It had been stated, he had withdrawn the Motion he brought forward a short time since with reference to this cause at the instance and suggestion of Lord Vivian, and he wished to say that he had had no communication whatever with that noble Lord on the subject.

MR. G. A. HAMILTON said, he believed the papers to which the hon. Gentleman referred would be presented to the House in the course of the next week.

THE DANUBIAN PRINCIPALITIES.
QUESTION.

MR. WHITE said, he wished to ask the Chancellor of the Exchequer whether that perfect identity of sentiment still exists between the Government of Her Majesty and the Court of France, with regard to the future government of the Danubian Principalities as announced in his declaration on the 4th of May last. The announcement made by the right hon. Gentlemen the Chancellor of the Exchequer on the 4th of May gave unqualified satisfaction to a great majority of the Members of that House; but reports had since been circulated which might lead to the supposition that the Governments of France and England were not in such perfect accord upon this subject as might have been anticipated from the former statement of the right hon. Gentleman, and he therefore begged to put the question of which he had given notice.

MR. HORSMAN requested the Chancellor of the Exchequer to inform the House, for the convenience of hon. Members, what business would be taken on Monday.

THE CHANCELLOR OF THE EXCHEQUER said, that with reference to the business of the House, it would probably be necessary to proceed on Monday with the Committee on the India Bill. As the suggestion he had made had not been complied with, he could scarcely hope that such progress would be made with the India Bill to-night as to justify him in asking the House to go into Committe again to-morrow. He did not propose a morning sitting on Monday, as he believed it would be very inconvenient to many hon. Members; and, as the Government had been compelled to appeal to the courtesy of hon. Gentlemen so far as the frequency of morning sittings was concerned, he was anxious, as far as was consistent with the progress of public business, to consult their convenience. He proposed, therefore, that there should be an evening sitting on Monday, when they would proceed with the India Bill, and when he hoped they would pass the measure through Committee. With reference to the question of the hon. Member for Plymouth (Mr. White) as to the statement made by him (the Chancellor of the Exchequer) on the 4th of May, that perfect identity of sentiment existed between the British and French Government with regard to the future Government of the Danubian Principalities, he begged to remind the House that the Conference of Paris was still sitting, and that the first Resolution at which the Members of that conference arrived was that the strictest secrecy should be observed with respect to all that took place at the conference. So far as he could form an opinion that secrecy had not been violated, and he was sure the hon. Gentleman would not expect him, on the part of Her Majesty's Government, to set the example of violating such a Resolution.

The Motion for the Adjournment of the House was then *withdrawn*.

GOVERNMENT OF INDIA (No. 3) BILL.

COMMITTEE.

Committee report progress.

Resolved, That this House will immediately resolve itself into the said Committee.

House in Committee.

Clause 19 (Duties of the Council).

MR. VERNON SMITH said, that the noble Lord had acted very wisely in putting into the hands of the Secretary of State everything to be done as regarded war and peace, and concluding treaties. The words, however, of this clause, providing for the carrying on of the secret correspondence, were not, in his opinion, very definite. He thought that the noble Lord ought to adopt the words of the existing Act defining what that correspondence should be.

LORD STANLEY said, that the part of the Bill which dealt with the powers heretofore exercised by the Secret Committee was the 27th clause, where the business to be transacted through the Secret Committee was defined. This clause merely defined what were to be the relative powers of the Secretary of State and the Council with regard to correspondence. All that was meant by this clause was, that the Secretary of State was to be the person by whom all despatches were to be written, to whom they were all to be addressed.

COLONEL SYKES explained the mode at present adopted by the Court of Directors with respect to despatches, and added that those Directors who were inclined to work had attended daily. He thought the noble Lord ought to expect a similar attendance from the majority of the new Council. He wished also to ask whether despatches going to India were to be signed by any of the Council.

LORD STANLEY said, that they were to bear the signature of the Secretary of State only.

MR. WILLOUGHBY observed, that he feared that this mode of proceeding would give rise to great inconvenience.

Clause *agreed to*.

Clause 20 (Secretary of State to divide the Council into Committees, and to regulate the transaction of business).

SIR ERSKINE PERRY said, that this clause would give the Secretary of State great power over the conduct of the Indian business by the division of the Council into Committees. He hoped that the Secretary of State would draw up such regulations as would secure that the members of the Council elected by the Court of Directors should give up the whole of their time to the duties of their office.

THE CHANCELLOR OF THE EXCHEQUER: As much time as is required.

SIR ERSKINE PERRY said, that many of the present Court of Directors were engaged in most complicated business transactions, and he thought there was no rule more clear than that persons engaged in administrative government, and paid a large salary, should cease to be engaged in trade, and give up the whole of their time to the duties of their offices.

LORD STANLEY said, that this question had been discussed two or three times before. The Bill did not lay down an absolute rule, because the Government believed that it would be both impossible and inexpedient to lay down with precision any fixed rule. How could they say that no member of the Council should follow any other occupation? What was meant was, that he should give up as much time as was required for the duty he had to discharge, and as much time as the Minister should call upon him to give up. The clause before them did not mean more than to express the intention of the Legislature in passing this Bill, that the Minister should have the power of calling on the members of the Council for their services and time.

MR. VERNON SMITH remarked, that the Government had never said distinctly what duties were to be performed and what time was to be given up to the public service by those gentlemen. He thought that they had a right to have a clear explanation as to what time really was to be given up to their duties by the Councillors. He wished to know what steps were to be taken to secure the adequate discharge of their duties. Was it proposed to insist upon their regular and daily attendance upon the Committees into which the Council was to be divided? If so, that would secure their attention to their duties. But if it was mainly intended that papers should be sent to them to look over at their leisure—in addition to the weekly meetings of the Council—he thought that that would afford no security for the devotion of a sufficient time to the public business, which was likely in future to fall into the same languid course which had in a great measure marked the transaction of business in Leadenhall Street,

from the circumstance that many members of the direction were engaged in other business, and did not give sufficient time to the discharge of their public duties. Perhaps the noble Lord would lay upon the table a draft minute of the regulations under which the business of the department was to be conducted, and by which the object to which he had referred was to be attained. He understood that the noble Lord had on a former occasion stated that it was probable that the Council would be divided into six Committees. He thought it would be better that it should be divided into three, which was the present number of deparments into which the business of the Board of Control was divided, although he could not say that that division was made in the most convenient way. The clause gave the power of dividing the Council into Committees to the Secretary of State. He thought the power should be given to the Secretary and Council.

LORD STANLEY said, that to take the last point first, he thought that the first formation of the Council was the very time when it was desirable to have some one authority to direct in what way the arrangements for the conduct of business should be made. Of course the Minister would consult the Council, and defer to the wishes of those by whom the business was to be transacted. He had sketched on a former occasion what he thought might be the probable division of business, but he admitted then, as he did now, that without some experience it would be impossible to regulate them beforehand. If he wanted further proof of the impossibility of doing this, it would be found in the admission of the late President of the Board of Control, who had had much more experience of the office than he (Lord Stanley), that the arrangements for the conduct of its business were not so perfect as he wished and could suggest. If a minute was laid on the table as a condition of the Act being passed, no doubt the Government would hold themselves bound in some degree to the arrangements there indicated. That would, it appeared to him, be undesirable. They could not, he thought, usefully now lay down regulations for the working of a body which did not exist, and which had not a precise parallel in any public office now in being. Undoubtedly, it was the purpose of the Government that correspondence should initiate in these Committees, and that all business, with but slight exceptions, should pass through them; and, if the business of India was anything like what they were told by those who at present conducted it he did not think the members of Council were likely to have cause to complain that they did not find work enough.

COLONEL SYKES said, that he thought the Secretary of State would have a right to expect that the members of the Council should, as a rule, attend daily.

Clause *agreed to.*

Clause 21, (President and Vice President.

SIR EDWARD COLEBROOK said, he thought it advisable that the Council should have the power of appointing their President in all cases in the absence of the Secretary of State. It might happen that the Council and the Government might come into collision, and in that case he thought the Council should have the power of selecting their own mouthpiece. He would therefore propose to omit all the words of the clause after the word "Council" in line 4, for the purpose of inserting —"and in the absence of the Secretary of State a member of the Council chosen by themselves."

MR. AYRTON said, that nothing could be so mischievous as to deal with the Council in their collective capacity with their own chairman. The object of the Bill was to bing the Secretary of State in communication with the individual Councillors acting on their individual responsibilities. He wished to know what would be the position of the Under Secretary of State for India? He ought at least to stand on an equal footing with one of the Councillors.

Amendment *negatived.*

Clause *agreed to.*

Clause 22, (Meetings of the Council).

MR. LYALL observed, that he thought a larger quorum than five should be fixed for meetings of the Council. He would suggest seven.

SIR GEORGE LEWIS said, that five was the ordinary quorum of a Committee of that House consisting of fifteen Members, which was the number of the proposed Indian Council.

COLONEL SYKES said, he approved of the hon. Member (Mr. Lyall's) suggestion, for in the Court of Directors they required a majority of the Members as a legal quorum.

Clause *agreed to.*

Clause 23, (Procedure at Meetings).

MR. MOFFATT said, he would suggest the propriety of omitting that portion of the clause which authorized any one of the Council to record, not merely his dissent, but the reasons of it, from any decision of the Secretary of State and Council. If Mr. Princep were to be a member of Council, and to dissent from the Secretary for India, he had such a ready pen that he would himself fill several folio volumes with his protests. If a member of the Council had any reasons for dissenting, he should simply hand in those reasons to the Secretary of State.

LORD STANLEY said, he thought that nothing could be more harmless than to allow a member of the Council the power of recording his protest. The protests were to be entered in a book kept for the purpose, and there was nothing in the Bill to compel either the Secretary of State or any one else to read the reasons adduced in support of them.

MR. WILLOUGHBY said, that he did not see anything in the Bill to determine what part of the Indian business was to be transacted in Committee and what in full Council, or to point out who was to regulate this.

LORD STANLEY said, that the 20th clause gave the Secretary of State power to direct in what manner the business should be transacted.

Clause *agreed to*; as were also Clauses 24 to 26 inclusive.

Clause 27.

SIR GEORGE LEWIS said, that this clause renewed in a new shape the powers of the Secret Committee. If the House thought that such powers were useful, they would of course agree to the clause, but if not they would reject it. The powers of the Secret Committee were of considerable antiquity in the history of the East India Company. Before the Act of 1784, when the East India Company was completely independent, they were in the habit of appointing a Secret Committee of three persons, who communicated with the Government on all matters of peace and war and of a political nature. In Mr. Pitt's Act of 1784, there was a clause enacting that a Secret Committee should be appointed consisting of not more than three persons. In 1793, Mr. Dundas's Act organized the Secret Committee in substantially its present form, and empowered the President of the Board of Control to send through it to India any orders with respect to the making of peace or war, or to the negotiations with Native Princes, which he might deem desirable to keep secret. The powers of the Secret Committee were limited by a clause in the Act to questions of war, peace, and negotiations with Native Princes, so that legally the Secret Committee was not the proper channel through which Lord Ellenborough should have sent his despatch, as Oude was then an integral portion of the dominions of the East India Company. If the Council were smaller they might dispense with those secret powers. By the present Bill the Secretary of State would have power to send despatches to the Governor General on these three subjects without at all consulting his Council. If they were to be mere upper clerks that arrangement might be satisfactory, but if they were to have a more potential authority they should not, he thought, be excluded from all interference in matters of such importance. The power of making war in India from this country was of a peculiar nature, and nothing in the Bill derogated from the power of the Crown to declare war regarding Indian or other Oriental Power; but, when the Crown directed an Indian war to be carried on, it was for an Indian object, and to be paid for out of Indian revenue; and, if there was any question upon which the advice of an Indian Council ought to be taken, it was a question such as this. He should be glad if these clauses could be omitted—and if the Council could be consulted upon questions of peace or war, or negotiations with Indian Princes. At all events, the powers of the Secret Committee ought not to be strained, as he feared they had been on some recent occasions, and he hoped, if the clauses were retained, the Government would never have recourse to the powers of the Secret Committee, except in extraordinary cases, on which it was impossible for the Council to be consulted.

MR. MANGLES said that, unfortunately for the good government of India, the powers of the Secret Committee were, both legally and practically, much more than his right hon. Friend seemed to imagine. Under the Act of 1793, the Government of India had power to write home to the Secret Department upon any matter they pleased; and, unless the President of the Board of Control chose to communicate such despatches to the Court of Directors, they must be answered—as the Earl of Ellenborough answered the despatch of Viscount Canning—through the Secret Committee. By the Act of 1833, the sub-

jects on which the Home Government might transmit despatches through that Committee were extended to negotiations with Princes or States out of India, or the policy to be observed with respect to such Princes or States. For many years after the conquest of Scinde the whole government of that province was conducted by the Secret Committee, and the Court of Directors knew nothing about it. He believed that much mischief had arisen from the Secret Committee undertaking to transact business with which it had no right to interfere. The real fact was, that nine-tenths of that which came before the Secret Committee, might with safety be communicated to the whole world. He desired, therefore, that there should be no Secret Committee in future. It was a mere delusion and snare, for they might as well call the General Post Office a Secret Committee, as all the business the latter had to do was to sign despatches; and even if there were matters which it was thought desirable to keep secret, those matters often oozed out through the Board of Control. On the other hand, the Court of Directors had shown themselves to be as competent to keep a secret, when there was one, as the Cabinet of Her Majesty; and he had no reason to think otherwise of the proposed Indian Council if properly selected, while the Secretary of State would reap the same advantage from the advice of the Council in those matters as he would in all other matters.

SIR GEORGE LEWIS said, the question for consideration was the power of the Government to send out orders to India.

MR. AYRTON remarked, that it was very desirable that the House should reconsider the question of a Secret Committee; and at the same time that the powers of the Secretary of State with respect to sending out orders on questions of peace or war should be clearly defined in the Bill. He regretted that the recent despatch of the Earl of Ellenborough, which many thought a very admirable document, should have been used as an illustration of an abuse of power on the part of the Secret Committee. His own opinion was that there was no case, except that of a declaration of war with some European Power which had possessions beyond the Cape of Good Hope, where the Secretary of State should be allowed to send a despatch to India without communicating it to the Secret Committee within the period prescribed in a previous clause. He submitted, therefore, that instead of passing this clause in general language, giving an undefined power to the Secretary of State, the noble Lord ought to bring up a new clause more strictly defining under what circumstances he might transmit despatches without giving the notice to the Council referred to in the previous clause.

VISCOUNT PALMERSTON said, he was very anxious, on principle, that this clause should pass as it stood. What was the officer they were dealing with? A Secretary of State and a Privy Councillor, bound by his oath to secrecy, and yet it was proposed to oblige him by an Act of Parliament to communicate everything he did or heard in his capacity of a Privy Councillor to a Council who were not Privy Councillors, and therefore not within the category defined by his oath. That was a matter which the Committee must leave to the discretion of the Secretary of State, as this clause now left it. While it was said, there were very few things which could not be communicated, there were yet a few things which ought not to be made public. Orders might be sent out to India, or received from, bearing immediately on European transactions, and not on Indian interests, and it would be both inconvenient and injurious that such information should be given. He quite agreed with the hon. Member for Guildford that the Court of Directors kept secret the recall of the Earl of Ellenborough. and well they might, until it was all complete, in order to avoid trouble and inconvenience. Their prudence was quite as much in that matter as their secrecy. As for saying that a man who could not keep a secret ought not to be made a Councillor, it was too late after he had been made a Councillor for life, and only removable upon address from both Houses to the Crown.

MR. ROEBUCK said, this clause was the keystone of the very trumpery arch which this Bill was intended to erect. Although there was a pretence of limiting the power of the Secretary of State, the real object was to enable him to do as he liked; and the Bill as it stood, and especially by this clause, created a double Government. If this clause was struck out, the Secretary of State would have always to act with the knowledge of his Council. They knew that India could not be governed in that way. He had proposed that the whole government should be given to the Secretary of State; but they had created a Council, and, like Frankenstein,

they were afraid of their own creation—they feared lest their own Council should turn and rend them. If they did away with this clause, the Bill would be unworkable, and prove nothing better than waste paper.

COLONEL SYKES said, that he had put an Amendment on the paper to leave out this clause, and he was disposed to take the sense of the House upon it. He agreed that only in rare instances the matters which came before the Secret Committee were other than such as might not be laid before the public at Charing Cross. These rare instances could be met by the Secretary making his Council secret for the time being. It often happened that the Court of Directors were made a secret body. When matters of finance or exchange came before them the Chairman merely said the Court was made secret, and gentlemen were immediately on their honour and did not divulge anything that occurred. There might be a similar arrangement in the Council. He did not think it safe to lodge such a power in the hands of a single man as that possessed by the President of the Board of Control by means of the Secret Committee. The Affghan war was originated through the Secret Committee, and it ended in leaving the bones of 15,000 of our countrymen bleaching in the sun, and costing fifteen millions of money. The first Burmese war was the work of the Secret Committee, which cost nine millions and half the army. The second Burmese war and the war in Scinde were originated without the legal knowledge of the Court of Directors. All those disasters arose from the powers vested in the President of the Board of Control which the noble Lord wished to perpetuate.

MR. VERNON SMITH said, two important questions had been raised with reference to this clause—first, whether the power of the Secretary of State with reference to treaties and questions of peace and war were sufficiently defined; and secondly, whether such a power should exist at all. He thought it was advisable to define rather more clearly the powers of the Secretary of State with reference to the Secret Committee. He thought that the letter of the Earl of Ellenborough on the subject of Oude was within the rule, as it was written in answer to secret despatches. His previous despatch as to the treatment of the mutineers might, perhaps, have been different. The hon. Member for Guildford (Mr. Mangles) and the hon. Member for Aberdeen (Colonel Sykes) said that they hardly remembered anything of consequence that passed through the Secret Committee. Those gentlemen were the Chairman and Deputy Chairman of the Secret Committee when he (Mr. Vernon Smith) was President of the Board of Control, and he was glad to hear them say that he did not make much use of that Committee. [MR. MANGLES: What you did, did not matter a straw.] He was glad to hear the hon. Member say that nothing occurred which signified a straw, as that did away with the notion that he was opposed to the Persian war. He hoped, however, that the noble Lord (Lord Stanley) would not abandon the principle, that the Secretary of State ought to deal with treaties and questions relating to peace and war without the interference of the Council. That was a material point in the Bill, and its maintenance would give the Secretary of State real power; for if he were to submit to his Council every question relating to negotiations, to treaties with foreign States, and to peace or war, he would be placed completely in the power of the Council, and the government of India would be vested not in the Secretary of State but in the Council for India alone. Suppose the most of the wars in India had some European as well as Asiatic elements in them. Therefore, if the Secretary of State should have reason to believe that some aggression was contemplated by Russia upon our Indian territories, and he were required to consult the Council, they might say, "How are we to decide upon the necessity of this war? You say it is not merely an Asiatic but an European war, and we call upon you to communicate to us the secret information which you possess." There would be this absurdity, moreover, that after he had obtained the consent of the Cabinet, the major authority, he would have to obtain the consent of the Council, the minor authority. On these grounds, then, he entirely agreed with the hon. and learned Member for Sheffield that it was absolutely necessary to retain this clause in its integrity, and he should accordingly support it.

SIR EDWARD COLEBROOK said, that the power in question had been hitherto limited and defined, and yet Presidents of the Board of Control had often gone beyond it. He thought such a power was in some respects objectionable; but

was the Committee prepared to say that there was no case in which a Secretary of State might issue orders for peace or war in India? He shrank from joining those who wished to put such a limitation on the power of the Crown, though he would admit the evils which existed in connection with the Secret Committee. The evils which had hitherto existed had arisen mainly from the negligence of Parliament in not demanding a strict account from the Ministers who were responsible for the conduct of Indian affairs, and it would be most dangerous to transfer such responsibility to the Council. He would support the clause, although it might be possible to define more clearly the power of the Secretary of State.

MR. CHICHESTER FORTESCUE said, he was of opinion that it would be absurd to surround the Minister for India with an able Council if, in dealing with matters affecting foreign States, and with questions of peace and war, he was empowered to act entirely without their advice or knowledge. On the other hand the House had determined on establishing a Council far too large to be entrusted with the duties performed by a Secret Committee. It would be impossible that there should be that entire confidence between the Minister and the individual members of a large Council, which would warrant his disclosing to them all the secrets of Indian policy. He had given notice of a clause providing for the appointment of a Secret Committee, consisting of the Vice President of the Council for India and of two other Members of the Council, to be selected by the Secretary of State in Council. He proposed that the Minister should not be able to send out a secret order without first laying before the Secret Committee a certificate, signed by two at least of his colleagues, that the public interest required secrecy to be observed in that particular case; and further, that with regard to such a communication, the Secret Committee should have the power of advising and of placing its opinions on record, and if the Minister differed from the rest of the Committee, then he should be required to place his reasons on the minutes. Such a secret committee as that would increase rather than diminish the responsibility of the Minister, making him more careful and cautious in entering upon a war in consequence of the warning he would receive as to the ultimate results of such a course of policy.

LORD STANLEY said, he would refer, in the first instance, to the proposition of the hon. Gentleman who had just sat down, and he confessed that he did not think it would attain the object the hon. Gentleman intended. No effectual check would be placed upon a Minister by requiring him formally to communicate his intentions to men who had not the power to prevent him from carrying out those intentions. As to the authorization of his two colleagues, that also would be a mere matter of form, and would act rather as a screen from responsibility than as an actual check on the actions of the Minister. On the general question he had not much to add to what had been already said, and especially by the noble Lord the Member for Tiverton. He could understand the feeling which existed against investing the Minister with a power of this kind. In fact the Secret Committee was a necessary evil, and he thought that when you had a Council of fifteen members—elected for life, and not politically united with the Minister—that the arrangement now proposed was the best. For every purpose it would be easier to consult the Secret Committee than the whole body of the Council. If in every case you were to say that the whole Council was to be consulted it would diminish the authority and responsibility of the Minister to a point below what it had been at any time. As to defining the powers of the Secret Committee in the Act under which it was at present constituted, its powers were very accurately defined, as extending to questions relating to peace and war, treaties and negotiations. The powers of the Secret Committee might have been exceeded and abused, but excess or abuse ought not to militate against its utility. He could not consent to give up a power which for seventy years had been exercised by the Minister for India.

MR. MANGLES said, he wished to make a practical suggestion. The noble Lord had referred to the speech of the noble Lord the Member for Tiverton as conclusive, but the only argument he had heard, from the noble Lord, and he admitted its force, was that there might be cases in which European politics were mixed up with Indian questions, and that such matters could not be properly laid before a purely Indian body. Why then should not the Council of India be fully informed of all Indian matters and be restricted in their information in relation to all matters which involved European politics either di-

rectly or indirectly. The noble Lord did not say a word against the Council being informed on Indian matters. The Government had always allowed their secrets to leak out, but the Court of Directors on the contrary had always managed to keep theirs, so that he thought there was no fear of any being divulged by the Council.

LORD JOHN RUSSELL said, that he could imagine cases where, under the apprehension of European wars, the Secretary of State for India might act without consulting the Council. But that rather belonged to his power as Secretary of State than to any function as his of Indian Minister. But the question here was totally different. The question was this. They had been now for months endeavouring to supplant the double Government of India by something more simple and direct, and they had established a Council competent to advise the Minister for India. Then came this 27th clause of the Bill, which enacted that, with regard to all the most important affairs of India, the Council was to know nothing, but everything was to be conducted by the Secretary of State. The noble Lord, at the suggestion of the right hon. Gentleman the Member for Carlisle and others, proposed a clause that the Secretary of State should not be able to dispose of the revenues of India without the consent of the majority of the Council. The hon. and gallant Member for Aberdeen had said that the Burmese war cost £9,000,000, and that the expense had been incurred in consequence of an order of the Minister for India alone, and yet it was said that £10,000 was not to be spent without the consent of the Council. The clause, it seemed to him, would of necessity do away with all the efficacy of the Bill. It had been said that such power had been sometimes abused; that might have been the case, but questions of war and peace, of treaty or negotiation, and of the policy to be pursued towards the Native Princes, were questions of such importance that they ought to be deliberated on in Council, and if not he agreed with the suggestion that the whole power should be vested in a Secretary of State, and that there should be no Council. What, however, he wanted to see was a real and effective Council. It was urged that fifteen was too large a number for that purpose. Who made them that number but the noble Lord himself, though at first he was satisfied with twelve. But he (Lord J. Russell) did not think that the number was so large that it could not be trusted with a secret. For many years the Cabinet of the Sovereign consisted of fifteen, and therefore it was not number alone on which secrecy depended. Those composing the Council would be experienced men, not rash. He thought that if in 1853 such a Council existed, and the Secretary of State went to them and said, "Government have under their consideration insults and injuries and the violation of treaties which have been made by Persia, we wish to consider it as a question of policy whether an expedition should not be immediately sent out and hostilities commenced," he believed very great good would have resulted from the advice of such a Council, and that their proceedings might have been very well kept secret. In fact, if financial questions were to be submitted to this Council, he did not see, inasmuch as questions of war always involved those of finance, how discussion in the Council could be avoided. Such questions affected the welfare of many millions of the people of India, and he could not believe that they ought to be taken from the cognizance of the Council. Even if every man in the Council were opposed to the policy of the Government, the Secretary of State ought, after all, to say it was their policy, and as such he adhered to it; that the reputation and honour of the country could not be maintained without it. He could easily imagine cases in which long afterwards it would be desirable to know the opinions of the Council with respect to the origin of wars which had taken place. The right hon. Gentleman the Member for the University of Oxford was so impressed with the importance of the question of peace and war, that he had given notice of an Amendment that the forces of Her Majesty should not, without special causes, be employed beyond the frontiers of the British possessions in India without the consent of Parliament. An effective check, he thought, was necessary, and where could there be a better one on the Secretary of State than through this Council, to whom he should submit his reasons for going to war? After such wars had been entered into Parliament had no remedy; they must pursue them and the nation was saddled with the cost. He should, on these grounds, vote most cordially with the hon. and gallant Member for Aberdeen against the clause. The fact, as it appeared to him, was, that in all routine business the Council were to be consulted, but on all great questions which con-

cerned the welfare and happiness of the people of India and the permanence of the empire they were to be ignored.

Motion made, and Question put, "That Clause 27, as amended, stand part of the Bill."

The Committee *divided:* Ayes 119; Noes 95: Majority 24.

Clause *agreed to*, as was also Clause 28.

Clause 29 (Appointments to be made by or with the approbation of Her Majesty.

SIR ERSKINE PERRY said, he rose to move the insertion, after the word "India," line 5, of the following:—

"And the appointments of Lieutenant Governor of provinces or territories, and the appointments of Members of the Council of the Governor General of India and of the several Presidencies."

The question he wished to raise was whether, now that they were introducing a new form of government with new emoluments, it would not be better to remove the great blot upon the existing system—namely, the remuneration of the governing body by means of patronage. Let them take care not to split upon the same rock as that on which they had made shipwreck for the last sixty years. The remuneration of the members of the governing body ought entirely to consist of salary, and of the high powers with which they were entrusted for the improvement of the condition of India. Forty-five years ago Lord Granville, in a statesmanlike speech, recommended the very course he was now proposing, and suggested that the choice of the young men destined for the civil service should be made by competition, and by examination in the great schools and Universities of the country; while the nominations to cadetships should be given to the sons of Indian officers. Why should the Government not throw a portion of the appointments to regiments of the line, as well as to the scientific branches of the army, open to public competition? And why should not the various public schools have each a certain number of nominations. But whatever mode of disposing of this patronage might be adopted, it ought, at all events, to be placed in the hands of the responsible Minister of the Crown, and not in the hands of a majority of the Council.

Motion made, and Question proposed, "That those words be there inserted."

LORD STANLEY said, he did not think that the Amendment of the hon. and learned Gentleman had much to do with his speech. The question of first appointments in the Indian services did not arise upon this clause. When they came to that subject he should be quite prepared to discuss it.

MR. VERNON SMITH said, he regretted that the noble Lord, in the Amendment he was about to propose in this clause, had abandoned the plan contained in the Bill of his noble Friend the Member for Tiverton, and in the first Bill of the present Government, that the nomination of the Councils of the Presidencies should rest with the Governor General and the respective Governors, as they would be much better able to choose the best men than the Council here. No doubt it was intended that the Secretary of State should take the advice of the Council with regard to the appointment, but it was to be regretted that he had departed from the design of the original Bill.

LORD STANLEY said, he must admit there was a good deal to be said in favour of the proposition. At the same time he believed that no proposition could be more unpalatable to the whole service in India than such an arrangement, inasmuch as it would destroy in a great measure the independence of the civil service by putting it absolutely under the control of the Governor General. It was supposed that such a measure would have the effect of making the officers of that service mere tools in his hands.

SIR ERSKINE PERRY said, he wished to remind the noble Lord that the appointment of Lieutenant Governors of provinces and Members of Council was dealt with in this clause. He would also observe, that that there ought to be no distinction in the mode of appointing Governors and Lieutenant Governors. One office was almost as important as the other, and the appointments, in both cases, ought to be made by the Secretary of State absolutely.

LORD STANLEY said, he thought that these officers could most satisfactorily be appointed by the Council.

MR. WILLOUGHBY remarked, that of all the Amendments which the noble Lord proposed to introduce into the Bill that which took the appointment of the Councillors from the Governor General and the Governors of the Presidencies was the most deserving of support.

MR. WILSON said, that in reference to the noble Lord's observation, that it would be more agreeable to the Civil Service to have the appointments made here rather than in India, the intelligence conveyed even by the last mail from India proved that the very reverse was the fact. From that it appeared that the wish among the Civil Service in India was that the appointments should be made by the Governor General, so as to increase and consolidate his responsibility; and although the Governor General might not, on his first arrival in India, be able personally to judge of the merits of particular individuals, he would at once have the advice of those upon whom he could rely, and would afterwards be able to decide upon his own experience.

MR. MANGLES said, he fully agreed with the opinion expressed by his hon. Friend the Member for Leominster (Mr. Willoughby), in favour of the alteration of the clause proposed by the noble Lord. He could not conceive whence the hon. Member for Devonport (Mr. Wilson) could have derived his information that the feeling in India was against it. He could assure the House that the opinion of all those who had recently come from India, as well as of the Court of Directors, was that the alteration proposed by the clause would be a very great improvement.

MR. VERNON SMITH said, that mention was made in the clause of the legislative member of the Council. Had the noble Lord ever considered whether that office might not be abolished, now that by the Act of 1853 the Chief Justice was admitted to the Council? A saving of £10,000 a year would be realised to the public by the abolition of this office.

LORD STANLEY said, he would consider the point.

Amendment by leave *withdrawn*.

LORD STANLEY said, he would propose an Amendment to the effect that appointments to the Presidential Councils, instead of being with the Governor-General and the Governors of Presidencies, should rest with the Indian Minister and his Council.

MR. CHICHESTER FORTESCUE said, he thought it better that the appointments of Lieutenant Governor of Provinces should be made on the sole responsibility of the Governor General.

LORD STANLEY said, that the Governor General would have the power of appointment. The Council would only have a power of veto, which would, no doubt, only be exercised in cases of decidedly objectionable appointments.

Clause as amended *agreed to*, as was also Clause 30.

Clause 31 (Appointments to the Civil Service).

SIR ERSKINE PERRY said, this clause related to the Civil Service, and it appeared by it that the Government meant to continue the present system of competition, for which he offered them his thanks. But the clause referred to the Act of 1853, and that Act contemplated the course at Haileybury, which was now abolished, and therefore he suggested that as this clause was really impracticable, the noble Lord should take into consideration the clauses which he had brought up on this subject.

THE SOLICITOR GENERAL read the section of the Act of 1853, and showed that the clause before the Committee was only meant to bind the Secretary of State to the same extent as the Court of Directors now were with regard to this particular subject, and stated that he saw no reason for not adopting the clause as it stood.

VISCOUNT GODERICH said, that the Earl of Ellenborough, when President of the Board of Control, had made a most excellent change on this point, by abolishing the former regulations, and putting himself in communication with the Civil Service Commissioners. Did the Government mean to continue that course under this Bill?

LORD STANLEY said, he did not mean to pledge the Government on the subject, but their object of course would be to offer the widest opportunity to those who wished to compete in the examinations.

Clause 32 (Other Appointments and Admissions to Office).

MR. CAMPBELL said, he was clearly of opinion that this patronage should be placed in the hands of the Secretary of State, instead of the Council.

SIR DE LACY EVANS said, that he was glad that the admission to the scientific branches of the Indian army were to be thrown open to competitive examination. He should be glad, however, if the Government would go a step further, and deal in a similar manner with nominations to commissions in the other branches of the Indian army. He should at the same time prefer, if the system of patronage was to be preserved with respect to these branches of the service, that patronage

should be vested in the Minister, rather than shared with the Council.

MR. T. BARING said, he could not but think that the House and the country would view with great jealousy the transfer of the whole patronage of the Indian army to the Secretary of State. No charge of the misuse of the patronage of cadetship had been substantiated against the Directors of the East India Company before the Committee of 1853, and he would ask whether the services of any part of Her Majesty's forces had surpassed the Indian army. Would they, then, pronounce a condemnation upon the system which had produced such men as had fought and fallen in our service in India? It had been said that the distribution of this patronage had occupied too much of the time of the Board of Directors, and would occupy too much of the time of the Council. But it would occupy as much of the time of the Minister. The Directors of the East India Company had never used the patronage for political purposes. Was it likely that the same thing could continue to be said if this patronage was transferred to a Minister of the Crown? They should maintain the patronage in hands that would not be likely to be affected by such influences; and they should look to the working of the system that now prevailed. No doubt the Directors of the East India Company had given cadetships to their friends. But had the system worked ill? He believed that no deserving civil or military servant of the Company had ever been refused a cadetship for his son. And, while by the present Bill it was proposed to reserve one-tenth of the cadetships for the children of such persons, it was in evidence that under the old system they received one-fourth of the applicants. He believed that competition was not the best test with regard to the service of the country. They ought to have more experience of the competitive system in the civil service before applying it to the military service, and they ought to guard against promotion in India being placed in the hands of any Ministers for political objects.

THE SOLICITOR GENERAL said, that the question raised by the hon. Member for Huntingdon would be better discussed on other clauses.

Clause *agreed to*, as was also Clause 33.

Clause 34 *negatived*. Clause 35 was *agreed to*.

Clause 36 (Real and Personal property of the Company to vest in Her Majesty, for the purposes of the Government of India).

SIR HENRY WILLOUGHBY wished to know what the position of the Indian creditor would be under this clause?

THE CHANCELLOR OF THE EXCHEQUER said, that he apprehended that the Bill would not effect any change whatever in the position of Indian creditors. There would be merely a change of trustees. The Directors of the East India Company had never been personally liable for the Indian debt; the members of the Council would not be personally liable for such debt; but the general liability of the property of which they were trustees would remain precisely as it was at present.

Clause *agreed to*.

Clause 37,

MR. JOHN WILLOUGHBY said, he would move after "India" in page 12, line 5, to insert, "subject to the debts and liabilities mentioned or referred to in the last preceding clause of this Act." His object was to secure to existing creditors a lien over the assets of the Company.

THE SOLICITOR GENERAL said, he did not think the words proposed would secure the object of the hon. Member, and suggested that the Amendment should be postponed.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clause 38 (Dividend of the Company, and existing and future debts and liabilities and expenses charged on the Revenues of India).

MR. JOHN WILLOUGHBY said, he would propose, after the words "chargeable on the revenues of India," in line 26, to leave out "alone." The insertion in the clause, of the word "alone" raised the important question whether the Consolidated Fund would be liable, in case of a deficit in the revenue of India. The answer given to that question in the discussion on the East India Loan Bill was unsatisfactory. Indeed, the point was left in doubt, but it was very desirable that it should be cleared up. In his opinion, when the Crown took the Government of India it should also take upon itself the liabilities of the East India Company, and it was desirable that the position of the public creditor should not be altered. There was no analogy between an Indian loan and a Canadian or an Australian loan, for in the case of these colonies representative bodies could secure those loans upon the colonial revenues; but in India the Executive did it.

The present liabilities of the East India Company were as follows: — First, the capital of the Company, £6,000,000 stock, redeemable at 100 per cent; or £12,000,000, partly secured by the guarantee fund; called partly secured, because when they came to pay off the stock they would have a deficit of £745,000. The next item was the old bonded debt of £3,894,000, bearing 4 per cent, and quoted at from 18*s.* to 20*s.* per cent premium, and payable upon twelve months' notice from either party. The next item was a sum of £1,970,000 borrowed from the Bank of England. Then there was the last East India loan of £4,421,000 and the public or territorial debt of £56,518,000, which bore 4 per cent interest, a proof of how high the credit of the Company stood in India. The latter was the debt to which this clause more particularly referred, and he wished to direct the attention of the Committee to the nature of the promissory note issued by the Company to the creditor on account of their loans. It made no mention of the revenues of India alone being answerable. The Company borrowed in its corporate capacity, and not only the revenues of India but every farthing of the property possessed by the Company was liable for the discharge of the money borrowed. The next class of obligations was the railway stock and debentures to an amount of £34,000,000, which might be demanded at any time within six months' notice, and which, of course, must then become a charge upon the revenue. By what means were the East India Company to be released from these heavy responsibilities? The straightforward course of the Government would be to declare the Imperial revenue answerable for the Indian deficit. The territorial debt was secured, not only on the Indian revenue, but upon the general revenue. The question of India bonds would become a very serious one after the transfer of the Government took place; and the only way out of it would be to give the public creditor Government security. The question was one which affected the public credit in the highest degree, and it ought to be remembered that three-fifths of the territorial obligation had been lent upon the guarantee of a settled trade, and a great part of the remaining portion had been advanced to carry on wars for Imperial purposes. Thus the war in Affghanistan alone added £15,000,000 to the territorial debt, the Persian and other wars being also charged on the revenue. The fact was, that the whole of the real and personal property of the Company was liable for the liquidation of the debt, and it would be incumbent, when they abolished the Company, upon the Government to provide some other adequate security. It might be said—indeed it had been said—that the security of public creditors would not be damaged, but he could not admit any such principle. The value of the security held by creditors depended upon the good administration of India, and if the present change were an improvement, there would be no risk in Her Majesty's Government undertaking the obligations of the Company. Sir Robert Peel was clearly of opinion that if the credit of India was shaken through disturbances, the credit of England must be brought to its aid. On these grounds he thought this Amendment ought to be agreed to.

THE CHANCELLOR OF THE EXCHEQUER said, that, divested of technicalities, this was a simple point, and had been amply provided for in the Bill. He could quite understand the desire of creditors of the East India Company to have better securities than they already possessed. He would not enter into any controversy whether such could be found; but when the hon. Member asked what was the remedy, he (the Chancellor of the Exchequer) would reply by demanding what the Indian creditor would have done supposing that this great change had not been proposed, and that the Indian revenue became deficient? He could only repeat what he had said on a former occasion with reference to this subject, though his statement did not seem to carry conviction to the mind of the hon. Gentleman—that the security of the Indian creditor remained identical with what it was before, the only difference being, to express it in the popular way, that the trust was changed, and that whereas before the Indian creditor looked to the Directors, he would now look to the Council. The hon. Gentleman had entered into a *catalogue raisonée* of all the Indian securities, and, reading a railway bond, said, "See the engagements under which the Directors are to the holders of these bonds, which they are bound to liquidate within a certain notice; and when you destroy the Direction, to whom is the creditor to look?" Let the hon. Gentleman look to Clause 16, which, in the first place, provided that the Council was to stand in the place of the Company in relation to all suits; and then, turning to Clause 61, he would find that it was

provided that engagements as against the East India Company might be enforced against the Council in like manner as against the said Company; while Clause 62, which completed that group of clauses, provided that the Council, like the Directors, should not be personally liable. The hon. Gentleman, therefore, would find that the point he had raised as to where they should find a remedy was amply provided for in the Bill, and that every contract into which the Company had entered the Council should in like manner be liable for. Whether, therefore, they looked to the security or the remedy, the case was equally provided for. He trusted that the Committee would support the clause before them, and not put the East Indian creditor in a different position to that in which they were now placed.

MR. WILSON said, he wished to point out what he considered an ambiguity in the clause. The principal of the debts incurred by the East India Company was charged on the Indian revenue alone, but nothing was said as to the interest.

THE SOLICITOR GENERAL said, it was a legal maxim that if they secured the debt, they also secured the interest that might be due on such debt.

SIR HENRY WILLOUGHBY said, he could not regard the answer of the Chancellor of the Exchequer as satisfactory. The creditor had now the collateral security of the hereditaments, chattels, stores, and personal property of the Company in this country. The question was, did not this Bill restrict the security for the bond debt to the Indian revenues alone?

THE SOLICITOR GENERAL said, the hon. Member would find words in the clause to make all moneys, arising from any property transferred to Her Majesty under the Bill, applicable in aid of the revenues of India.

SIR H. RAWLINSON said, the bonds rested on the original stock of the Company.

THE SOLICITOR GENERAL said, he rather thought that the bonds were receiving a better security under this Act than they rested on before; for, by the Act of 1833, he believed they were thrown entirely on the revenues of India; but here they were cast also on the real and personal property transferred to Her Majesty.

MR. STUART WORTLEY said, he thought the language of the Bill ought to be made clearer on this point. As he read it, the security was limited to the revenues of India alone.

MR. CARDWELL said, he rose to congratulate the Committee upon the fact that the Chancellor of the Exchequer had completely negatived the position of the hon. Member for Leominster, that the debt of India was a charge upon the taxpayers of this country, and that no hon. Member who had supported the Amendment had maintained that position. He had no doubt that the difference as to verbal construction between the hon. Gentleman the Member for Bute (Mr. Stuart Wortley) and the Solicitor General might be arranged before the Bill was reported.

Amendment *withdrawn*.

Clause *agreed to;* as were likewise Clauses 39 to 42 inclusive.

Clause 43 (Power to grant Letter of Attorney for Sale of Stock and Receipt of Dividends).

MR. MOFFATT said, he rose to move the following proviso:—

"Provided that no such general letter of attorney or order shall be executed or signed, except the same has been first authorized by a resolution passed in Council,"

his object being to take precaution against the commission of fraud.

LORD STANLEY said, he thought that ample security would be provided in a clause to be brought up on the Report.

Amendment by leave *withdrawn*.

Clause *agreed to;* as were also Clauses 44 to 46 inclusive.

Clause 47 (Present System of Issuing Warrants for Payments Continued).

MR. WILLOUGHBY suggested, that it would be inconvenient to require every warrant to be signed by three members of the Council. At present warrants were only signed by two Directors.

Clause *agreed to*.

Clause 48 (Audit of Accounts in Great Britain).

MR. MANGLES said, he did not know on what ground the noble Lord intended to appoint a separate auditor for the accounts of the Company. The audit of the East India Company had met the full approbation of the noble Lord the late President of the India Board. He did not see, therefore, why they should be put to the expense of another auditor.

COLONEL SYKES would move to leave out the clause.

THE CHANCELLOR OF THE EXCHEQUER said, he thought it introduced a

great improvement. It would introduce a better system of audit than now prevailed. It would not necessarily lead to any increase of expense.

Clause *agreed to.*

Clause 49 (Accounts to be Annually laid before Parliament).

MR. GREGSON proposed the insertion of words providing that no pension or gratuity beyond a certain amount should be granted by the Secretary of State, out of the revenues of India, without the sanction of that House.

LORD STANLEY said, he thought that the check which a majority of the Council would possess over all appropriations of money would be a much more effective control than a mere appeal to the House of Commons.

Amendment *negatived.* Clause *agreed to.*

Clause 50 *struck out.*

Clauses 51 and 52 *agreed to.*

Clause 53 (Servants of the Company to be deemed Servants of Her Majesty).

MR. WILLOUGHBY proposed to add to it these words :—

"And the transfer of any person to the service of Her Majesty shall be deemed to be a continuance of his previous service, and shall not prejudice any claims to pension, or any claims on the various annuity funds of the several Presidencies in India which he might have had if this Act had not been passed."

THE SOLICITOR GENERAL said, that these words were the same that were inserted at the end of the clause in regard to the servants on the establishment. There could, therefore, be no objection to their insertion here.

Amendment *agreed to.*

Clause, as amended, *agreed to;* as were also Clauses 54 to 59 inclusive.

Clause 60 (Council to come in place of the Company with regard to pending suits, &c.)

SIR ERSKINE PERRY said, he understood that this clause was intended to give the same power of suing the Secretary of State and Council that now existed with reference to the East India Company. He thought, however, that that intention was not adequately expressed or carried out by the clause. He would propose to add these words :—

"And all actions, suits, and proceedings which, but for the passing of this Act, might have been brought against the said Company, may from henceforth be brought against the Secretary of State in Council; and the property vested in the Crown as aforesaid shall be subject and liable to the same judgments and executions, in the same manner and form respectively as if this Act had not passed."

MR. WHITESIDE said, this clause only related to pending suits. The addition of his hon. and learned Friend would more properly be proposed at the end of the 61st clause.

Clause *agreed to,* as were the remaining clauses.

On the bringing up of the new clauses relating to Military Patronage,

SIR ERSKINE PERRY said, he intended to move the omission of one of the new clauses on this point.

THE CHANCELLOR OF THE EXCHEQUER said, he proposed to insert the new clauses *pro forma* to-night, and to have the Bill reprinted, so that the Report might be brought up on Monday, when it would be competent to any hon. Member to move the omission of any of the clauses.

SIR ERSKINE PERRY said, the subject of the clause could not well be considered, except in Committee. He moved the Chairman report progress.

Motion made and Question, "That the Chairman report progress," put, and *negatived.*

On the Question that the clause be read a second time,

MR. LOWE said, he could not consent to the clause. It was impossible to go on at that late hour with the discussion of one of the most important questions involved in the Bill.

THE CHANCELLOR OF THE EXCHEQUER merely wished the House to agree to the clauses *pro forma,* and to take the discussion of them on the Report on Monday.

VISCOUNT PALMERSTON wished to get through the Bill with as much speed as was consistent with decency, but there was no occasion for hurrying it through the House. There was a material difference between discussing the details of a Bill in Committee and on the Report. In Committee an hon. Member might speak more than once, whereas on the Report he did not possess such a privilege. He hoped the right hon. Gentleman would allow the Chairman to report progress, with the view of going on with the Bill in Committee on Monday.

THE CHANCELLOR OF THE EXCHEQUER said, that on the Report every hon. Member would have an opportunity of dis-

cussing the clauses, and of making at least three speeches on each of them. Ample opportunity for discussion would, therefore, be afforded by the course he proposed.

SIR ERSKINE PERRY said, it was clear that the right hon. Gentleman in the early part of the evening contemplated going on with the Bill in Committee on Monday. There was a most important clause to come, which could only be properly discussed in Committee.

THE CHANCELLOR OF THE EXCHEQUER said, that if it were the wish of the Committee he would not press the matter.

Clause read 2°.

House *resumed*.

Committee report progress; to sit again on *Monday* next.

MARRIAGE LAW AMENDMENT BILL.

THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the Third Time."

MR. BERESFORD HOPE said, he did not propose to prolong the discussion on this measure; but in justice to the many classes of men, and particularly of women, who from the highest to the lowest throughout England looked with horror and dismay to this Bill—a Bill which would produce confusion, jealousy, and heart-burning in thousands of families now happy and contented—a Bill which owed the support it had received to an agitation got up by a few paid agents, and to a system of petitioning the dodges and shams of which were even more transparent than was the case with most petitions—he could not allow the third reading to pass without taking the sense of the House on the subject.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 100; Noes 70: Majority 30.

Main Question put, and *agreed to*.

Bill read 3°, and *passed*.

House adjourned at a quarter after One o'clock, till *Monday* next.

HOUSE OF LORDS,

Monday, July 5, 1858.

MINUTES.] PUBLIC BILLS.—1ª Treasure Trove; Incumbered Estates (West Indies) Amendment; Herring Fisheries (Scotland); Marriage Law Amendment.

2ª Joint Stock Companies Acts Amendment; Marriages (Moscow, Tahiti, and Ningpo).

3ª County Management.

THE POST OFFICE.—FALSE CHARACTERS TO SERVANTS.

QUESTION.

LORD ST. LEONARDS said, he wished to ask a question of the noble Lord the Postmaster General in reference to a subject of some importance. Several instances had lately occurred of domestic servants obtaining situations by means of forged characters, and he feared facilities to their doing so had been afforded by the carelessness of country postmasters. In a recent case a party applying for a situation produced a character signed by a Mr. Freeman, at Aylesford. The gentleman to whom this was shown wrote to the address given, and in return received a letter confirming every statement of the applicant. The character and letter afterwards proved to be forgeries, and the case was now under prosecution. When the postmaster at Aylesford was applied to on the subject, he said the letter addressed to Mr. Freeman had come to his hands, and he delivered it to a lad who asked for it, although he had never seen him before. It appeared the address was within the delivery of his office, and he ought to have sent out the letter in the ordinary way. He wished to know what were the instructions issued to country postmasters in reference to the delivery of letters within their division, and whether there would be any objection to lay these instructions on the table?

LORD COLCHESTER stated, that in all cases where there was a delivery by letter-carriers the postmaster was not allowed to deliver any letters to persons applying at the office; but in the few districts where a delivery by letter-carriers had not yet been established, the postmaster was authorized to deliver letters from the window to the parties applying for them. The instructions on the subject were contained in the printed book of regulations.

MEDALS FOR THE ARMY IN INDIA.
SIR COLIN CAMPBELL.
QUESTION.

THE DUKE OF NEWCASTLE begged leave to ask some questions of the noble Earl at the head of the Government with respect to the honours which were to be conferred on the gallant army now serving in India. He would not meddle with a subject of that kind, which affected the rights of the Crown, if it had not already been announced in both Houses of Parliament that such honours were to be bestowed. It had been stated some four or five months ago that it was the intention of the Crown to confer a medal on those soldiers who had served in the recent campaigns in India, and to give clasps to the men who had been engaged in the siege of Delhi and in the relief of the garrison of Lucknow, which had taken place last autumn. He had been informed that the die for those medals had already been approved of by the Crown. He wished to know whether that was so, and whether it was likely that the medals would soon be conferred. It should be remembered that every day some of those gallant men were losing their lives, and that the survivors were naturally anxious to receive the distinction at the earliest possible moment. He wished, further, to take that opportunity of asking whether it was intended that clasps should be granted for the capture of Lucknow in the spring of the present year?

THE EARL OF DERBY said, he was quite prepared to admit that no unnecessary delay ought to take place in bestowing those honours. With respect to the time at which the medals would be issued, he had to state that the die had already been seen and approved of by Her Majesty; that the lists of the men who were entitled to the distinction had already been ordered to be sent from India, and he was informed that by the time those lists were received the medals and clasps would be ready for distribution. In reply to the second question of the noble Duke, he had to say, that clasps would be given not only for the defence of Lucknow, but for each of the reliefs of the garrison last summer and autumn, and for the capture of that city in the spring of the present year.

LORD CAMPBELL said, he had no distrust in the noble Earl at the head of the Government, but their Lordships would, no doubt, be glad to know when the national expectation would be fulfilled, by some signal mark of the favour of the Crown being conferred upon Sir Colin Campbell.

THE EARL OF DERBY must remind their Lordships that two months ago he had announced that Her Majesty had been graciously pleased to command that Sir Colin Campbell should be called to a seat in their Lordships' House. The only reason why there had been no notification in the *Gazette* of that honour was, that before the patent was issued it was necessary to communicate with Sir Colin Campbell, in order that he might signify by what title he desired to be called to the Peerage. Some communication with Sir Colin Campbell was all the more necessary, as he need not remind his noble and learned Friend that there was already one Lord Campbell in the House.

LORD CAMPBELL said, that the commander of the forces in India might be called Lord Campbell of Lucknow or Bengal.

VISCOUNT MELVILLE made some observations which were inaudible.

THE EARL OF DERBY said, that perhaps the noble Viscount would do him the honour to recollect that when the Vote of Thanks was before their Lordships early in the Session he had specially directed attention to the gallant conduct of Sir John Inglis. There was no more remarkable event in modern history than the gallant defence of Lucknow by Sir John Inglis. He should not, on the present occasion, enter upon the question as to what honours should be conferred by the Crown. Nothing could be more prejudicial to the public interest than for that or the other House to compare the merits of individuals in the service of the Crown with respect to those honours which the Crown alone had the right to confer. He hoped, therefore, their Lordships would not encourage the practice which had been growing up of interfering with the prerogative of the Crown in these matters, and would not suppose that the Crown was not fit to judge of the worth of the services of individuals and of the proper rewards for them.

SALE OF POISONS, &c., BILL.
REPORT OF AMENDMENTS.

On Order for considering the Amendments,

THE EARL OF WICKLOW wished to know if the Act would be extended to Ireland.

THE EARL OF DERBY said, the Bill had been introduced on the recommendation of the Select Committee, and he could not at the moment say that it would be extended to Ireland.

LORD TALBOT DE MALAHIDE said, he had given notice of certain Amendments with regard to the selection of Examiners under the Bill, but would postpone them until the third reading in the hope that the noble Earl would give them his consideration. He thought they were much indebted to the noble Earl for having brought forward the measure.

EARL GRANVILLE said, he did not think that the noble Earl could be expected to give any opinion on these Amendments at present; but he trusted that the noble Earl would be prepared on the third reading to agree to them.

THE EARL OF HARDWICKE thought, that the best safeguard against the improper sale of poisons would be to place the sale of them in the hands of respectable and trustworthy persons. There were poisonous substances which the Bill did not specify, and he was afraid that it would be extremely difficult to legislate with effect on the matter.

THE EARL OF DERBY said, his present impression was that it would be better to allow the Bill to remain as it at present stood. He would give the Amendments of the noble Lord opposite his consideration, and would inform the noble Lord of the result on the third reading.

Amendments *reported* (according to Order); further Amendments made, and Bill to be read 3ª on *Thursday* next.

TENANT RIGHT—QUESTION.

THE MARQUESS OF CLANRICARDE wished to ask, whether Her Majesty's Government had announced or formed an intention to introduce into Parliament a Bill to render compulsory by law the custom which prevails in parts of Ireland commonly called tenant right. He put this question to the noble Earl in consequence of a statement which he had seen in an Irish newspaper to the effect that the Chancellor of the Exchequer had stated in reply to a deputation which waited upon him on this subject, that it was the intention of Her Majesty's Government to introduce a Bill in the next Session of Parliament. He did not want to put any construction on the words used by a Member of the Government, but after what had already taken place, and after the language used by the noble Earl the Secretary for Foreign Affairs in 1853, he was not afraid that any measure embodying the principle of what was called tenant right, or the principle of conveying one man's property to another, would be introduced by Her Majesty's Government. He was not opposed to any measure for remedying practical grivances. The agricultural population of Ireland was now in a more sound, prosperous, and contented state than any of their Lordships had ever known them to be, and it was to be regretted if any language should be held which would have the effect of disturbing men's minds, and encouraging hopes which were not likely to be realized.

THE EARL OF DERBY said, of what had passed at the deputation to his right hon. Friend the Chancellor of the Exchequer, to which the noble Marquess had alluded, he knew nothing; but if the noble Marquess had referred, not to a report in an Irish newspaper of the proceedings at that deputation, but to the Report of what had been said and done on the part of Her Majesty's Government in the House of Commons on the second reading of the Tenants' Compensation (Ireland) Bill, he would have ascertained what were the opinions of the Government on the subject. The noble Marquess was probably aware that that Bill was introduced by the hon. Member for Dungarvan (Mr. Maguire) for the purpose of carrying out tenant-right, and had been rejected on the principle on the second reading by a large majority. Most undoubtedly his right hon. Friend the Chancellor of the Exchequer had never pledged himself or the Government to introduce any measure of the kind referred to by the noble Marquess—namely, "to render compulsory by law the custom called tenant-right which prevails in certain parts of Ireland." All that his right hon. Friend had said, and all that he had pledged the Government to do, was, that the Government would, during the recess, take into consideration the existing state of the law relating to landlord and tenant, and that, if they found it practicable, they would next Session introduce a measure such as they might deem requisite for correcting the acknowledged anomalies and inconveniences in that law; and he (the Earl of Derby), having every reason to believe that the feeling which existed in 1852 on both sides of this ques-

tion had very much diminished, and that there was now much more good sense and moderation exhibited on all hands with respect to it, was not without hope that it would be perfectly possible to introduce a measure which might have the effect of removing the existing defects and blemishes in the law, and of giving satisfaction to all parties concerned; and as the noble Marquess had already tried his hand upon the subject, if he had any advice or recommendation to offer in reference to it, it should receive the attentive consideration of the Government.

INDEPENDENCE OF PARLIAMENT BILL.
ORDER FOR SECOND READING DISCHARGED.

LORD BROUGHAM said, that he proposed to postpone the Second Reading of this Bill, which stood on the Order for this day. The object of the Bill being to apply the Act of the 52nd *Geo.* III. touching bankrupt Members to all persons, whether traders or non-traders, and, therefore, to the Members of both Houses of Parliament, necessarily the Bill would apply more to the Members of the other House than to this; but he denied altogether that their Lordships were precluded on that account from dealing with the question, as he held it to be the undoubted right of their Lordships' House to initiate measures not withstanding that they might affect the other House alone. As an instance of what had been done by their Lordships in former times respecting Bills which directly affected the House of Commons he would mention that the two most important clauses in the Bribery Act—that which raised the penalty from £50 to £500, and that which made the last Resolution of the Election Committee conclusive and without appeal—were both inserted in their Lordships' House. He would have been glad to proceed with his Bill, especially as there was another measure in the other House of Parliament, which went much further than his; inasmuch as it proposed to abrogate all privilege of Parliament in respect to debt. But beside this measure a noble Friend and connection of his (Lord John Russell) had introduced into the other House a Bankruptcy Amendment Bill, which consisted of about 500 clauses, and therefore could not be passed this Session; but that measure would make an important change in the law of Bankruptcy; and he thought therefore it would be well to see how those alterations affected the present question, and to wait until that Bill—or, indeed, both Bills—should be submitted to their Lordships' House. He saw no prospect of either measure being passed in this Session, and he therefore proposed to withdraw his Bill.

Order of the Day for the Second Reading read and *discharged.*

JOINT-STOCK COMPANIES ACTS AMENDMENT BILL.

THE EARL OF DONOUGHMORE moved the Second Reading of this Bill.

The Bill was read a second time.

JEWS BILL.—COMMITTEE.

Order of the Day for the House to be put into a Committee, read.

Moved, That the House do now resolve itself into a Committee.

THE EARL OF CLANCARTY: My Lords, I do not rise for the purpose of opposing your going into Committee upon this Bill. After the division of last Thursday, I am bound to say that the opinion of the House appears to be so decidedly pronounced against the further exclusion of Jews from Parliament, that I should not be justified in obstructing the further progress of the Bill. My object in now addressing your Lordships is to endeavour to obtain from the noble Earl at the head of the Government answers to two inquiries that were embodied in my address to your Lordships on Thursday last, upon which I thought and still think the House ought to have received information in the course of that debate. The noble Earl, however, did not take part in the debate, having adopted the somewhat unusual course of making a previous address to your Lordships upon the two Jew Bills at the time awaiting a second reading, and of practically deciding the new issue about to be proposed respecting the admission of Jews to Parliament before the question was submitted. I am quite sure the noble Earl had no other object in so departing from the usual forms of the House, but that of expediting public business; but it should not have prevented his discussing the Bill when it was brought regularly before the House. Had he done so, I should probably not now have had occasion to recall attention to it. Your Lordships will recollect that the noble Earl recommended the Bill to your favour as a measure calculated to terminate in a satisfactory manner a

difference of long standing between the two Houses of Parliament, an object which he appeared to consider of paramount importance. Admitting, my Lords, that it is very desirable that a good understanding should exist between Lords and Commons, and that therefore this House should not oppose itself without good reason to any decidedly expressed wish of the other House, I cannot think that you are justified in giving way in the present case. There is a first as well as a third estate of the Legislature, and I cannot help apprehending that your Lordships in seeking to terminate your controversy with the Commons, by conforming to their wishes regarding the admission of the Jews, may be unwittingly committing the grave error of uniting the two Houses of Parliament, the second and third estates of the Legislature, in a course opposed to the conscientious convictions of the highest estate. We know that practically the Crown does not, and could not, without serious inconvenience, act independently of the two Houses of Parliament by putting a veto upon what they jointly recommend; but this acquiescence in the views of the Lords and Commons of the realm must have a limit where there may exist a conscientious objection upon religious grounds to any Bill proposed for the Royal consent. It is well known that George III. entertained such objections to the admission of Roman Catholics to sit in Parliament, and that he would have exercised his prerogative in withholding his consent from any measure presented to him for that purpose, had the occasion for it arisen; it is also known that during the first years of his reign, George IV. entertained similar objections, and this House, I believe, on more than one occasion, stood between the desire of the House of Commons and the scruples of the King, with regard to the removal of the disabilities of his Roman Catholic subjects; and, by rejecting the Bills sent up from the other House, saved the King from being obliged either to have recourse to an independent exercise of the Royal prerogative, or to violate his conscience. But when the consideration of the Catholic claims was recommended in a gracious speech from the Throne the case was changed, the consideration of the question was then relieved of one great difficulty, and the measure called "Catholic Emancipation" soon after received your Lordships' concurrence. The course pursued in that great and important change in the constitution of the legislature was highly commendable, and ought to be followed in every similar case, not only to save the Crown from any difference with the two Houses of Parliament, but as a means of insuring a careful consideration by the responsible Minister of the Crown of what Parliament may be called upon to do, and of affording to the public the best notice of the change proposed to be made; but it is especially desirable in a case, such as the present, where it is proposed to confer a great boon upon a particular class of the subjects of the Crown, that the proposition should originate in a gracious Message from the Throne, instead of allowing an act of grace, to which the Crown gives a willing consent, to have the appearance of either having been extorted by the will of the two Houses of Parliament, or to have the appearance of being of too little consequence to receive at the hands of the Sovereign any other notice than might be bestowed upon the passing of a railway Bill. I suggested, therefore, in the course of my address to the House last Thursday, that your Lordships should consider and satisfy yourselves regarding the position of the Queen as Temporal Head of the Church, as bearing the title of Defender of the Faith, and as the Christian Sovereign of a Christian people, whether, in the event of your passing this Bill, she might not object to take counsel in the fulfilment of the high duties of her exalted station with those who deny the Christian faith, whether she might not object, as conscientiously as any of your Lordships have objected, to the admission of Jews to sit and vote in Parliament, and whether, if she does so object, she might not retain and act upon her convictions with greater consistency than you have done. It would be satisfactory, I think, to the House, as no indication of the Royal mind upon the subject has been conveyed to Parliament in the ordinary manner, to be informed whether the noble Earl, in recommending your Lordships to accept as a solution of the Jew question, the Bill now under consideration, has done so with the approval of the Sovereign, and if not, whether he is nevertheless prepared to advise Her Majesty to give her Royal assent to its enactment. The other point upon which I had hoped to have received an answer in the discussion last Thursday, and which I think most material to the consideration of a Bill recommended, as this was, as a final settlement of the Oaths

question, is whether the noble Earl in so recommending it had duly considered in what condition it would place the Roman Catholic Members of Parliament by the side of those of the Jewish profession, that while by the terms of the oath the law at present imposes upon him the Roman Catholic is precluded from exercising any privilege to which he is or may become entitled, to weaken or disturb the Protestant religion or Protestant Government in the United Kingdom—the Jew is allowed the fullest freedom of legislative action to operate, if he so chooses, not only against the Protestant Church, but for the overthrow of Christianity itself, the difference of the liberty accorded to those who are professedly Christians, and to those who are professedly not Christians, is very marked. Is the noble Earl prepared to maintain it? Is he fully prepared to resist the agitation already commenced for the repeal of the Roman Catholic Oath—an agitation which the passing of this Bill will immensely increase? The noble Earl can hardly have overlooked the points to which I have ventured again to direct your Lordships' attention. Having undertaken a leading part in opposing this Bill, I shall be excused, I am sure, by the noble Earl if, in the fulfilment of a public duty I press for the information that the House is entitled to receive at his hands, considering the responsibility he has accepted regarding this Bill, and the position he holds in the government of the country. Nothing can compensate for the sacrifice of principle involved in the measure; but it may, in some degree, reassure the public with regard to its consequences if the noble Earl can return satisfactory answers to the questions I have submitted.

The Duke of MARLBOROUGH drew attention to the circumstance, that under the Roman Catholic Relief Act any Roman Catholic who might rise to the highest judicial or ministerial position was not entitled to present to benefices; but that the proposed measure placed no restriction upon Jews, although it would be competent for a member of that persuasion to obtain a seat in the House of Commons and to become Prime Minister. The first Bill which was introduced upon this subject by the noble Lord the Member for London (Lord John Russell) contained clauses by which Jews who were returned to Parliament bound themselves, as the Roman Catholics did, not to use any efforts or powers of which they might become possessed to the prejudice of the religion of the country as by law established; but there was no such provision in the present measure. He thought that it would have given general satisfaction to the country if some securities had been taken to prevent the abuse of powers with which the non-Christian portion of the community were now for the first time to be intrusted. At all events they had no claim to be placed in a better position in this respect than our Catholic fellow subjects.

Lord REDESDALE said, he was so satisfied of the unconstitutional nature of the present Bill, that—without questioning the decision of the House or raising any objection at this stage to the relief that had been granted—he could not refrain from once more calling their Lordships' attention to the mode of their proceeding. After all that had passed, he did not mean to object again to the admission of the Jews to Parliament, though he retained those objections as strong as ever; but he invited their Lordships to reconsider the mode in which it was proposed to be done. It was an evil precedent to give permission to either of the two Houses to Act by a Resolution of its own; though he owned it presented an easy method of "settling," as it had been called, the difficulty, and they were all too ready to consider what was easy for the moment without considering the danger of the precedent they were setting. But what evil there might be in precedent might be learned from an incident that had occurred in the other House with regard to this very Bill. Many years ago a Member of Parliament, who was absent on the Welsh circuit, was appointed a member of Committee without having taken the oaths. He (Lord Redesdale) did not believe that he had acted in Committee without taking the oaths, but there was no proof of the fact, and the consequence was, that Baron Rothschild was allowed to act on a Committee without having taken the oaths. Thus one concession followed another, and it was impossible to say what they might come to. The practical effect of this Bill would be that Jews would be admitted by it into the other House of Parliament. Well, why not do that directly by Bill? Now, there were solid objections that might be urged for confining the operation of such a measure to the other House of Parliament; the Members there were elected by the voice of a constituent body, and they were returned only for seven years at a time;

but he could see no reason why they should not do what they proposed to do by a direct legislative enactment, instead of by the unusual and unconstitutional method of sanctioning proceeding by a Resolution of a single House of Parliament. He did not oppose the object of the Bill, much as he disliked it, but he opposed the way in which that object was proposed to be accomplished.

VISCOUNT MELVILLE was understood to oppose the Bill, on the ground that, if passed into a law, it would give admission to Jews, Turks, infidels, and heretics.

LORD BROUGHAM said, he could see no force in the objection of the noble Lord the Chairman of Committees. It was quite common for Resolutions, not of a House of Parliament, but of a Court of Justice, to have the force of law. Scarcely an Act was passed for improving the procedure of the courts of law, but power was given to the Judges to frame rules for carrying it out, and these rules virtually became a portion of the statute. He did not think the present was the best course that might have been adopted, and thought it would have been better to accept the proposition of his noble and learned Friend (Lord Lyndhurst); but still it was a course to which he saw no solid objection. He found that he had somewhat misstated the object of the Bill on another subject, which might be expected from the other House. At present it applied only to Members of the House of Commons, but he had no doubt that the first thing their Lordships would do, when it came before them, would be to make it include themselves.

THE EARL OF DERBY: I feel some little difficulty, my Lords, in replying to the different objections with regard to various portions of the Bill now before your Lordships, and which have been alluded to by noble Lords rising one after another; and that predicament, or rather difficulty, has been somewhat increased by the noble Lord, who entered on a discussion with regard to another Bill, on which my noble and learned Friend (Lord Brougham) has made some little divergence from the ordinary mode of proceeding, on the principle, it might be supposed, of having a few more last words. I will do my best, however, to answer their different objections. I hope it may not be supposed that in abstaining from offering any observations in the course of the discussion that took place the other night that I had the slightest wish to treat with disrespect or want of consideration the observations or arguments that fell from the noble Earl behind me, against the second reading of the Bill. My noble Friend (the Earl of Clancarty) asked me two different questions, or rather he has suggested two different objections to the course now proposed to be taken. In the first place, he states his opinion that in seeking to reconcile the opinions of the Houses of Lords and Commons we shall bring both Houses into collision with the Crown. Now, my Lords, on a question of that kind, involving as it does a political question, I am quite sure that the last thing my noble Friend desires, and that which, in the opinion of the noble Lord and of your Lordships, would be the least consistent with propriety of principle, would be to canvass in Parliament the personal opinions of the Sovereign of this realm; but all I have to say is, that I have not the slightest reason to suppose that, if the House of Lords or Commons should think fit to pass either or both these Bills, Her Majesty would have the slightest disposition to interpose Her prerogative for the purpose of preventing this Bill becoming law. I have no reason to suppose that Her Majesty entertains such an opinion: and certainly I have no ground for entertaining any apprehension that the course of proceeding now adopted would be likely to bring the two Houses into collision with the Crown. My noble Friend says if it had been the intention of Her Majesty's Ministers to recommend an alteration in the laws with regard to the admission of Jews into Parliament, that the proper course would have been to send down a Message from the Crown, intimating that such was the view they took. But he appears to forget, that, even admitting there were any force in the argument in any case it entirely fails in this, because neither the one Bill nor the other—neither the Bill introduced into the other House nor the Bill introduced into this—were Bills introduced on the part of the Government at all. The first Bill was originally introduced in the House of Commons, and, so far from conferring the boon on Gentlemen of the Jewish persuasion, the course of action your Lordships took was to strike out those clauses which proposed to confer on the Jews by Act of Parliament the advantage which the Bill from the Commons proposed to confer on them. Then my noble Friend (the Earl of Lucan) proposed another course, which appeared to him susceptible

of reconciling the differences between the two Houses—namely, that of enabling the House of Commons, with regard to the admission of its own Members, to take its own separate course, and leaving to the House of Lords the power and the privilege of taking its own course, in conformity with its own predeclared and separate opinions, with regard to the admission of Jews. Another objection taken by the noble Earl, was, that the introduction of certain words into this Bill places the Roman Catholic Member on a footing of inferiority compared with the Jews, and he asked whether I was prepared to meet the agitation and excitement which would naturally arise in consequence of this, and whether I was prepared to maintain the provisions of the Act of 1829. My only answer to that is, that I do not conceive that by this Bill the Roman Catholic is placed in the slightest degree in a position of inferiority to the Jew. Now, a provision was introduced into the Act of 1829 for the purpose of meeting a very generally entertained objection on the part of Protestants. They were apprehensive that the Roman Catholics, being a rival body within the Christian Church, were naturally hostile to the establishment and temporalities of the Protestant Church of England and Ireland, and it was feared that they would avail themselves of their position in Parliament for the purpose of injuring the temporalities of the Establishment, and injuring the Establishment itself; and, consequently, with the entire and unhesitating assent of the Roman Catholic body words were admitted into the Bill which bound them in the strictest manner to make no use of any Parliamentary privilege or position for the purposes apprehended, and to that extent they were required to disclaim it in the oath. I have no reason to suppose that any dissatisfaction has arisen out of that, although individual Members have objected to it. But I cannot by possibility conceive that any such analogous question can arise out of the admission of the Jews into Parliament. No such question has arisen. No such question of rivalry can arise between the Jews and the Protestant Church, or any desire on the part of the former to overthrow or interfere with the temporalities of the latter. The Jews, no doubt, believe the Christian religion to be an erroneous religion, but I never yet heard imputed to the Jewish persuasion a desire to interfere with the temporalities or *status* of the Church as by law established in England. Therefore it was not thought necessary to take any security against a danger which no one ever apprehended. My noble Friend on the cross benches (the Duke of Marlborough) has referred to the limitation placed upon Roman Catholics with regard to offices in the Church and elsewhere. Now, with regard to the power exercised by persons of the Jewish persuasion, my noble Friend is aware that the Bill makes no alteration whatever; but I think it right to mention that since this question has been under discussion, I have been in communication with my noble and gallant Friend who introduced the Bill (the Earl of Lucan), and I pointed out to him, that whereas his Bill gave a limited power of admission into the House of Commons to members of the Jewish persuasion, and which had been struck out by your Lordships from the Bill as sent up from the House of Commons, it was absolutely necessary to insert in this Bill the same clause that was omitted from the former Bill—namely, that which excluded persons of the Jewish persuasion from holding those same offices from which Roman Catholics also are excluded. It was therefore found necessary to reintroduce a clause upon this point. A good deal of discussion has taken place with regard to the possible effect of the Bill as amended by your Lordships, and sent down by the House of Commons, rendering it necessary for persons of the Jewish persuasion to take the oath of abjuration in certain cases in which they are not now by law required to take it—or rather they were required to take an oath which is substituted for the oath—of abjuration and for the oaths of allegiance and supremacy—in cases where, by an alteration in the law, they are now enabled to take the oaths of allegiance and of supremacy, and not the oath of abjuration, being covered, within the period necessary that they should take it, by the annual Act of indemnity. I have also been in consultation with my noble and learned Friend on the woolsack, who, though he entertains a different opinion, nevertheless thinks that there is sufficient doubt with regard to the question to justify the introduction of a clause which shall clearly show that your Lordships have no intention to impose additional restrictions on members of the Jewish persuasion, and such a clause will accordingly be introduced. Much has been said with reference to proceeding by Reso-

lution; and no doubt this Bill makes it competent for either House to do so; but it will confer on either House the right, not to pass a general Resolution for a general purpose, but if it should think fit to pass in a specified case a Resolution for that specific purpose. Beyond that the provision does not go, and it only enables the House, when they think fit, to do that by Resolution which they cannot do without an Act of Parliament, and which is strictly limited and defined by the terms of the Act of Parliament itself. My noble Friend (Lord Redesdale) said, do you not believe that this will not practically be introducing the Jew equally to the Houses of Lords and Commons, and that your Lordships will find it necessary to pass a Resolution dispensing that privilege in his favour? Now, I look upon it in rather an opposite light. I look upon it as placing an obstacle in the way of the prerogative of the Crown, and that it will be a moral restraint on the prerogative of the Crown to create a Jew Peer, if it be known by the law that a Jew, when so created a Peer, cannot take his seat in your Lordships' House. My noble Friend's proposition comes substantially to this—that by Act of Parliament a Jew can be admitted to the House of Commons, and excluded from the House of Lords. I do not see how such an Act of Parliament could be maintained; but I do not see that your Lordships abandon in this case the views you have entertained, and which, in your own judgment, lead you to the conclusion that it is not desirable or advantageous that the Jew should exercise the right of sitting and voting in Parliament, either in this or in the other House; but what you do virtually is this, you say to the House of Commons, "We retain our opinions, and we send you our reasons for retaining them, and why we object to the sitting of Jews in Parliament; but notwithstanding, in deference to your long and frequently expressed opinion, a difference of opinion fortified by increasing majorities during a period of ten years, and during five successive Parliaments, while we distinctly admit that the main question has never been distinctly put to the constituencies of the country, and while we cannot tell whether those constituencies do agree with the House of Commons or not. Nevertheless, if you think it fit that the law shall be altered and altered in this particular only, we will concur in an Act of Parliament to dispense with the operation in the law in this particular instance." My noble Friend objects to the power given to the House of Commons of dispensing with the law by Resolution. But I will refer to the known effect of a Resolution of the House of Commons in effecting a suspension of the law. There is no law to prevent your Lordships voting for a Member to serve in Parliament. The law says that any person, being possessed of certain qualifications, shall have a right to vote for the election of a Member of Parliament; and what is there that prevents your Lordships from voting? I believe that no returning officer could refuse to receive your vote.

LORD CAMPBELL: A Peer has no right to vote, by the common law of England, for the election of Members of the House of Commons.

THE EARL OF DERBY: I certainly must say, that while I receive with great respect, it is also with great surprise, that opinion of the noble and learned Lord. I certainly was of opinion that there was no law to that effect, and that that which alone prevented a Peer's vote from being received before the House of Commons was a Resolution of the House of Commons itself.

LORD CAMPBELL: The Resolution only declares the common law.

THE EARL OF DERBY: I certainly should bow with deference to the experienced legal opinion of the noble and learned Lord, if I had not heard strong expressions of dissent from another noble and learned Lord (Lord Lyndhurst); but when such eminent legal doctors differ, who amongst us shall decide? But now, with regard to the difference between proceeding by Act of Parliament and by Resolution, there is this very broad and prominent difference and distinction. If you proceed by Act of Parliament you give to the Jew the absolute right of sitting in the House of Commons. If you proceed, as proposed by the present Bill, retaining your objections and the reasons why you think it unadvisable, but at the same time deferring, I will not say to the authority, but to the opinion of the House of Commons—if you permit them to pass a Resolution allowing the Jew to enter that House, and that House only, by the omission of certain words required by law, the Resolution is only good and valid so long as it remains unrescinded by the House of Commons, and the Resolution is only good and valid during the Parliament that passes the Resolution. Consequently, if upon an

appeal to the constituencies at large there should be a strong feeling against the admission of Members of the Jewish persuasion to serve in Parliament, that opinion so signified by such constituencies would have the effect of rescinding the Resolution if at the wish of the House of Commons; whereas nothing short of an Act of Parliament would have the effect of rescinding an Act for the Admission of Jews, either into this or the other House. I consider, therefore, that the mode of proceeding by Resolution, limited and defined as it is by the Act of Parliament which confers the power to pass Resolutions, has this advantage—that it leaves it optional to the House of Commons to pass or not to pass it; and moreover that it leaves the whole subject open for the consideration of the constituencies at a general election, and whether a future House of Commons should confirm the judgment of the present, or consider that the vote should be rescinded. After a general election, if the attention of the country and the constituencies is directed towards the specific point, which I have no doubt it would be, then the opinion of the House of Commons may really be taken to be the exponent of the opinions of the country on the subject. If that opinion should be favourable to the admission of the Jews, that Resolution would of course be confirmed, but if adverse would be rescinded. The result will be, that the House of Commons will not avail themselves of the liberty given them by the Act of Parliament, but the Act itself, the law of the land, excluding Jews from sitting in this or the other House, will remain unaltered; the only exceptional permission given to the House of Commons will fall to the ground, and the law will remain as it stands. For these reasons, and consistently, I think, with the view your Lordships have taken of the subject, and with the objections you still continue to entertain to the admissions of Jews into Parliament, combined at the same time with your Lordships' desise to meet the wishes of the House of Commons and to enable them to act with regard to their own judgment in reference to their own House, I think the course suggested by my noble and gallant Friend is one that, better than any other, meets the difficulty—I will not say altogether satisfactorily, and I do trust that your Lordships will assent to sending these Bills down together, as inseparably connected, to the other House, and in order that this much-vexed question may be brought to a final and satisfactory termination.

LORD CAMPBELL rejoiced in the prospect of seeing this long-vexed and agitated question brought to a conclusion. In reference to what had been said on the subject of the authority of Resolutions passed by either House, he had to observe that the Resolutions of neither House of Parliament altered or affected the law of the land. The Resolutions of the House of Lords or of the House of Commons affecting to alter the law of the land would, in Westminster Hall, be regarded as so much waste paper. It was not by Resolution of the House of Commons that Peers were prevented from voting for representatives in the House of Commons, but it had been an ancient, immemorial law of England that Peers sat in their own right in their own House, and had no privilege whatsoever to vote for Members to sit in the other House of Parliament. Since the Reform Bill passed Peers had frequently sought to register their votes for the election of Members of the House of Commons; but the revising barristers had invariably and most properly refused to allow them. Such Resolutions would be regarded as nonentities, and, whatever the consequences, he should, in his capacity as judge, direct a jury to give their verdict totally apart from such Resolutions. He would submit to their Lordships whether it would not be better that their Lordships should pass the Bill of the noble and gallant Earl with the Amendments suggested by the noble Earl (the Earl of Derby), and allow the other Bill to fall into oblivion. Otherwise he did not see how Reasons were to be framed consistently with the dignity of the House for rejecting the Bill of the Commons while they agreed to the Bill of the noble and gallant Earl. The abjuration oath would still have to be administered in the other House; but it would only be for a very short time. He believed, after all that had been said, that the proper course would be simply to repeal the oath of abjuration. That oath was agreed to late in the reign of William III. It was not introduced at the time of the Revolution, and its object was to protect the reigning Monarch against the family of the new Pretender. There was no such family at present in existence, and all classes looked with loyalty and admiration to the dynasty now upon the throne.

LORD LYNDHURST said, it did not clearly appear what the Amendments of

the noble Earl were to be; but he supposed they would be printed, and that there would be an opportunity of considering them at a future period. As far as he understood the Amendments, they would make the Bill resemble the measure which at the suggestion of his noble Friend the Earl of Derby he had himself laid upon the table. He believed that the clauses would be in substance precisely the same, and that there was no difference between the course he had proposed upon the suggestion of his noble Friend and that which the noble Earl now himself proposed to take. He could not conceive that his noble and gallant Friend could be the author of this Bill, because he would have gone straight to the mark, instead of approaching it in so circuitous and involved a manner; it was clear that the noble and gallant Earl had consulted some professional adviser—some gentleman accustomed to be paid according to the number of words. Their Lordships might have supposed that this gentleman before he drew the clause referring to the oath of abjuration would have looked to that oath. When he was taking certain words out of the oath, leaving a residue to be sworn to, the party who dictated the words to be taken ought to have been accurate. The clause appeared to be very precise, because the word "and" was struck out. It enacted that any person professing the Jewish religion might omit the words "and I make this declaration upon the true faith of a Christian." After these words were struck out the rest might be sworn to. But these words to be struck out were not in the oath of abjuration. The professional person whom the noble and gallant Earl had consulted had not taken the trouble to read the oath of abjuration, but had taken the words of the oath from the Bill of the House of Commons, and that was the ground of the blunder he had committed. He had looked through the Bill with considerable care, and he was convinced that the gentleman who drew the Bill of the noble and gallant Earl was paid for the words in every instrument he drew. He advised the noble and gallant Earl to amend the clause by striking out the unnecessary rubbish, and by making the recital of the words of the oath of abjuration correspond with the oath itself. He had thought it his duty to point out these objections to his noble and gallant Friend's Bill; and he was sure his noble and gallant Friend, so far from being offended, would take in good part what he had said, as he could not have been the author of a Bill so illegally and so improperly framed.

THE EARL OF LUCAN thought it would have been more regular if his noble and learned Friend had allowed the Bill to go into Committee, and then proposed the alterations which he had pointed out. He would ask the House to go into Committee merely *pro forma*, in order that the Amendments to be introduced might be printed, and the Bill re-committed on a future day.

Motion *agreed to*; House in Committee accordingly; Bill *reported*, without amendment; Amendments made; and Bill *re-committed* to a Committee of the Whole House on Thursday next.

LORD LYNDHURST stated that he would postpone his Bill *sine die*.

House adjourned at a quarter past Eight o'Clock till To-morrow, half-past Ten o'Clock.

HOUSE OF COMMONS,

Monday, July 5, 1858.

MINUTES.] NEW MEMBER SWORN—for Norfolk (Eastern Division), Hon. Wenman Clarence Walpole Coke.

PUBLIC BILLS.—2° Judgments (Ireland) Act Amendment; Police (Scotland) Act Amendment; Lunatics (Scotland) Act Amendment; Admiralty Court.

3° Four Courts (Dublin) Extension.

QUEEN'S COLLEGE, IRELAND.
QUESTION.

MR. FAGAN said, he would beg to inquire of the noble Lord the Chief Secretary for Ireland, whether the Report of the Commissioners appointed to inquire into the state and condition of the Queen's Colleges, will be laid on the table of the House during the present Session.

Lord NAAS said, he had every reason to hope that the Report of the Commissioners appointed to inquire into the state of the Queen's Colleges in Ireland would be laid on the table before the end of the Session. From what he had heard, however, he was afraid it would be impossible to do so till almost the close of the Session.

ST. JAMES'S PARK.—QUESTION.

MAJOR SIBTHORP said, he would beg to ask the First Commissioner of Works, whether (in the event of there being no valid objection) he would take

early steps for promoting the convenience of the public, by permitting private carriages and public cabs, under the same restrictions as are now in force between the Marlborough and Buckingham Palace Gates, to go through St. James's Park, and out at the south-eastern gate, near Storey's Gate, into the Birdcage Walk?

LORD JOHN MANNERS said, he had no power to allow carriages to pass through the park in the way suggested; and if the hon. and gallant Gentleman asked his opinion on the subject, he should say that to afford any additional facilities for traffic would be contrary to the opinion of the Select Committee which had sat to inquire into the matter.

GUANO IN THE KOORIA MOORIA ISLANDS.—QUESTION.

MR. SCOTT said, he wished to ask the Secretary of State for the Colonies whether any recent communication has been received by Her Majesty's Government on the subject of Guano on the Kooria Mooria Islands; and whether there is any objection to lay on the Table of the House the Papers relating thereto, in continuation of those presented in August last?

SIR BULWER LYTTON said, that there was no objection whatever to produce all the correspondence which had taken place.

GOVERNMENT OF INDIA (No. 3) BILL. COMMITTEE.

Order for Committee read.

House in Committee.

Clause 33 (Regulations to be made for admitting Persons to be examined for Cadetships in Engineers and Artillery).

MR. MONSELL observed, that the noble Lord had introduced into this Bill the principle of open competition for the cadetships in the Artillery and Engineering service. He supposed by that that the noble Lord meant competition for admission to Addiscombe, and not directly into the ranks of the scientific corps, as the mere possession of theoretical knowledge was not sufficient to make a young man a good officer. He must go through a practical course of training. At present two-fifths of the students at Addiscombe were admitted by nomination. He suggested the insertion of some words in the clause which should make it clear that in future all the admissions to that College would be by open competition.

LORD STANLEY said, he understood that this question was only raised in order to obtain from the Government an explanation of the course which they desired to pursue. It was not accidental that the clause contained no special reference to Addiscombe. The Government thought they had better not pledge themselves to any particular plan of carrying out the principle, and, therefore, their object in drawing the clause was merely to lay down the general principle, leaving the details to be settled afterwards. He was quite ready to assent to the principle laid down by the hon. Member, that it was desirable that these cadets should receive instruction in the Military College in the details of the services before they received admission into the corps. From everything he knew or had heard of Addiscombe, he believed it was an institution which had admirably answered its purpose; no fault whatever was to be found with its management, and he should be sorry to do anything to impair its efficiency. He did not see any objection to the admissions being partly by nomination and partly by competition; but he thought it would be better to leave the details in the hands of the executive rather than to tie their hands by any fixed rules.

SIR FRANCIS BARING expressed his satisfaction at the adoption of the principle of open competition; but he feared that the effect of the clause as it stood would be to separate the Engineers and Artillery departments from the College of Addiscombe,

Clause read 2°.

Clause 34 (One-tenth of Persons recommended for Military Cadetships to be selected from Sons of Persons who have served in India).

MR. BLACKBURN thought the adoption of the principle of hereditary right in such matters was very objectionable. It tended to create a privileged class, and was founded on a sentimental notion. If it was good for India it must be equally good for this country.

MR. MONCKTON MILNES said, that the principle was already applied to the appointments in the Excise. But he did not think it a good principle, and thought that they could not have a better sytem than that which existed at Addiscombe under the present arrangement, which it was now proposed to alter. He hoped that, at all events, the system in the Artillery and Engineers at Addiscombe would be maintained.

COLONEL SYKES understood, that by this clause one-tenth part of the patronage allotted to the future Government of India was to be distributed among the sons of old officers of the Indian service. Such a system had frequently been attempted, and a wish had always been expressed in the Court of Directors that the claims which Indian officers had upon the State for past services should, as far as possible, be recognised by the means of appointments for their children; but, in practice, they were invariably at a loss to determine the exact proportion in which those appointments should be allotted. They had discussed the matter over and over again, but had always been obliged to give it up. During the last eighteen years, from 1840 to 1857 inclusive, the total number of military appointments was 5,477. How had they been distributed? Why, among the sons of military, medical, and marine officers, the sons of chaplains in the East India Company's service and of the civil servants, 1,865 had been given, or two-fifths of the whole; 717 to the sons of Royal officers, 580 to the sons of clergymen, and 2,315 to the sons of professional men belonging to the middle classes. None of those appointments could be traced in the smallest degree to political motives; but the Directors, in making them, had been animated solely by the public good. He recommended the noble Lord to leave out the clause altogether, as being unnecessary.

MR. VERNON SMITH hoped that the clause would be retained, as he thought it established a very good distribution of patronage. But everything depended upon the manner in which it was carried out. The hon. Member for Aberdeen (Colonel Sykes) took credit for the distribution of patronage by the Court of Directors. Now it was natural that the Company should give appointments to the sons of their old friends, and they had no more right to claim credit on that account than he should have for giving appointments as President of the Board of Control to the sons of Members of Parliament. That connection now ceased, and therefore some such clause was necessary; but a provision should be introduced, making the appointments to depend on the distinction of the officers whose sons were applicants. Care should be taken to prevent the appointment from becoming hereditary.

SIR EDWARD COLEBROOKE said, that great disadvantage arose under the present system from want of some person to whom distinguished officers could apply specially for appointments. He was glad that a fund was established under the Bill by which distinguished officers would be assisted in their application.

SIR FREDERICK SMITH hoped the clause would be maintained as it stood, because it would enable the Secretary of State to reward deserving officers, whether they had acquired distinction in the field or in quarters.

SIR HENRY RAWLINSON thought the clause was one of a most beneficial character.

COLONEL SYKES said, it appeared to him most difficult to carry out this clause. About one-half of his appointments had been given to the sons of officers, and they proved themselves most competent for the duties imposed on them.

LORD STANLEY thought it was an exaggeration to suppose that this clause was introducing any dangerous principle into the administration by the adoption of this clause. They should remember that only about one-tenth of the whole number entered into this competition, and that proportion was so small as hardly to affect the general character of the service. He could not see any difficulty that could arise under this clause, except that the number of deserving claimants might be greater than the number of appointments. But that was a difficulty that had occurred in many cases. If any case of doubt or difficulty arose, there was nothing in the clause to prevent the expedient being resorted to of establishing a limited competition amongst those who were considered otherwise deserving. He thought the principle of the clause was very intelligible. No doubt the claims of the Indian civil and military servants had been fairly recognized; but it was one thing to go and ask for an appointment in the shape of a private favour, and another to go to a public body and seek for a recompense for services publicly performed.

MR. BLACKBURN thought the principle involved in the clause of a highly dangerous character.

SIR EDWARD COLEBROOKE suggested the introduction of the words, "who have served with distinction."

THE CHANCELLOR OF THE EXCHEQUER said, it appeared to him that the word, "with distinction," might limit the application of the clause, so as to do injustice to individuals, by preventing the clause operating in cases where it was obviously intended to apply. A case of merit might occur which would not come under the de-

nomination of "distinction." A difference might be made between "merit" and distinction," which would create much difficulty. He thought they ought to leave the clause as it stood, and allow a certain discretion to the Council.

In reply to Mr. VERNON SMITH,

LORD STANLEY stated that the persons to be admitted under this clause would not come in upon easier terms than those to be appointed by nomination.

Clause *agreed to.*

LORD STANLEY proposed the following new clause as Clause 35 :—

"Except as aforesaid, all persons to be recommended for Military Cadetships shall be nominated by the Secretary of State and Members of Council, so that out of seventeen nominations the Secretary of State shall have two, and each Member of Council shall have one ; but no person so nominated shall be recommended unless the nomination be approved of by the Secretary of State in Council.

Clause brought up and read the first time.

SIR ERSKINE PERRY moved as an Amendment the rejection of the clause. He concurred with the right hon. Baronet the Member for Carlisle (Sir James Graham), that nothing was so mischievous as giving patronage as a portion of the remuneration of the Members of the Council. He objected to the clause because it would leave the patronage virtually in the hands of the Minister for India. He might be asked what course he himself proposed for the distribution of patronage ; but he did not think it incumbent on a private Member who objected to a proposition to bring forward a scheme himself. He felt more satisfied, however, that if cadetships were distributed amongst the great schools of the United Kingdom, they would get excellent men for the service. Why did not the Government adopt the principle of competition ? Competition had produced some very good officers for the service, and one of the best armies in the world, the French army, obtained two-thirds of its officers by means of competition, and one-third were appointed from the ranks. He would rather see patronage in the hands of the Minister, even, than in the hands of the Council.

LORD STANLEY said, the great principle involved in this clause had been already discussed. There were three modes in which patronage might be disposed of. One was by competition ; another was that part which was not disposed of by competition might be given to the Minister alone ; and a third mode was that which the Government proposed—namely, of dividing it between the Minister and the Council. He confessed he was very favourable to the principle of competition, believing that it had answered well as far as it had been tried ; but at the same time it should be recollected that it was but an experiment, and when they were throwing open the whole scientific branches of the army, he thought that they were giving that principle every fair play. As to the suggestion of giving a portion of this patronage to the public schools, no doubt that would be very satisfactory to that portion of society who sent their sons to public schools ; but he was afraid that such a proceeding would give rise to great complaints from classes who were unable to compete with the wealthy classes in obtaining the advantages of these schools, though they give their sons a good education elsewhere. As to leaving the patronage in the hands of the Minister, his objection to that was, that from the extent of the patronage it would be an enormous labour to distribute it properly. It would be very difficult, also, for any Minister to avoid disposing of part of his patronage on political grounds when he had such an enormous amount of it. But, setting aside the question as to the political use of the patronage, he did not think it possible for any Minister charged with the responsibility of distributing this patronage to investigate every case properly. There were, he understood, above 100 of these cadetships to be disposed of every year. He thought that the patronage would be better bestowed when divided among fifteen or sixteen persons than if it were all placed in the hands of one person. There had been many suggestions as to disposing of the patronage by competition, though he had not heard until to-day any proposal to deposit it in the hands of the Minister alone. If it were left in the hands of the Minister it would involve an enormous amount of labour on his part. It would, too, be difficult for any Minister, subject to the ordinary influences that beset a Member of that House, to avoid disposing of some part of this patronage on political grounds. He thought it scarcely possible for any Minister charged with the responsibility of distributing the whole of this patronage to investigate properly every case that came before him in the year. Until to-day he had not heard any suggestion made of giving to the Minister all the patronage.

SIR HENRY RAWLINSON, the last sentence of the clause seemed to provide

two references to the Council; but he could not see why nomination as well as recommendation should be given to the Council.

LORD STANLEY thought the meaning of the clause plain; the recommendation was placed in the hands of individual Members, but there was to be a check on improper nomination by every appointment being brought before the whole Council.

MR. LOWE said, he would not oppose this clause were he not convinced that the vesting of the patronage of cadetships in the Indian Council was the very worst mode in which it could be distributed. It was proposed to vest the patronage in the hands of those persons who were to govern India; and the evil was, that by giving them this patronage they would give them a direct private and individual interest which might be in contravention of the public weal. Although he believed the gentlemen who might be appointed members of the Council would administer the patronage as well and as honourably as any private gentlemen, yet, under such an arrangement as the clause proposed, it was impossible that they could stand indifferent between the various branches of the Indian service; for they would have a direct interest in increasing the numbers and emoluments of the military force at the expense of the civil service. The shameful state of the administration of law and justice in the East India Company's territories was well known, and was attributable to the circumstance that had a judicial service been established there would have been a considerable diminution of the civil patronage of the Directors. The Company had enjoyed the patronage of cadetships in the Native army, but they could not confer commissions in the Queen's regiments serving in India; and the consequence was that, whenever new territories had been added to the Company's dominions, the Native army had been increased instead of additions having been made to the Queen's army. He believed that if there was one cause which had contributed more than another to the mutiny in India, it had been the enormous increase of the Native army, because the patronage attached to it was in the hands of the Company. The regular cavalry, which every one knew was very inefficient, had been kept up, while any increase of the irregular cavalry, a most valuable branch of the service, had been discouraged, because the former force afforded the greatest amount of patronage. They proposed to appoint the Members of Council for life, and yet to give them retiring pensions in order to get rid of the evil of appointments for life, and now they were going to contradict themselves again. If a man's health failed, and he wished to retire, and it was for the good of the service that he should retire, yet he would, if he had this patronage, be induced to remain a little longer for the benefit of his children and his grandchildren. There was no plan which they could suggest of giving away this patronage which would not be better than this. He thought the plan of giving away the patronage by competition would be an admirable one. They could have competition on points of strength and agility as well as other things. Would this not be better than leaving the matter to blind chance—for who ever heard of a young gentleman getting a cadetship because he deserved it? If they had not competition, they might sell the appointments, for even that would be better than the present system; and the produce of the sales would prove a very acceptable relief to the Indian Exchequer. The result of the present proposal would be that they would have a competitive civil service and a patronage military service, and that all the feelings and sympathies of the governing body of India would be in favour of that service in which they exercised patronage.

SIR FREDERICK SMITH thought the right hon. Gentleman had made a most unjust observation in stating that, if the officers of the Indian army had not been badly selected, the Indian mutiny would not have occurred.

MR. LOWE explained, that he had contended that if it had not been the interest of the Company to increase the Native army to such an extent, that army would not have felt its own strength.

SIR FREDERICK SMITH thought that there was no danger of too great a number of officers being appointed. It seemed to be assumed that no examination was passed at present, but the fact was that the cadets underwent a very good examination. The right hon. Gentleman said that this proposed system was the very worst that could be adopted, but he had not given them a better. He assured the House that the young men who went out to India went as well prepared as possible. As to competition, they did

not find gentlemen engaged in commerce choose their servants by competition. He doubted whether the system would last long.

COLONEL SYKES observed, that the right hon. Gentleman (Mr. Lowe) would learn with some surprise that, in spite of his allegation that the desire of patronage on the part of the Directors had led to the increase of the Native army, that army was now numerically much larger than when the mutiny commenced.

Question put, "That the Clause be read a second time."

The Committee *divided*:—Ayes 165; Noes 91: Majority 74.

Clause *agreed to*; as were two other new Clauses.

MR. ELLIOT then proposed a clause directed to the object of keeping the proportion between the nominated and elected Members the same as at first. It was clear that if they commenced with eight nominated and seven elected Members, yet this proportion would not be kept up under the present provisions of the Bill unless alternate vacancies occurred in the portions of the Council filled up by nomination and by election. He proposed by his clause to enact that in order to secure this vacancies that occurred in the nominated portion of the Council should be filled up by nomination, and those in the elected portion by election.

LORD STANLEY said, that the hon. Gentleman attached more importance than he (Lord Stanley) did to the maintenance of the exact present proportion at all times between the two clauses who were represented in the Council. The numbers would be at first eight to seven. When the time arrived that all appointed at the outset, whether nominated or elected, should have died off, then the appointments would be alternately by election and nomination; the number of elected and nominated Members would be alternately seven and eight and eight and seven, and the balance would, therefore, ultimately be as nearly equal as possible between the two. It was only in the intervening period that any inequality could arise, and during that time there was just as much chance of the elected Members obtaining a superiority over the nominated ones as of the nominated Members obtaining a superiority over those who were elected. The objection which he entertained to the proposition was, that it would be the means of perpetuating the distinction between the nominated and elected Members, which it seemed to him important should terminate as soon as possible in a body of this kind.

MR. VERNON SMITH said, that he believed the intention of the Government and the House was that there should be eight nominated and seven elected Members. It was, as he understood, the proposition of the hon. Member to maintain that proportion. He could not see why, if the proportion was a proper one at first, it should not be maintained.

MR. ELLIOT said, that the first elected Member that died would cause the numbers to become nine and six, which would be contrary to the intentions of Parliament.

SIR FREDERICK SMITH said, that the second election would neutralize the inequality pointed out by the hon. Member.

LORD JOHN RUSSELL could not see that there would be anything invidious in a Member of Council being appointed by the Crown to fill a vacancy caused by the death of a nominated Member, or on the other hand, being elected to fill a vacancy caused by the death of an elected Member. He did not, therefore, see any objection to the proposition of his hon. Friend.

Clause *negatived*.

MR. CAMPBELL then moved the addition of the following clause:—

"That, with a view to enabling the Secretary of State for War and the Commander in Chief of the army for the time being to have proper cognisance of the constitution and organization of our army in India, they are hereby appointed *ex officio* Members of the Council for India. 1. That in transferring the forces of the East India Company to the Crown, and with a view to avoid a double government of the army, the organization, discipline, and control be under the Secretary of State for War and the Horse Guards, in like manner as the existing colonial service of Her Majesty, preserving to such forces all existing rights in reference to pay and allowances. 2. That all first commissions in the army shall be open to public competition, subject to such an examination as the Secretary of State for War shall direct, reserving one-fourth part of such appointments to the sons of persons who have been employed in the military service of the Crown or of the East India Company: that the remaining three-fourth parts be sold at the rate of £400 for each infantry ensigncy or engineer or artillery second lieutenancy, and £500 for each cavalry cornetcy; that this purchase money be received by the State and formed into a retiring fund, having for its objects further efficiency in the service by facilitating early retirement; that these commissions be gazetted in the same manner as all Queen's commissions

now are, being, in the first instance, recommended by the Secretary of State for India."

LORD STANLEY said, that if the Commander in Chief and the Secretary of State for War were appointed members of the Council, that must be done with a view to place the army of India under their control in the same way as was the army in the Colonies. That at once opened and decided the relation between the army in India for local and the army for general purposes. A more difficult question he did not know, and he should be sorry at the present moment to pronounce a decided opinion upon it. It had been already stated that it was the intention of the Government to refer the question of the re-organization of the Indian army to a Commission which would sit during the recess. He hoped that the result of these inquiries would be before the public next Session, and then, but not until then, it would be desirable to enter upon the full consideration of this subject. In the meantime, he thought the Committee would not be prepared to sanction a proposal to transfer the Indian army to the War Department and the Horse Guards without a fuller inquiry than had yet taken place. He could not assent to the proposed clause.

MR. VERNON SMITH asked if the noble Lord would have any objection to lay on the table of the House before Parliament was prorogued a copy of the Commission directed to the Commissioners for inquiring into the reorganization of the Indian army?

LORD STANLEY said, that before that time he would take an opportunity to give some explanation of the subject into which the Commission would have to inquire.

Clause *negatived.*

MR. FAGAN then proposed the addition of the following Clause:—

"Whereas by an Act passed in the 37th year of the reign of King George III., chapter 140, it was provided that from and after the passing of that Act no British subject should by himself, or by any other person employed by him, lend, or be concerned in lending, any money to any Native Prince in India; and whereas certain claims against the revenues of the kingdom of Oude in British India, for money advanced by British subjects whose representatives are in England, previous to the passing of that Act, to Nabob Asuf-Ood-Dowlah, the then sovereign of Oude, for the purposes of his government, are still outstanding; and whereas the kingdom of Oude was on the 1st of January, 1856, annexed to the territories of the East India Companies, and it is expedient that such claims should be investigated and adjusted: be it enacted, that it shall be lawful for the Council by and with the consent in writing of the person or persons making any such claim as aforesaid, to refer any such claim to the auditor of the accounts of the Council, or other person or persons to be from time to time appointed by the Council, with the approval of the claimant for that purpose, and to direct such referee or referees to investigate such claim and all matters relating thereto; and such referee or referees shall have power to examine any person in Great Britain, who shall appear before him or them in support of such claim, and any person or persons who shall be tendered by or on behalf of such claimant for that purpose, and also any officers and servants in Great Britain of the Council, as he or they may see fit, in relation thereto, and for such purpose, by writing under his or their hand or hands, to summon before him or them any such person or persons, officer, or servants, and also by writing under his or their hand or hands, to require the production of any accounts, books, papers, and documents in Great Britain, relating to such claim, in the possession or power of the said claimant, or of any other person or persons indicated by him, and also any books, papers, and documents in Great Britain, relating to such claim, in the possession or power of the said Council, their officers or servants; and such referee or referees shall report to the Secretary of State his opinion as to the justice and propriety of such claim, with such remarks and observations in relation thereto as he may think fit, and the Secretary of State shall thereupon make such order therein as to him shall seem just and proper, and such order shall be binding and conclusive upon the person or persons making such claim as aforesaid, and upon all persons claiming through or under him or them,"

He should not have brought forward this clause if he did not believe in the justice of the claims referred to in it. The claim to which he particularly referred was that of Colonel Frith of the Bengal Artillery. It was a claim arising out of the military service of the Company, and by which the East India Company had chiefly benefited. By a treaty signed in 1781 the East India Company undertook to withdraw their own troops from Oude, and to permit the then Vizier of Oude to garrison the country with his own troops, but commanded by a British officer appointed by the Governor General. Colonel Frith received that appointment at a time when the revenues of Oude were in a dilapidated condition. Under these circumstances Colonel Frith, at the instigation of the English Resident at Lucknow, pledged his credit to raise a sum to pay the troops he commanded. In two years £30,000 was admitted by the Resident at Lucknow to be due to Colonel Frith on account of those advances; and this liability was admitted by the Vizier, who gave the Colonel a lien upon the revenues of Oude. There could, therefore, be no doubt of the debt being due. In twelve months after the giving of this lien

Colonel Frith was paid £10,000 pounds, and an attempt was made to induce him to settle the remainder of his claim for a wholly inadequate sum. He declined. The then Vizier of Oude died. The regular order of succession was interrupted, and a person whom the East India Company preferred to the heir was raised to the musnud. When he ascended the throne a treaty was signed by which the new Vizier promised to pay the debts of his predecessor. But in the following year that treaty was abrogated. Another was signed, in which the East India Company released the Vizier from the liability to pay his predecessor's debts, and, at the same time, acquired half his territory. He (Mr. Fagan) contended that after thus releasing the Vizier from the liability to pay his predecessor's debts, and at the same time seizing upon a large portion of his territory, the East India Company became morally bound to repay Colonel Frith the advances which he had made to the previous Vizier. The question was whether the tribunal for the settlement of such claims should be the House of Commons, or some authority directly under the Secretary of State. He thought there was great inconvenience in making the House of Commons the tribunal, and, therefore, he made the proposition embodied in the clause.

LORD STANLEY said, he thought it would be the opinion of the Committee that it would not be desirable for him to go into the details of the question which the hon. Member for Cork had brought under the notice of the Committee. The case was one of very long standing, and one, he (Lord Stanley) believed, of some hardship. It had more than once been debated in that House; but it would be impossible to do justice on either side, unless it were gone into at considerable length. He was quite ready to admit that which he thought would be sufficient for present purposes—namely, that there were various claims, some of which were undoubtedly valid, against the former Government of Oude, and that the transfer of the revenues of Oude to Great Britain did carry with it a liability for such debts of the former Government as were fairly and justly contracted. Following on that first admission must necessarily be the one that it was expedient such claims should be investigated. But then arose two further questions—first, in what manner, and before what tribunal, it was desirable to have them investigated; and next, whether it was desirable to insert anything in respect of their adjustment in the Bill then before the Committee? Now, though the settlement of such debts might be a very important subject, it was one which had no intimate connection with a Bill for the home administration of India. The two questions were in fact entirely unconnected; and he could not think it would be a convenient practice to insert in a Bill which related to one subject clauses which related to another and totally distinct subject. Again, it was quite clear that whatever tribunal it might be advisable to establish for the settlement of a claim such as that which the hon. Member for Cork had spoken of, ought not to be established for the trial of that single case, but should be one before which all cases of this nature might be conveniently and satisfactorily tried. A considerable number of persons had claims against the Government of Oude, and the greater number of these persons were Natives of India. Obviously, then, those claims could best be investigated by a Commission on the spot. Such a Commission it was proposed to appoint. That idea had been entertained by the Government of India, and would, he expected, be carried out without any great delay. Such a tribunal once appointed, to it must be referred all claims against the Government of Oude, whether made by Europeans or Natives; and he did not doubt that the party whose claims the hon. Member for Cork had advocated would be able to have justice done him without the intervention of an Act of Parliament. Under these circumstances, he (Lord Stanley) could not consent to the introduction of the clause proposed by the hon. Member.

MR. BRIGHT said, he had himself spoken several times on cases of this kind. He had heard, from the predecessors of the noble Lord, declarations, though not so explicit as that of the noble Lord, as to the necessity of a tribunal to try such cases. However, that tribunal had not been established; and the noble Lord had not pledged himself or his Government that it should be. He (Mr. Bright) did not think a Commission would be the most suitable tribunal—he rather thought it should be a tribunal composed of the Indian Judges. He was rather of opinion that the Government of India was afraid that if such a tribunal sat, the claims would be very numerous, and that very large sums of money would have to be re-

funded. He believed that the hon. Member for Cork would do well not to press his Motion, but he (Mr. Fagan) was entitled to a pledge on the part of the Government that such a tribunal should without delay be established. The noble Lord might introduce into the Bill then before the Committee a clause for the establishment of this tribunal.

MR. GLADSTONE rose for the purpose of preventing any inference that the case of those claimants on the old treasury of Oude was one in which great injustice had been done by the East India Company. He (Mr. Gladstone) was bound to express his belief that the claim brought forward by the hon. Member for Cork was not one to which the Government were bound to lend an ear. It was one which had been heard long ago, and resisted by the East India Company. He thought that the resistance of such claims was a most meritorious act on the part of the East India Company. He was averse to the revival of claims against the treasury of India which had been long ago urged, and which ought never to have been put forward.

MR. BRIGHT had passed no opinion as to the merits of the claim now before the Committee. He had confined himself to saying that there ought to be a tribunal to decide such claims.

MR. FAGAN said, that the right hon. Gentleman the Member for Oxford University seemed to have misunderstood the case which he had brought forward. The case which he had brought under the notice of the Committee was not one of that class to which the right hon. Gentleman referred.

SIR HENRY WILLOUGHBY agreed with the hon. Member for Birmingham (Mr. Bright) that there ought to be some tribunal to settle these claims.

Motion, by leave, *withdrawn*.

MR. GLADSTONE said, that he would propose the clause of which he had given notice on the bringing up of the Report.

MR. DANBY SEYMOUR said, he would take the same course in respect of his clause.

Remaining clauses were then *agreed to*.

The House resumed.

Bill *reported*; as amended, to be considered *To-morrow*, and to be printed.

UNIVERSITIES (SCOTLAND) BILL.
CONSIDERATION.

Order for Consideration, as amended, read.

COLONEL SYKES rose to move, pursuant to notice, "That the Provost, Magistrates, and Council of the City of Aberdeen be heard by themselves or by their Council, upon their Petition against the Bill." At present there were Faculties of Arts in the two Colleges of Aberdeen, the Marischal and King's. Now, very considerable endowments had been left to the former College, by private individuals, on the faith of its maintaining a faculty of Arts. However, one of the clauses of the Bill now before the House would defeat the expectations of the donors; and in the language of some of the petitioners whose petitions he had presented to that House, "confiscate the endowments." The clause to which he referred, was that which would deprive Marischal College of its classes in the faculty of Arts. This would violate the terms of the private endowments, and occasion great inconvenience to a large number of the citizens of Aberdeen. Many of the youth would have to go daily from New to Old Aberdeen. Formerly this would not, at the outside, involve a walk of more than a mile and a half; but that was before the growth of the city. Many of the students and fellows now live at a distance of nearly three miles from Old Aberdeen; and these gentlemen would be obliged to go and come that distance daily in order to attend the classes in the faculty of Arts. The Provost, Magistrates, and Town Council wanted that no undue advantage should arise to either College from this Bill. They approved of the general objects of the measure; but they disapproved of the suppression of the faculty of Arts in Marischal College. That they thought wrong; as did also all the great bodies in the north-east of Scotland. He had that day presented a petition from the aggregate representatives of all these bodies, in which they prayed the House not to sanction what they called "the confiscation of the endowments of Marischal College, Aberdeen." At a numerous meeting held in Aberdeen, and at which the heads of the principal bodies were present, as also graduates and students of King's College and Marischal College, Aberdeen, it was determined to resist, so far as the law would justify such resistance, the clause to which he was now more particularly directing the attention of the House. The learned Lord Advocate had, on a former occasion, spoken of this objection as a "local prejudice"—a local feeling. A noble Lord, (Lord Elcho) who had spent forty-eight hours in Aberdeen, represented

that the feeling was the other way. Was that to be believed after such a demonstration as the meeting to which he (Colonel Sykes) had just referred? A feeling manifested so generally, by so many different bodies, could scarcely be called a "local prejudice;" but even if it were, ought there not to be a concession to the wishes of so large a number, when such a concession could cause no wrong to any one? He felt that the petitioners were not asking too much. The learned Lord Advocate had cited authority in support of this clause; but was the opinion of the Gentleman to whom he had referred in support of the proposition to weigh against that of the whole north-east of Scotland? That part of Scotland was entitled to the highest consideration on the part of the learned Lord; and he would remind him of the old aphorism "that those who live in glass houses should not throw stones." He (Colonel Sykes) held in his hand the *Aberdeen Herald*. In one number of this paper he found the report of a meeting of the learned Lord's constituents, many of whom were graduates of King's College; and in that report he found it stated that those constituents elected him on the understanding that he was favourable to their views. That was on the 26th ult.; but there was another expression of the same sort in the paper of Saturday last, which stated that

> "All throughout it had been obvious that the main prompters of the Lord Advocate's firmness or obstinacy had been the professors of King's College. Forgetting the pledge given in his name to the great body of his constituents, the graduates of King's College, as Lord Rector, he had become the agent of the Senatus."

Now, he (Colonel Sykes) did not take upon himself to say whether this statement was true or false. It was not for him to determine whether or not such a pledge was given by the learned Lord when he was elected Provost; but there were the names of the parties who asserted that it had, and therefore he repeated that it behoved those who lived in glass houses not to throw stones. It was said, however, that the proposed measure was for the public good; that the limitation of the Faculty of Arts to King's College, Aberdeen, would occasion a great saving of money, and admit of improving the *status* of the remaining professors. But he was told that an arrangement could be made under which there would be no necessity for any additional expense as far as the Faculty of Arts in each College was concerned, and that the mere question of a Government grant would relate entirely to the establishment of the University or the governing body. If that were the case then he asked the learned Lord why he opposed himself to the universal wish of the people, when there would be no advantage to the public and no improvement in the statute of education in the north of Scotland? The graduates of the learned Lord's own College said to him, "we desire the Faculty of Arts to be preserved in Marischal College, because it will establish our honourable emulative rivalry, and will do the same good to education that is done in the College at Oxford, where one competes with the other, or at Cambridge as between St. John's and Trinity? Under these circumstances, therefore, he thought there was no occasion whatever for persevering in the clause to the extent which the learned Lord insisted upon. He came to the simple question whether the learned Lord and the Government would permit the Lord Provost, the Magistrates, and the Town Council of the City of Aberdeen to be heard at the bar of the House, that the House itself might hear from their lips or the lips of their Counsel, the real state of the case, which he feared he had so inadequately and imperfectly endeavoured to explain. In the hope that the Government would consider this point, he begged to move that the Provost, Magistrates, and Town Council of the City of Aberdeen be heard by Counsel at the bar of the House.

THE LORD ADVOCATE said, he thought his hon. and gallant Friend ought to have offered some explanation as to the legal right or legal difficulty upon which the House required instruction, that it could not obtain from members of its own body. So far as he had been able to follow the observations of his hon. and gallant Friend, they appeared to be nothing more than a repetition of the argument which he had already brought forward on the subject; and he (the Lord Advocate), appealed to the House whether that argument involved any legal question or difficulty at all; or whether it did not resolve itself entirely into a question of the expediency or inexpediency of that union of the two Colleges of Aberdeen which formed part of the present Bill. In discussing that question, he was sure it would be impossible to find in that House a more able advocate than his hon. and gallant Friend; and he was as certain that the opponents

of the measure would find none so zealous in promoting their cause—but he contended that no ground whatever had been laid for a Motion of this description. One word with regard to the observations which his hon. and gallant Friend had made respecting himself (the Lord Advocate) personally. Now, he thought his hon. and gallant Friend altogether misunderstood the information which had been put into his hands; and that the ancient proverb, which he had quoted, about people who lived in glass houses, did not at all apply. In the first place, he (the Lord Advocate) had never thrown stones at his hon. and gallant Friend, or anybody else, during the time he had been in office; and, in the second place, he begged to tell him that he did not live in a house of glass, if his hon. and gallant Friend meant by that he was liable to a charge of inconsistency. When he had the honour of being elected Lord Rector of the University of Aberdeen, he was asked his opinion upon the question of the union of the two Colleges; and, in reply, he stated that he had not turned his attention to the matter, except in a very cursory way; that his present impression was in favour of the union of the Universities, and the separation of the Colleges; but that opinion was formed without anything like an adequate consideration of the subject. That was a very distinct and at the same time, a very sincere expression of the opinion which he then entertained with the light he then possessed. He had occasion subsequently, however, to study the subject a great deal more maturely, with a view to be examined as a witness before the Commission appointed for the visitation of Aberdeen University; and then he came to an opposite conclusion, though not without some difficulty, as he had experienced in his evidence. Still in the end, he certainly did come very decidedly to an opposite conclusion, and he left it to his hon. and gallant Friend to say whether, having so come to an opposite conclusion, it was more honest to act on that conviction or pretend that he was of the same opinion still?

Motion made, and Question,

"That the Provost, Magistrates, and Council of the City of Aberdeen be heard by themselves or their Counsel upon their petition against the Bill," put, and *negatived*.

SIR W. DUNBAR moved the following clause:—

"In each University the Assessor to be nominated by the Rector, shall, in the absence of the Rector, be entitled to preside and vote in the University Court in like manner as the Rector, if present, might have done."

Clause brought up and read the first time.

THE LORD ADVOCATE said, that as the Bill stood, the clause was not at all necessary. He thought it better to leave the appointment of the President of the University Court in the absence of the Rector to the Court itself

MR. BUCHANAN said, that the fault of the University Court was that it was too small—in Edinburgh, consisting of only eight members, and in the other Universities of only seven. And when, moreover, they considered that the Rector, being generally a person who was chosen from among distinguished literary men, would be non-resident, it was highly important that some one should be appointed who was a constituent member of the Court to act in his stead. He would not have the Assessor, who was one of the Synod, but some person to act for the Rector in his absence, to be vested with his powers for the time being. He therefore highly approved of the clause proposed by his hon. Friend.

MR. DUNLOP said, he had given notice of a clause which proposed that the Rector should appoint a Vice Rector, who should in his absence exercise all the functions of Rector, and preside in the University Court. By way of Amendment to the clause of his hon. Friend, therefore, he would have to leave out the word "Assessor," and insert "Vice Rector, not being a Principal or Professor in any University." He was of opinion that it would scarcely be decorous for the Rector's Assessor to be elevated to the position of President over all the other members of the University Court, some of whom were his superiors in rank—and if they did not allow the Rector to appoint a Vice Rector who should preside in his absence, it would lead to this: that the Rector's voice would be practically lost in the University Court; or the students, when they had to elect a Rector, instead of choosing a man of eminence, who on account of his attainments and position would be an honour to the University, would look out for a man who resided on the spot, and would be able to attend and give his vote at the meetings of the Court. Any such result as that was most undesirable; and if the Rector had the power conferred upon him to ap-

point a Vice Rector, there could be no such object or motive in the election.

THE LORD ADVOCATE opposed both the clause of the hon. Member for Wigton (Sir W. Dunbar) and the Amendment of the hon. Member for Greenock (Mr. Dunlop). He objected to the latter that the Vice Rector would only be a conditional or contingent member of the Court, acting in the absence of the Rector, but disappearing altogether when the Rector happened to be present; in his opinion a most undignified and anomalous position for any gentleman to be placed in. It appeared to him also that either proposition would have the effect of throwing too much power into the hands of the Rector, who already possessed the right to nominate one Assessor; for his part, he thought that any member of the University Court was just as well qualified to preside in that Court as any other person, and that, therefore, it was much better for the Court itself to elect its own chairman in the absence of the Rector. The members of the Court were invariably the best judges of the person who was most competent to preside over them; and his objection to the proposals of both hon. Members was, that they would create an anomaly, and place the person proposed to be Vice Rector in a very singular and disagreeable position.

Motion made and Question proposed,—"That the said clause be read a second time," put, and *negatived*.

MR. DUNLOP moved the following clause:—

"Offices of Principal in Glasgow, Aberdeen, and Edinburgh not to be deemed 'Chairs in Theology.'"

The object of his clause was to remove the necessity which now existed for the Principals in certain Universities taking the test as members of the Established Church of Scotland. By an Act passed in 1853, a considerable change had been made in this respect. Up to that time it was necessary that every such Principal and Professor should make a declaration that the confession of faith of the Established Church was his confession of faith, and substantially that he submitted himself to the government and discipline of the Church of Scotland. In that year an Act was passed for regulating admission to lay chairs in the Universities of Scotland, which dispensed with the necessity of Principals and Professors making that declaration, and professing themselves members of the Established Church, and substituted for it a simple declaration that, in their teaching, they would not affirm anything which was contrary to the faith of the Established Church. That Act also contained a definition of what should constitute the theological chairs which were to be exempted from its operation, and the Professors of which were still to be bound to take the religious test. All the divinity chairs were expressly excepted, and the Principals of Edinburgh, Glasgow, King's College, Aberdeen, and St. Mary's College, St. Andrews. The latter college was entirely a theological institution and in that case the exception was certainly quite right. In regard to St. Leonard's College, St. Andrews, and Marischal College, Aberdeen, in which laymen might be Principals, the necessity of taking the test was discontinued; but the Principalships of Edinburgh, Glasgow, and King's College, Aberdeen, were declared to be theological chairs, and, as such, the parties holding them were bound to take the test. This was done on the assumption that the Principals of these Universities were Professors of Divinity; and it was quite true that at one time they were, and he believed that nominally they were so still; but in point of fact they had never taught Divinity. Under these circumstances, the Principals not being really and truly, but only nominally Professors of Divinity, the reasons for their exemption from the operation of the Act of 1853 were merely colourable; and it certainly was not reasonable or proper that the Principals of those Colleges should be confined to members of the Established Church, when there might be other Professors in the University who, from their character and eminence in the field of literature and science, were the most proper persons to be appointed to the office, but who could not now be appointed on account of some difference in their theological views, or their views regarding the discipline and government of the Church. Under the Act of 1853 there were at least two Principals who were exempt from the necessity of taking the religious test—the Principal of St. Leonard's and the Principal of Marischal; but the effect of the present Bill would be to merge the Principalship of Marischal College in the Principalship of King's. Now, the Principalship of King's was one of the offices which were exempted from the provisions of the Act, and, inasmuch as Marischal College was by the Bill to be merged in it, he took it that the Principal of the united College

must be subjected to the restriction which attached to the Principal of King's College—so that St. Leonard's College, St. Andrews, would be the only one hereafter exempted from the test. This, he contended, would be a most unjustifiable arrangement, and contrary to the reasons which had induced Parliament to pass the Act of 1853. He begged, therefore, to move the clause of which he had given notice.

Clause (Offices of Principal in Glasgow, Aberdeen, and Edinburgh not to be deemed "Chairs of Theology") *brought up*, and read the first time.

THE LORD ADVOCATE said, that he should oppose the clause. The whole question, as he considered, was settled by a compromise in the Act of 1853, the effect of which was to abolish by far the greater proportion of those tests which had existed from the very foundation of the University. That Act was certainly an arrangement between contending parties, and, as he thought, proceeded on very sound grounds. It was an arrangement in which he entirely concurred—namely, that every chair that could be properly and distinctly called a lay chair should be entirely exempted from those tests, or in other words, that it should not be indispensable that they should be taken by persons seeking to attain a chair; in fact, that candidates should not be compelled to take any religious test whatever. That Act also proceeded to define what were lay chairs, and what in all future time should be considered not lay chairs. There was an express clause in the Act to this effect—that the words "chairs of theology" should, for the purposes of the Act, be taken to be chairs of Biblical criticism, Church doctrine, &c., in any of the Universities or Colleges, and the office of Principal of the same should be filled by a theological professor, with the exception of Marischal College and the University College of St. Leonard's, so that the Principals in those two Colleges were to be principals of lay chairs, and on that footing the tests were abolished as regarded the lay chairs in Scotland. He should not have thought that his hon. Friend would have been the man to come forward, so soon after this arrangement, and propose to disturb it, unless some particular reasons induced him to take that course; and the only one which he (the Lord Advocate) could find was, that in the case of Aberdeen this difficulty was created, that whereas, formerly, there were two Colleges, the Principal of one of which held a lay chair, and the Principal of the other held a theological chair; those two colleges, being united by this Bill, his hon. and learned Friend assumed, though on what ground he knew not, that the Principal of the united University would necessarily be the holder of a theological chair. The hon. and learned Gentleman said that the Marischal College being added, as it were, to King's College, the Principal of the new University would necessarily come in the place of the present principal of King's College. He (the Lord Advocate) was quite at a loss to understand how his hon. and learned Friend arrived at that conclusion. In one sense both the Marischal College and King's College would be extinguished, in another, they would both be kept up; they would be equally merged and united into one University. What represented one would equally represent the other; and so far from adopting the construction put upon that merging into one University by his hon. and learned Friend, he should rather feel inclined to contend that the Principal of the United University would not be the holder of a theological chair, because he was not one of those provided for under the Act of 16 & 17 Victoria. However that might be, he thought that no sufficient reason had been alleged for disturbing the arrangement of 1853, and he could not help thinking that, if that arrangement were disturbed, it would give rise to much unpleasant discussion.

MR. DUNLOP could not exactly allow the interpretation of his reasons just given to be accepted of the House without explanation. No doubt what he had stated was to the difference between the chairs in Marischal and King's College, was a strong ground for the Motion he had made, but he was sorry he could not put the same construction upon the effect of the Bill of 1853, which had been put upon it by his right hon. and learned Friend. All the Principals of the Universities alluded to in this Bill held theological chairs, except the Principals of St. Leonard's and Marischal Colleges; and if the Principal of the United College was not to be the Principal of the Marischal College, it could not come within the exception mentioned in the Act. He denied that any arrangement had been made in 1853 of such a nature as to preclude him or any other hon. Member from coming forward with this Motion. He had made a similar Motion in 1853, when the Bill was in Committee; but when the

Minister turned round and said that they had agreed to make those two exceptions, he thought it better to take what they could get. He certainly assented to that arrangement, but he did not consider that it was to be a permanent settlement. He had always advocated this change, and as he saw a better chance of carrying it now, he should certainly press it. He believed that all parties thought that it would be a wise and liberal change, for the Professors in question were really nominal Professors of Theology, and did no duty as Professors of Divinity. The only effect of retaining the present system would be to exclude from the chairs as Principals of the University the very best men.

Motion made, and Question put, "That the said clause be now read a second time."

The House *divided*:—Ayes 82; Noes 58: Majority 24.

Clause read 2°, and *added*.

Mr. DUNLOP moved the following clause:—

"That from and after the passing of this Act, no distinction shall be recognised among the Professors of the University of Glasgow, but the whole Professors thereof admitted to Chairs heretofore established, or which may hereafter be established therein, shall be deemed to be, and shall be, Professors of the University and College of Glasgow, and shall all equally exercise the whole rights and functions which have heretofore been exercised by any portion of such Professors: Provided always, that no claim is hereby given to any participation in the income or emoluments already appropriated to existing Chairs in the said University and College."

For many years there has been a vast deal of heartburning among the Professors of the University of Glasgow, in consequence of there being a College of Glasgow, and a University of Glasgow, and the Professors being distinct—those who were Professors of the University, not being Professors of the College. Towards the latter part of the last century, the Crown appointed a considerable number of additional Professors who were received without objection, took their seats and participated in the administration of the property of the College. In the beginning of the present century, however, certain parties objected to the Crown Professors taking any part in the administration of that property, and a suit was instituted in which the Crown did not appear to defend its rights; the consequence was, that it was decided that they had no such right. Subsequently the attempt to exercise it occasioned great dissension which came under the notice of the Commissioners appointed to inquire into the condition of the University; both of whom reported that the distinction was most injurious, and might be put an end to. Instead, however, of seeking to procure the concurrence of the Legislature to the passing of a Bill in Parliament which would settle the matter, they had raised another suit five years ago, which was still pending, the previous decision being now challenged by the Crown. He thought that the continuance of such a state of things was most injurious to the University, and therefore he moved this clause for the purpose of doing away with the cause of so much dispute.

Mr. BLACKBURN could not agree to the clause. The truth was that there was in the University of Glasgow a College which had been endowed with property, which was of course divided among the professors and members of the College. Some sixty years ago, the Crown claimed the right for many additional Professors to participate in those endowments, but when the question came before the Court of Assizes, it decided against such right. It was held that the Crown had the right to appoint Professors of the University, but that it had no right to add any additional Professors to the College. The Professors of the College were appointed in the College, and divided amongst them its revenues; but the Professors belonging to the University, although they possessed all the other rights, had not the right of participating in the special property of the College. It might be disputed whether that was so, legally or not; but at all events, the question having been raised again, and its being for the law courts to decide what rights they possessed and what they did not, it would be quite contrary to the practice of Parliament to interfere by a Legislative enactment. As he understood the purport of this clause, it took away the property of the College and divided it among all the Professors of the University. If that was not the effect of it, he really could not tell what it was. He should suggest that the words "and College" be left out.

Mr. BUCHANAN said, that no part of the reform of the Scotch Universities was more important than that contemplated by the hon. Member for Greenock with respect to this matter. It had been shown that, in consequence of the discussions arising out of this distinction, proceedings of the most discreditable character had taken place. The University had divided itself into two parties, taking opposite

sides of this questions; and so bitter was the feeling that the members of different parties would scarcely condescend to meet each other. The course proposed by the hon. Member for Greenock was in exact accordance with the wishes and opinion of the people of Glasgow, who took the deepest interest in the University. Although, as was said, the question was still *sub judice*, it might be tied up for twenty years longer in the Scotch Courts and the House of Lords, and it was most important to the welfare of the University of Glasgow, that such a state of things should be put an end to altogether. He contended that the printed records of the University would show clearly that originally there never was any difference whatever between the University and the College; and the deeds which endowed them contained expressions that rendered it quite obvious that they were regarded as synonymous, the founders recognizing no such distinctions. He should, therefore, second the Motion of the hon. Member for Greenock.

THE LORD ADVOCATE said, that inasmuch, as the clause was not to interfere with existing rights, or with any emolument heretofore given, he had great pleasure in acceding to its introduction. He could not assent to any clause which interfered with existing rights, or the emoluments connected with the College, or which would have the effect of deciding by a single stroke of the pen a question upon which legal proceedings were pending. On the understanding, therefore, that the clause had reference to placing the Professors of the University and the College on precisely the same footing as respected all the functions and duties appertaining to the office, he gave it his cordial assent, and hoped that it would have the effect, concurrently with the equitable determination of the pecuniary rights of Professors, of putting an end to the heart-burnings complained of, perish all ill-feeling, and promote the interests of the University.

Clause *agreed to.*

On the Motion of Mr. BLACKBURN, it was agreed that the Chancellor of each University should have power to appoint a Vice Chancellor to discharge the duties of his office in his absence, so far as regards conferring degrees, but in no other respect.

MR. BUCHANAN proposed an Amendment on Clause 7, which relates to the election of the Lord Rector of the University by the students, the object of which was to give a vote in such election to the professors. He thought the Committee, in wholly confining the election to the students, had made a mistake. It was well known that in times of election discipline was relaxed, and more than usual license allowed. He thought that if the Professors presided over them on such occasions, and took part in the election, it would be conducive to good order.

MR. E. ELLICE thought that, considering the votes of the Professors would make little impression, from the smallness of the number, it would only be an unnecessary interference with the students, which would lead to no other result than that of creating ill feeling. If the election of the Rector was left to the students, that of the Chancellor was left to the Professors, so that there was no loss of influence by their not being permitted to interfere in the election of the Rector.

MR. DUNLOP also thought this an unnecessary Amendment. There must be a certain degree of license in carrying on an election, and the Professors had better take no part in it. They might make any regulation they pleased for the purpose of preserving order and the regularity of their proceedings, but the students ought to be left in full, free, and unfettered exercise of their electoral rights.

Amendment *negatived.*

THE LORD ADVOCATE then moved an Amendment, the effect of which was to make the Lord Provost of Edinburgh for the time being, one of the assessors of the University Court of the University of Edinburgh.

MR. STIRLING reminded the House of the petitions that had been presented upon this subject.

MR. BLACK was understood to say, that the people of Edinburgh were much excited upon this subject. He hoped that when they ascertained the real state of the case, their wrath would be considerably abated.

Amendment *agreed to.*

In the clause setting forth the names of the Commissioners, the name of the right hon. Earl Stanhope was inserted.

MR. CAIRD proposed—after the name of Alexander Hastie—to insert the name of the hon. Member for Greenock (Mr. Dunlop). The Commissioners already appointed were eleven in number, four of whom were Peers, five lawyers, one country gentleman, and one magistrate. It appeared, then, there was only one of the

Commissioners who represented the town people. He thought that the hon. Member for Greenock had greatly distinguished himself by his valuable suggestions and Amendments during the progress of the Bill, and he was quite sure that the addition of the name would tend to give the people of Scotland much confidence in the proceedings of the Commissioners. He hoped that the Lord Advocate would not refuse the insertion of his name.

MR. KINNAIRD begged to add his request to that of the hon. Member for Dartmouth. He believed that the hon. Member for Greenock had the full confidence of the people of Scotland.

THE LORD ADVOCATE said, the composition of a Commission of this kind was a step of great importance. He was quite aware of the merits of the hon. Member for Greenock, and of the great and many services which that hon. and learned Gentleman had rendered. Nothing would give him greater pleasure than to acknowledge those merits by adding his name to the Commission, if he could only be assured that no further effort would be made to extend the number of the Commissioners. In giving his assent, therefore, he begged it to be distinctly understood, he did not wish to extend the number of the Commission beyond twelve.

MR. BAXTER was sure that no attempt would be made to add another name to the Commission. He, however, did not think that the Dissenting portion of the people of Scotland were properly represented on the Commission. All classes in Scotland would be extremely satisfied with the name of Mr. Dunlop on the Commission; and, under the circumstances, he did not think that any other name ought to be proposed.

MR. BUCHANAN concurred with what had fallen from his hon. Friend the Member for Montrose, that no name could be more satisfactory on the Commission than that of Mr. Dunlop. He thought, however, that another name should be added to represent the Dissenting interest.

MR. E. ELLICE (St. Andrews) did not think that a better or abler man could be appointed on the Commission than the hon. Member for Greenock, and believed that the advantage of the measure would be better secured by the presence of his hon. Friend's name. He, however, concurred with the hon. Member for Glasgow in thinking that the Dissenting interest of Scotland ought to be better represented on the Commission. He had himself, received many representations from Scotland on this subject which he was unwilling to urge at the present time upon the Lord Advocate, knowing the difficulties he had to encounter in forming this Commission upon perfectly fair and impartial grounds. The only name upon it that was supposed to represent the Dissenters was that of Mr. Alexander Hastie. They ought not to forget that Scotland was as nearly as possible divided into three sections—namely, the Established Church, the Free Church, and the United Presbyterian body. He thought the best arrangement was at once to accede to the proposition of placing the hon. Member for Greenock (Mr. Dunlop's) name on the Commisson; but, upon the understanding that the Lord Advocate should take the opportunity between this and the third reading, of communicating with the Dissenting interest, and of putting another name with that of Mr. Alexander Hastie, to represent that same interest.

MR. BLACKBURN said, as several hon. Members were suggesting names, he would put in a claim for the country gentlemen. They all concurred in the propriety of inserting the name of the hon. and learned Gentleman in the Commission, but there was another name he should wish to see upon the Commission—namely, that of Colonel Muir, a gentleman who was formerly a Member of that House. He, however, thought upon the whole it was better to leave the responsibility of the names of the Commissioners upon the Government, and for the House itself to abstain from proposing any names.

MR. BLACK said, it appeared to him that the number of the Commission ought to be thirteen. There was one gentleman whose name on the Commission, he knew, would give the greatest satisfaction to the Dissenters of Scotland. This was a gentleman who was well qualified to act as Commissioner, and who was, moreover, a medical man, by no means an unimportant consideration, when it was remembered that there was a large body of medical students deeply interested in the government of the Universities. He therefore proposed that the name of Dr. John Browne, jun., be inserted as a member of the Commission.

MR. DUNLOP said, he was not certainly aware of its being intended to propose his name as a member of the Commission, and he offered his thanks to the hon. Member who made the Motion, and

to his other hon. Friends who supported it. If he had been aware of such a course being intended he should have used his utmost efforts to endeavour to dissuade his friends from persevering in it, as he well knew the delicacy of those affairs. His great anxiety had ever been to see the Commission so framed as to avoid every occasion of jealousy or doubt. He was much gratified at the expressions of kindness with which his name had been received; but, so far as his personal feelings went, he should have preferred that his name had not been proposed.

Motion *agreed to.*

Name of Mr. DUNLOP inserted.

MR. BLACK then moved the appointment of Dr. John Browne, jun.

MR. E. ELLICE (St. Andrews) appealed to the Lord Advocate to assent to this addition. If the Commission went out as at present constituted, it would create great dissatisfaction.

THE LORD ADVOCATE put it to the House, whether he had not assented to the number of the Commissioners being increased to twelve by the addition of the name of the hon. Member for Greenock, upon the understanding that the Commission should not be further increased. He felt, therefore, quite justified in resisting this last addition.

MR. BAXTER said, he would certainly support the learned Lord in resisting the Motion. If the learned Lord were obliged to yield to the addition of one named, and then to the addition of another, they would be increasing the Commission to an unnecessary length.

VISCOUNT MELGUND said, if the House went to a division, he would support the proposition of the hon. Member for Edinburgh, for the appointment of Dr. John Browne, jun., than whom no better man could be found for the situation of Commissioner.

Question, "That the name of Dr. John Browne, jun., be there inserted," put, and *negatived.*

MR. GLADSTONE then moved the following clauses:—

"If Her Majesty shall be pleased at any time within the duration of the Commission, to grant a charter for the foundation of a National University for Scotland, the Scottish Universities named in this Act, or any of ,them, may, if they shall think fit, surrender to the Commissioners the powers of examining for and of granting degrees, with or without the exception of degrees in theology, and to become Colleges, one or more, as the case may be, of the said National University."

Clause to follow Clause 15:—

"No such surrender or consent as is hereinbefore mentioned of any Scotch University named in this Act, with a view to becoming a College or Colleges of a National University for Scotland, shall be valid, except it be signified in writing by the Chancellor and by the University Court of the University concerned therein, nor except it be declared by the said Court that the said surrender or consent respectively is given with the approval of the Senatus Academicus, and likewise of the University Council."

Clauses *agreed to.*

In Clause 16,

COLONEL SYKES proposed to insert in page 9, line 35, after the word "provided," the words, "That a faculty of arts, being such as shall afford a course of education sufficient to qualify students to be examined for degrees in arts, shall be maintained in each of the said King's College and Marischal College." The hon. and gallant Member said, he had received a telegraphic despatch from Aberdeen, showing that the Bill, as it stood, would be a breach of the articles of union, one stipulation of which was, that the Universities and Colleges of Scotland should remain as they were at the time of the Union for ever.

LORD HADDO remarked upon the petitions that had been presented from certain rural labourers and other working people, expressing their belief that this proposed system of educating the people would prevent them from enjoying the advantages of those establishments. The Lord Advocate stated that those persons were ignorant of the merits of the measure; but the advocates in Aberdeen had expressed the same opinion, and the country gentlemen from all parts were also remonstrating against the union of the Colleges; and, lastly, the students of Aberdeen expressed a strong opinion on the subject. And now, in opposition to those united opinions, what authority was there on the other side. They had had the opinion of the Chancellor of King's College in Aberdeen; but that learned functionary had not expressed any desire for the recognition of this principle. If the House should determine otherwise, he (Lord Haddo) should regret it, but he would take it as an additional proof of the influence of the learned Lord Advocate in that House.

THE LORD ADVOCATE should remind the noble Lord and his hon. and gallant Friend (Colonel Sykes) that an important alteration had already taken place in the measure before the House, and the dis-

tinction between the Amendment and the clause was therefore very much narrowed. Now, except as regarded the local situation of the building of the two colleges, they were entirely amalgamated. The effect of the clause itself would leave the Commissioners themselves to determine, upon full inquiry, whether it was necessary to have a duplicate set of professors in arts, &c. As far as regarded this question, he thought it better to leave the matter in the hands of the Commissioners. The proposal of the hon. and gallant Colonel really did nothing to meet the evil. The clause he proposed would fail to carry out the object which he had in view.

Question put, "That these words be there inserted."

The Committee *divided*:—Ayes 47; Noes 142: Majority 95.

Clause 19,'

MR. BAXTER proposed to add the following proviso:—"Provided always that it shall not be lawful for the Commissioners to apply any portion of such money to the salary of any Principals or Professors required to subscribe religious tests, and not included in the provisions of the Act 16 & 17 *Vict.*, c. 89." Under this clause power is given to certain Commissioners to apply and appropriate, at their own discretion, monies to be hereafter granted by Parliament for purposes connected with the Scotch Universities. The object of his proviso was to prevent the Commissioners granting any part of these monies either for adding to the salaries of the present theological chairs, or for endowing new ones. According to an Act of the Scottish Parliament passed in the reign of Queen Anne, every principal or professor in a Scottish University was required to be a member of the Church of Scotland. But the provisions of that Act had been repealed, so far as the secular chairs went, by the Act 16 & 17 *Vict.*, c. 89. So that at the present time it was only the theological Professors in the Scottish Universities who were required to subscribe tests; and his object was to prevent the theological Professors getting any of the money that may hereafter be granted by Parliament. At this moment two-thirds of the population of Scotland dissented from the Established Church. They were connected with the Free Church or the United Presbyterian Church, or one or other of the smaller religious denominations; and he (Mr. Baxter) objected, in their name, to any portion of the taxes of the United Kingdom being applied for the endowment of Professors who were necessarily connected with the Established Church to which these Dissenters did not belong, and from which they derived no benefit. But he had another argument, and one which, he had no doubt, would have even more weight with the House of Commons. If they passed this Bill without the proviso, they would have ecclesiastical controversy and struggle over the whole length and breadth of Scotland. They would have the Established Church coming to Members of Parliament, and begging them to carry the vote for these theological purposes; and, on the other hand, they would have a large non-conforming majority striving to secure the rejection of these votes. If they did not make a stand now, they would have a new Maynooth question—a second edition of the *Regium Donum* controversy—a controversy of bitterness and angry feeling both in Scotland and in that House. He cared not whether Members were Dissenters or Churchmen. He asked them whether this is the consummation they desired? He asked them whether they did not desire to see Ecclesiastical debates taken out of that House? If that were so, he begged them not to add another subject of Ecclesiastical controversy; and he begged the Scotch Members, a great part of whom opposed the grant to Maynooth, to preserve their consistency in this matter. He might appeal to men of all religious opinions not to take a course which would inevitably be but the beginning of strife. When he moved upon this subject in the Committee upon the Bill, the Lord Advocate took two objections to the course he proposed; and, first, that he proposed to fetter the free action of Parliament. Now, he (Mr. Baxter) proposed nothing of the kind. He proposed merely to fetter the Commissioners, the great body of whom are not members of the Church to which the majority of the people of Scotland belong. The second objection taken by the Lord Advocate was, that he should consistently have struck out all religious endowments already existing in the Established Church in connection with these chairs. That, however, was not then the question. They were not at that moment called upon to consider whether there should be an Established Church in any part of the United Kingdom. They were only called upon to discuss and decide whether the Church of Scotland should be further endowed

The Lord Advocate

by a vote which would be disputed every year in that House by Gentlemen who object to these votes, which would set one denomination in Scotland against another, and would be the means of reviving disputes which all wise and good men desired to see buried in oblivion. He had heard, to his great amazement, since he entered the House that night, that it was to be objected to his proviso; that it was very different from the proviso that he nearly carried on a previous occasion. He understood that some hon. Members had said that they were prepared to vote against endowing Professors in Theology, but not against endowing all Professors who were required to take religious tests which could include the Professors of Biblical Criticism and other matters which were not theology. But in the 16 & 17 *Vict.*, he found the following definition of Chairs of Theology:—

"Which, for the purpose of this Act, shall be taken to mean Chairs of Divinity, Church History, Biblical Criticism, and Hebrew."

So that his Motion is precisely the same in every respect as that for which these hon. Gentlemen voted on a previous day, and which, he understood, some of them would oppose this day. He submitted that they ought at once and for ever to get rid of these questions. He cared not whether the Commissioners were or were not likely to endow such professors. He asked the House now to stop in a course which could not, he was persuaded, be beneficial even to the Church of Scotland.

Amendment proposed,—

In page 12, line 28, after the word "conferred" to insert the words, "Provided also, that it shall not be lawful for the Commissioners to apply any portion of such moneys for the salaries of Principals or Professors required to subscribe a religious test, and not included in the provisions of the sixteenth and seventeenth Victoria, chapter eighty-nine."

MR. ELLICE (St. Andrews) said, that it appeared to him that the proposition of his hon. Friend was neither more nor less than an abstract declaration of voluntaryism. That might be very well were this a question of the voluntary principle; but there was nothing in the Bill that affected that privilege either directly or indirectly. He did not think that on looking through the Bill (with the exception, he was afraid, of the alteration just made in the constitution of the Commission) they could find any part of its provisions which could by any ingenuity be said to be hostile or unfair to any religious denomination. On the contrary, it appeared to him to have been the laudable intention of the Lord Advocate, and in that he had been successful, to make the Bill, as far as he possibly could, a fair and equitable law as regarded all sects and denominations of religious denominations. What was the case before the House? They had a Bill which altered materially the present government of the Universities; and it appointed Commissioners to carry out such reforms as these Commissioners might upon inquiry find necessary. It also gave them power to administer the funds which might be provided by Parliament, amongst other things, for increasing the salaries at present attached to the Professorships and other officials in the Universities. If the Commissioners under the Bill had power to give money over which they had control to the Professors, amongst whom were the theological Professors, then he could understand what the Amendment was practically in point, but such was not the case. The Commissioners had no other power whatever than to recommend what they might think proper to Parliament; and they did not in that House know what their recommendation might be until it was on the table, and whether they might recommend the theological Professors for additional remuneration or not. Even supposing the Amendment of his hon. Friend carried, it did not at all control the Commissioners, because the Commissioners might still make that recommendation on behalf of the theological Professors. The real fact was, that the power still remained in Parliament. The theological Professors were not even named in the Bill. No funds were provided for raising the salaries by this Bill; and even if the Commissioners were to recommend the theological Professors as requiring additional remuneration under this clause, their Report would have to lie on the table of the House, and might either be assented to or dissented from by them. The money that would be required for meeting the recommendations of the Commissioners, and for adding to the salaries of the Professors, must hereafter be voted by Parliament, and then would arise the time when the Motion of his hon. Friend would be very apposite. But it is not so at the present moment, for it had nothing to do with anything contained in the Bill. When he saw that no practical object is to be gained by this Motion he must look for

some other. He did not know whether the object of his hon. Friend was to commit the House or get the principle of maintaining the theological chairs in the Universities in connection with the Establishment. That proposition he did most thoroughly object to. He believed that theological Professors must be maintained in the Universities; and that being the case, and not seeing that there is anything in the Bill that warranted or had any reference to the matter alluded to in the proposition of his hon. Friend, he should feel it his duty to oppose it. He did not see any advantage in introducing into the Bill an element which had no proper connection with it, and which could only be regarded as a slur upon the able body of men who now filled the theological chairs. At the same time, he must admit the grave difficulty that there was in the way of calling upon Parliament to vote money for the purpose of theological chairs when tests were still required. He saw every year a growing indisposition to vote grants very analogous to these, as in the case of Ireland. He himself was strongly opposed to such grants, and he did not know very well that he could defend the application of one principle to Ireland and another to Scotland. Therefore he thought that if a Vote was to be proposed in that House for the additional endowment of the theological chairs it would meet with great opposition, and be open to very serious objection. But seeing that, and admitting the whole force of the abstract proposition involved in his hon. Friend's Amendment, he still could not help being very anxious that the position of the divinity Professors in Scotland should be improved. He believed it was generally admitted that theological teaching was inseparable from the University system of Scotland, and he believed that it is equally admitted that if there were to be theological Professors at the Universities — theological Professors useful to all denominations, for it is not only the students belonging to the Established Church but to all denominations in Scotland that they taught—it was necessary, for the safety of the students, that the persons who had charge of the theological teaching should be subjected to some test for the security of the students over whom they presided. He thought, then, if that was admitted, as he believed it was generally, that it was essential that the chairs, if they were maintained at all, should be maintained in their efficiency, so that the respect due to their position might be kept up. Now, seeing the difficulty that there was in the way of a grant of public money in aid of these Professorships, he did hope that the Commissioners, in concert with the Government, would be able to derive some means out of existing funds applicable to such purposes, to raise the condition of their Professors without having recourse to tax the public funds. He could only say that he thought this would meet the exigency of the case. He was quite sure that there was no body of men who, from the zeal and assiduity they had employed, were more worthy of the respect of all denominations in Scotland, than were the theological Professors. He was sure that there were no body of people who more deserved public sympathy and support in the position they had to fill.

Question put, "That those words be there inserted."

The House *divided*:—Ayes 102; Noes 118: Majority 16.

Bill to be read 3° *To-morrow*, and to be printed.

SALE AND TRANSFER OF LAND (IRELAND) BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

Clause 87 (Duty payable on Proceedings. Rate of Duty to be 10*s.* per cent where the value shall be less than ten thousand pounds; and £1 per cent where the value amounts to ten thousand and upwards).

MR. VANCE moved that after the word "respectively," in line 15, the rest of the clause should be omitted. He thought the rate of duty imposed should be uniform, because it would be extremely unjust to charge large estates with a higher amount of duty than smaller ones, and such a regulation would only induce owners of large estates to divide them into small portions when they were submitted for sale. He moved the Amendment with the view of proposing that the duty should be fixed at an uniform rate of 10*s.* per cent., which would be amply sufficient to render the Court self-supporting.

MR. G. A. HAMILTON regretted that he could not consent to the Amendment. It was the wish of the Government that the Court should be self-supporting, but the effect of the Amendment would be to throw a portion of the expense of maintaining the Court upon the public Exchequer.

MR. J. D. FITZGERALD said, that

originally they had intended to propose a graduated per centage, to be fixed by the Court, but not exceeding 1 per cent. should be deducted from the purchase money. As he could not fall back upon the Resolution which he had formerly given notice of on this point, he was inclined to agree to the Amendment. The trouble and expense of investigating the titles to small estates were often quite as great as in the case of large estates. He did not think that the Court ought to be self-supporting, and he thought that a uniform rate of 10*s.* would be preferable to the duties provided for in the clause.

MR. WHITESIDE said, that in 1856 the purchases under £5,000 were 1,098; over £5,000 and under £10,000, 265; over £10,000 only 23. In 1857, under £5,000, 1171; over 5,000 and under 10,000, 238; over £10,000, 16. In 1858, under £5,000, 1402; over £5,000 and under £10,000, 182; over £10,000, 26. It was estimated that the amount which would be received by sales of estates under £5.000 during the next year would be £2,000,000, and that to be received for sales of estates over £5,000, £1,000,000. This would, by the per centage proposed by the Bill, give £10,000 and £5,000—making £15,000. They expected to squeeze £5,000 more out of the Bank, making in all £20,000; while the expenses of the Court were about £18,500. The revenue anticipated would therefore about cover the expenses. It was stated by the solicitors and others who had had great experience in the Incumbered Estates Court, that the Parliamentary title given by that tribunal raised the value of estates to the amount of four years' purchase. Now, the greater the sale the greater the advantage bestowed by the Court in the particular case, and, therefore it was but fair that a larger amount of per centage should be paid in the case of large sales. Should it hereafter be found that the amount received by the proposed per centage exceeded the expenses of the Court that per centage should be reduced, and he should presently move a proviso enabling the Lords of the Treasury to make the necessary variations.

MR. GROGAN supported the Amendment. He thought that the per centage should be uniform. The plan of his right hon. and learned Friend (Mr. Whiteside) would lead to proprietors dividing their estates into small lots when bringing them to a sale. As to the future reduction of per centage promised by his right hon. and learned friend in case of a surplus, at best that reduction would not take place till after a great number of persons had paid the high rate proposed by the clause.

MR. MONSELL demurred to the calculations of the Attorney General for Ireland (Mr. Whiteside) as to the probable amount of property that would pass through the Court. Seeing that the incumbered estates and estates which were not to be sold at all would pass through it, he thought the sum would be much greater than was stated by the Government.

MR. ESMONDE believed that a uniform per centage of 15*s.* would be better than two scales of 10*s.* and £1 respectively. The fairest plan was to calculate the duty to be paid in reference to the value of the estates, and it was clear that the largest estates would derive the greatest advantage from the Court.

MR. DOBBS expressed his intention of supporting the Amendment.

SIR DENHAM NORREYS did not see why this Court should not be maintained out of the Consolidated Fund, the same as any other legal tribunal throughout the country. He regretted the absence of the Chancellor of the Exchequer, as he felt sure that the right hon. Gentleman, if present, would not drive the Irish Members to a division on this question,

MR. W. WILLIAMS said, that as the sale of estates was a matter by which private individuals benefited, he thought that those who resorted to the Court should pay the expenses of it. He therefore thought the proposition of the Attorney General for Ireland perfectly just.

MR. J. D. FITZGERALD expressed a hope that the Chancellor of the Exchequer would accede to the Amendment of the hon. Member for Dublin. He believed that 10*s.* per cent would be sufficient to meet all the expenses of the Court and leave a considerable surplus, so that the right hon. Gentleman need not apprehend any loss upon the public revenue.

MR. CLAY said, that when there was uncertainty as to the amount of business which a Court might have to transact, there might be good reason for throwing the expense of it on the Consolidated Fund; but when the business was known, as in the Incumbered Estates Court, he did not think it unreasonable to ask the suitors to pay one-half per cent on the sales effected.

MR. GRIFFITH said, that the expenses of the Court must be very uncertain, inas-

much as the Bill introduced a new element, which was that estates not intended for sale might pass through the Court. Now, the experience they had had of the late Incumbered Estates Court did not give them the means of calculating what would be the probable expense of the new Court; but his own belief was that the business would be trebled or quadrupled, because people would go into the Court solely for the purpose of obtaining a Parliamentary title. He considered that the proposition contained in the Bill was opposed alike to the maxims of justice and political economy, and was a step in the wrong direction.

MR. S. B. MILLER said, that it would be a greater burthen on the owners of small estates if they paid the same amount of per centage as the owners of large estates. That consideration should guide his vote.

MR. WILSON said, this proposition of the Government was contrary to all the Legislative practice of late years, to all commercial practice, to all the principles of economical science, and to what common sense would point out. It was enough that a small property was to pay a small sum, which it would do if the assessment were the same ; but it was unreasonable that the assessment should in itself be smaller than that upon large properties.

MR. WALPOLE said, that the principle on which his right hon. and learned Friend (Mr. Whiteside) proceeded was a very simple one, namely that the rate should be 1 per cent for estates of the value of £10,000, and 10*s.* per cent for estates under that amount. He thought that a fair principle to adopt, and one that was not opposed to the principles of political economy. This was not the case of a duty for the purpose of raising a revenue, but for the purpose of making a Court self-supporting.

MR. SPAIGHT also held that if the Court were to be made self-supporting the charge for the sale of small properties ought to be small. If hon. Gentlemen opposite would consent to keep the Courts for the people of Ireland he would then certainly agree to the proposition of having one uniform charge.

MR. VANCE was sorry that he should appear in so prominent a position as the objector to any portion of this Bill, which would hand down the name of his right hon. and learned Friend the Attorney General with honour to posterity. His object was to have a uniform rate, and he wished his right hon. Friend would propose a 15*s.* rate. If not he must go to a division.

Question put, "That the words 'when such value shall be less than £10,000' stand part of the clause."

Committee *divided* :—Ayes 117 ; Noes 104 :—Majority 13.

MR. WHITESIDE moved to insert the following proviso :—

"Provided that it may be lawful for the Lords of the Treasury to lower or raise such rate of duty from time to time within the limit of the rate hereby provided as a maximum, according as such rate or substituted rate shall to them seem sufficient to provide a fund for the support of such Court."

Proviso *agreed to.*

COLONEL GREVILLE moved in Clause 87, at the end, to insert :—

"Provided always, that no such duty shall be payable in respect of any property which shall be sold in pursuance of an order of the Commisioners of the Incumbered Estates Court made before the passing of this Act."

And asked the Attorney General for Ireland whether he was aware that, in consequence of this Bill, the sale of some 200 estates in the Incumbered Estates Court had been delayed, and which, when sold in a few months, would be liable to the duty under this new Bill, in consequence of the delay that had arisen. He (Colonel Greville) thought these particular estates should be excluded from the Act.

MR. WHITESIDE, in consideration of the assistance of the hon. and gallant Member to enable him to pass the Act as speedily as possible, would assent to the proviso.

Proviso *added.* Clause, as amended, *ordered* to stand part of the Bill.

Clause 88 (Power to Commissioners of the Treasury to invest unproductive cash. 4 & 5 *Will.* IV., c. 78).

MR. ENNIS moved an Amendment to insert the words "public funds" for "public securities," and to add "or in the stock of the Bank of England or the Bank of Ireland respectively."

MR. G. A. HAMILTON had no objection to the first part of the Amendment ; but with regard to the second, though there could be no doubt of the security of the Bank, it was right that the investments should be confined to the public funds.

MR. J. D. FITZGERALD wanted to know how any deficiency that might arise in the price of the funds, between the time of the investment and the time of the withdrawal of the money was to be made good?

MR. WHITESIDE said, that as the State took upon itself the expenses of the Court, it would also take the interest that might arise from the balances, and this would go in reduction of the expenses.

MR. WILSON said, that as the clause stood, the suitor would be at the loss of a fall in the funds, in case the money was required under the provisions of the Act.

THE SOLICITOR GENERAL explained, that there were two funds—under the titles of "the Suitors' Fund" and "the Suitors' Fee Fund," and the hon. Gentleman had confounded the two. If a suitor paid in cash, he expected to get cash out.

MR. BUTT maintained that the suitors were not only entitled to their principal, but the interest upon it.

THE SOLICITOR GENERAL said, that where suitors came forward and desired that their funds should be invested, this would be done; but the clause was meant to provide for those cases where the suitors did not do so, and the proposal was that the interest of those funds should go towards the expenses of the Court. A similar provision had been made as to the Court of Chancery in Ireland.

MR. SERJEANT DEASY objected to the Lords of the Treasury having power to invest the "loose cash." The House ought to be distinctly informed, if there was any loss, on whom it was to fall.

MR. G. A. HAMILTON said, that the reason why in this case the investment was to be made by the Treasury, and not by the Court, was because it was the Treasury that was answerable for the expense of the Court, and the Treasury would take care to have the funds so invested as to guard against loss.

MR. WALPOLE said, on the Report he would alter the clause so as to meet the objection of the hon. Member for Cork County.

MR. BUTT said, that the House ought to have an answer to a plain question—who was to bear the loss if there was one?

Clause *agreed to.*

Clauses 89 and 90 *agreed to.*

MR. SERJEANT DEASY moved the following clause:—

"Upon Stephen Woulfe Flanagan, Esq., ceasing to hold his present office of Master, it shall and may be lawful for Her Majesty, her heirs, and successors, by any letters patent under the Great Seal of Ireland, to give and grant to him an annuity or yearly sum not exceeding £1,000, to be paid out of such monies as may be provided by Parliament for that purpose, during his life: Provided always, that in case the said Stephen Woulfe Flanagan shall hereafter be appointed to any office under Her Majesty, the amount of the salary he shall receive in respect of his said office shall be deducted from the amount of retiring pension which he is entitled to receive under this Act, or his retiring pension shall be deducted from the amount of his salary, as the case may be; and provided also, that in computing the time on the expiration of which the said Stephen Woulfe Flanagan, Esq., shall be at liberty to retire from any office to which he may hereafter be appointed, or in computing the amount of any retiring pension to which he may become entitled on such retirement, the period during which he shall have held the office of Master shall be counted as if he had served such period in such office to which he may be so hereafter appointed."

MR. G. A. HAMILTON said, it was intended on the Report to propose a clause to meet such cases as those alluded to in the clause now moved.

Clause *negatived.*

MR. BUTT urged the necessity of extending the principle of this Bill to estates less than fee simple, and he should propose a clause to that effect on the Report.

House resumed.

Bill *reported;* as amended, to be considered on *Thursday*, and to be *printed.*

JUDGMENTS (IRELAND) ACT AMENDMENT BILL.—SECOND READING.

Order for Second Reading read.

MR. WHITESIDE moved that this Bill be read a second time; but the Motion being objected to by some of the Irish Members,

Motion made and Question put, "That the Bill be now read a second time."

The House *divided*:—Ayes 89; Noes 34: Majority 55.

Bill read 2°, and *committed* for *Wednesday* next.

CASE OF WILLIAM HENRY BARBER.

MR. BRADY moved, "That Viscount Goderich be discharged from further attendance on the Select Committee on the petition of William Henry Barber; that Mr. Caird be added to the Committee." The hon. Member said, the necessity for this Motion arose from domestic affliction.

MR. HARDY objected to the Motion. The inquiry being of a quasi-judicial character, he thought it very undesirable to make this alteration. He had no objection to the hon. Member (Mr. Caird).

MR. LINDSAY did not see why, when a vacancy had arisen, the number fixed by the House—namely, fourteen—should not be made up.

THE CHANCELLOR OF THE EXCHEQUER objected to a debate on the subject at that late hour (a quarter past one). He moved the adjournment of the debate.

MR. WILSON said, the filling up of the number would certainly not be unprecedented. He was himself opposed to the appointment of the Committee, thinking the inquiry one of the worst that had ever been instituted. As, however, the inquiry had been granted, he saw no objection on principle to the Motion before the House.

MR. WALPOLE said, the Committee had been carefully struck, and it was undesirable to disturb the proportions.

Motion made and Question put, "That the debate be now adjourned."

The House *divided* :—Ayes 51 ; Noes 41 : Majority 10.

Debate *adjourned* till *To-morrow*.

House adjoured at half-past One o'clock.

HOUSE OF LORDS,

Tuesday, July 6, 1858.

MINUTES.] PUBLIC BILLS.—1° Four Courts (Dublin) Extension.

2° Portendic and Albreda Convention ; Churches, &c. (Ireland) ; Railways Act (Ireland) Continuance.

3ª Chinese Passengers Act (1855) Amendment ; Hainault Forest (Allotment of Commons).

ECCLESIASTICAL COMMISSION BILL.

REPORT OF AMENDMENTS.

Amendments *reported* (according to Order).

LORD RAVENSWORTH :* My Lords, this Bill, to amend the Acts relating to the Ecclesiastical Commissioners, has been sent down to your Lordships by the Select Committee, to whom it was referred, greatly altered and improved. Among several other alterations, three clauses—the 19th, 20th, and 21st—will be found making such provisions in regard to local claims as I am confident will be thought highly satisfactory by the public at large. To myself these provisions are especially satisfactory, embodying as they do a principle for which I have long contended, to carry out which principle I had given notice of a clause which has been placed for some time upon your Lordships' Minutes, but which it is now unnecessary for me to bring forward, since I find the principle of it not only conceded, but recommended to Parliament upon the authority of a Select Committee nominated by your Lordships' House. But there is another subject connected with the powers given by statute to the Ecclesiastical Commission upon which the Select Committee's amended Bill is silent. I presume the question of redistribution of episcopal patronage was not brought before the Select Committee. This omission, my Lords, I must endeavour to supply, and with that object I now rise to move the clause of which I have given notice, namely :—

"That no appointment or exchange of ecclesiastical patronage shall be carried into effect without the consent in writing of the Bishop of the diocese within which such patronage shall be situate."

My Lords, the powers to effect such appointment and redistribution of patronage are assumed to be given to the Ecclesiastical Commissioners by the Act 6 & 7 of *Will.* IV., c. 77. I conceive, my Lords, that the powers so claimed are greater than we may fairly presume to have been the intention of the framers of this Act. The words of the Act are these :—

"That such alterations may be made in the apportionment or exchange of ecclesiastical patronage as shall be consistent with the relative magnitude and importance of the respective sees when newly arranged, and shall afford an adequate amount of patronage to the Bishops of the new sees."

Now, my Lords, I do not mean to say that the Ecclesiastical Commissioners may not be borne out by the strict letter of the law in any act of spoliation which they may devise or imagine ; but I do mean to say that, looking to the period at which this Act was passed, I may reasonably entertain doubts as to whether such an amount of absolute power is consistent with the spirit of the Act or the intentions of its framers. What had taken place shortly previous to the date of this Act ? A most important change had been made in the position of the Established Church. The great inequalities of episcopal revenues, the large amount of Church property vested in deans and chapters, and the urgent and rapidly increasing spiritual destitution of the more populous districts of the kingdom had begun to awaken general attention, and greatly disturbed the public mind. Consequently, Sir Robert Peel, during his short tenure of office in 1834, took the bold step of appointing the body still termed the Ecclesiastical Commission, with the view of effecting these reforms in the Church establishment which were loudly called for, and which had, in fact, become absolutely necessary. The groundwork of great changes was speedily laid. Episcopal incomes were gradually

equalized; the number of canonries was largely though prospectively diminished, and their incomes equalized; and two new bishoprics were created in the Archiepiscopal province of York—namely, those of Ripon and Manchester, in order to promote a more efficient superintendence over the clergy of those populous districts. Of course when the statutes were framed to regulate the proceedings, and extend the powers of the Ecclesiastical Commission, whose duty it was to provide for this new order of things, it was necessary that very large and undefined powers should be conferred. Naturally, when it was in contemplation to form two new dioceses, by a subdivision of the existing dioceses, the question of patronage was sure to present itself, and prospective arrangements of exchange and redistribution had to be considered. Therefore, the wording of the statute was such as to give a very wide scope to such arrangements; but, nevertheless, I do believe that if at that time such a contingency had been referred to as that which has now arrived, if the possibility of the violent and arbitrary abstraction of one-half of the preferments of one diocese in order to enrich the endowment of a new and distant see had been suggested, I do believe that the Legislature of that day would either have scouted as improbable such a suggestion, or that it would willingly have imposed some limitation or restriction to such a proceeding. These feelings, my Lords, are not confined to myself. What says Bishop Maltby, that venerable Prelate who so long regulated the diocese of Durham, which he benefited by his example, and adorned by his abilities, in his famous letter to the Ecclesiastical Commissioners, dated June 21, 1851, to which I shall again have occasion to refer:—

> "Honestly entertaining these opinions," says Bishop Maltby, "and believing that the course entered upon by the acting portion of the Ecclesiastical Commissioners is not only unwarranted by law, in the extreme lengths to which they are proceeding, but likely to be very injurious in its effects."

This is as strong a testimony as can be given in confirmation of the opinions I have just expressed.

My Lords, it is now time to ask what are the schemes propounded by the Ecclesiastical Commissioners for the severance of the patronage of the see of Durham. Two distinct schemes have been propounded as follows:—In the first instance I find that the question of episcopal patronage was referred by the Committee selected from the Ecclesiastical Commissioners to a sub-committee composed of laymen, who, after due consideration, produced, in 1850, a Report, containing, with regard to the diocese of Durham, a recommendation to this effect—namely, that five livings, of the annual value of £2,600, should be extracted from the patronage of Durham, four of which were to be transferred to the Archbishop of York, and one, situate in Lincoln, to the Bishop of Carlisle. Nor did this sub-committee neglect the directions of the Act to afford an adequate amount of patronage to the new Bishops of Ripon and Manchester. They pointed to unexceptionable quarters for the supply. Observing that the Bishop of Lincoln had in his gift one hundred and seven livings, twenty-eight of which were lying out of his diocese, they recommended ten to be given to Manchester and ten to Ripon. Two livings in the preferment of the Archbishop of Canterbury, nine in that of the Bishop of Chester, and one of Norwich, all situated in Manchester, were assigned to the Bishop of that diocese. In addition to the preferments obtained from Lincoln, Ripon was to receive three benefices from the Archbishop of York, and five from the Bishop of Chester, because they were situated in the diocese of Ripon. And the result of this modification of patronage was to assign sixty-four livings to the see of Manchester, and sixty-eight to that of Ripon. Such, my Lords, was the plan proposed by the lay sub-committee in 1850, to whom was entrusted this delicate duty of a new apportionment of episcopal patronage. To this plan I have not heard any material objections. Why it should not have been carried out I am unable to explain; but I have now to contrast with this a second and widely different plan which is still under the consideration of the Ecclesiastical Commissioners. My Lords, the monstrous proposition is now deliberately entertained to despoil the see of Durham of no less than twenty-three livings of the annual value of £16,000, all within the diocese, to be transferred by the arbitrary will and pleasure of the Ecclesiastical Commissioners, under the sanction of an Order in Council, to other sees. Against such a scheme as this, my Lords, I do here protest in the strongest terms that can be made use of. Now, my Lords, before I proceed to urge the various objections which I entertain to

this proposition, on general grounds, both constitutional and ecclesiastical, not less than on grounds specially referring to the peculiar condition of the diocese of Durham, I know that I may be met, *in limine*, with this objection. This kingdom is divided ecclesiastically into two Provinces, those of Canterbury and York. It may be said, and it is said, that the question of episcopal patronage in the Province of Canterbury is already settled, and therefore full powers must be granted to the Ecclesiastical Commissioners to effect a similar settlement for the Province of York. If such an objection be urged against the clause which I am about to propose, I ask in my turn—Why has one Province been dealt with separately? Why have you, the Commissioners, taken a step to restrict yourselves in any future arrangements touching the patronage of two newly-created sees both within the Province of York, by pre-arrangement of the whole episcopal patronage of the southern Province? I don't object, I can't object, to the terms of that arrangement. I presume they have been just and well-considered, simply because no complaints have been made, that I have heard of, from any quarter. Such, my Lords, would not have been the case if any violent and arbitrary act of spoliation of the patronage of one diocese for the endowment of another had been recommended. If half the patronage of Winchester had been transferred to the see of London, or a third of the patronage of Lincoln to the see of Peterborough, the whole amount so transferred lying within the limits of each respective diocese so despoiled, do you suppose that some outcry would not have been raised by the injured parties? That these arrangements have been effected quietly, without remonstrance or complaint, is to me sufficient evidence that they were made in a just and considerate manner. Would that a similar course may be pursued in the northern Province with reference to that diocese whose interests I am bound to regard and to protect in the Legislature. Why have the Ecclesiastical Commissioners departed from the scheme originally recommended by their own sub-committee. Such departure is greatly to be lamented. Had this scheme been adhered to, were it even now adopted, I have little doubt the settlement of the northern Province of York would be effected at once, and this difficult and delicate question of the re-distribution of episcopal patronage settled once and for ever.

Lord Ravensworth

Dis aliter visum. In spite of the most urgent remonstrances of the venerable Bishop Maltby, we are still threatened with the spoliation of one-half of the patronage of the diocese of Durham. The Commissioners think proper to institute certain comparisons between the relative importance of this and that see. And because they find in Manchester and Ripon a larger amount of population than they find in Durham, together with a smaller amount of episcopal patronage connected with these recently-formed bishoprics, they jump at once to the conclusion that they must rob Peter to pay Paul, and they coolly propose to transfer from the ancient and important bishopric of Durham one-half of the ecclesiastical patronage of its Bishop.

And what do I ask, my Lords, when I entreat you to give me your support in the clause which I propose? I propose not to alter the existing law, nor to deprive the Ecclesiastical Commissioners of any powers which they ought in reason to possess, in order to enable them to complete difficult and delicate arrangements. I ask only in a spirit of the utmost moderation that the consent of the Bishop shall be requisite in every case where a new distribution of patronage is contemplated. If the said distribution be conducted upon just and equitable terms, for the general benefits of the Church, and with due consideration for the existing order of things in the diocese which now owns the patronage about to be dealt with, there is little fear of obtaining such consent. In fact, that consent has already been given to the scheme before alluded to—the scheme of the lay sub-committee of the Ecclesiastical Commission. If other than a just and equitable arrangement be proposed—if a see is to be despoiled and a diocese degraded, the consent of the Bishop will not and ought not to be given, and an act of spoliation will not be suffered to take place.

And now, my Lords, I will address myself to the objections to the scheme itself, the announcement of which has provoked so much opposition. This question, my Lords, is untruly represented to be a mere question concerning the diocese of Durham. There are, indeed, many grave and special reasons to be alleged in defence of the rights of this ancient see. To these I shall come presently—but in the first instance I shall adduce general objections of a constitutional nature, and likewise objections having reference to acknowledged principles of ecclesiastical polity. The constitu-

tion of this country, my Lords, is believed to be a security for the continued possession of long-vested rights, whether held by charter, by title deeds, or by prescription. Of course I admit that rights conferred by law may be abrogated by law. Private rights are constantly made to yield before a public necessity. But the case of public necessity must be clearly established before you will consent to take away the rights of the humblest individual, and even then a due compensation is never refused. I believe this position will not be contested by any jurisconsult, or by any constitutional statesman—certainly by none of my noble Friends on this side of your Lordships' House. My Lords, I deny that any case of necessity has been made out to justify so violent and arbitrary a measure as the alienation of twenty-three livings from the patronage of the see of Durham. True, the noble Earl (the Earl of Chichester), the representative of the Ecclesiastical Commission in this House, may urge the deficiency of patronage in the new and important dioceses of Manchester and Ripon. The see of Manchester has been taken off from the extensive diocese of Chester, and that of Ripon from the see of York. What has become of the patronage formerly belonging to these two ancient sees, which is now situate within the limits of the newly constituted bishoprics? The whole of such patronage, according to just principles, ought to undergo the process of re-distribution, and be vested in the new Bishops. Is such the case? I gather from the shake of the head of the noble Earl that it is not! Why is it not? I ask. Why, with all this patronage (be the amount small or great), situate within the limits of the new sees, but still vested in the prelates who formerly administered the ecclesiastical government of these districts —why, I ask, do you fly northwards to the diocese of Durham, still remaining in its integrity, and with spiritual wants daily becoming more notorious and more lamentable, and propose to despoil that diocese of half its patronage? Besides, is there no other source to look to than these already named? I am assured, my Lords, that the Crown possesses the patronage of not fewer than 800 livings, of which the greatest portion is at the disposal of the Lord Chancellor—that within this very diocese of Manchester the Lord Chancellor has eighteen livings, and ten in the diocese of Ripon. The transference of these twenty-eight livings to the respective sees would make no perceptible diminution in the enormous patronage vested in the Lord Chancellor. I dare say that patronage may have been exercised with care and judgment; but, after all, Lord Chancellors are political entities, somewhat ephemeral in their duration, since I can count no fewer than five ex-Chancellors upon the benches of your Lordships' House, who, with my noble and learned friend on the woolsack, make up a round half dozen of such exalted dignitaries. I doubt not that in their exercise of Church patronage these noble functionaries have all been as conscientious as they are noble and learned; but still I cannot believe that the interests of the Church would suffer by the transference of a fractional amount of this extensive patronage to the newly-created prelates, the Bishops of Manchester and Ripon. I may, perhaps, be considered somewhat over bold in thus dealing with the rights of the Crown. A former monarch of this country is reported to have styled the Church patronage of the Crown "the golden-link which connected the Crown and the Church." My Lords, a much more solid and substantial link between the Crown and the Church consists in the power of appointing Bishops to their respective sees; and whatever may be the fancied value of these livings, which are now under consideration, so long as the Crown, acting under the direction of those ministers who are the responsible advisers of the Crown, shall appoint proper and fit men to the high post of Bishops of the Established Church, there is little ground for apprehension if certain of the Crown livings should be transferred to the patronage of those Bishops selected by the Crown as the channel through which a portion of this inferior patronage should flow. Her present Most Gracious Majesty has too often evinced her desire to act in every respect for the good of her people, to lead me to doubt her readiness to accede to any arrangements which shall add to the requisite influence of her Bishops among the clergy of their respective sees, even at the sacrifice of a small amount of patronage heretofore vested in the Crown.

My Lords, I have alluded to the admitted and recognized principle of ecclesiastical polity, which would be violated by this threatened act of spoliation. That principle is, that each Bishop should retain the patronage of livings within the limits of his own see. More than that, in my opinion, he should be put into possession of

such patronage, even if vested in another quarter. In 1846, a circular letter was directed by the "Select Committee on the Appointment or Exchange of Episcopal Patronage," to be addressed to the several Archbishops and Bishops. I hold in my hand a printed paper, containing extracts from the answers of the Archbishop of Canterbury, the Bishop of Gloucester and Bristol, the Bishop of Lincoln, the Bishop of Oxford, the late Bishop of Ripon, and the Bishop of Salisbury, who are all unanimous upon this point. I will content myself with quoting the words of this last prelate, as embodying the principle contended for—

"It is very desirable," says the Bishop of Salisbury, "that Episcopal Patronage should, as far as possible, be placed in the hands of the Bishop of the Diocese within which the patronage itself is situated, as bringing the Patron into nearer connection with the parishes, strengthening the action of public opinion in the exercise of Episcopal patronage, and making the administration of that patronage more agreeable both to Bishop and Clergy."

Can anything, my Lords, be more true, more just, or more reasonable than this language, and can you resist the inference to be drawn from it—the inference which I wish you to draw from it; and will you not join me in your opposition, upon principle, to this meditated abstraction and diversion to other quarters of half the patronage of the see of Durham. And again, my Lords, following up this train of argument, will you permit me to recall to your recollection the fact of those unhappy differences of opinion which notoriously exist in our Church. Without accurately defining these differences, we know what is popularly meant by the terms "High and Low Church." My Lords, you will remark that although it is proposed to divest a Bishop of his patronage, the episcopal jurisdiction of that Bishop will remain unaltered. His cares and responsibilities, so far from being diminished, will be materially augmented by the intrusion of foreign influence within the limits of his diocese. He must exercise due and proper control over the conduct of his own clergy, and yet you propose to delegate to another the selection of these ministers of the Gospel. You will deprive one Bishop of the power to reward the exertions and abilities of his own working clergy, and you give power to another Bishop to appoint these ministers, whose doctrines and practices may be at variance with those of their own diocesan. Can any step be more unfortunate? Can any measure be more likely to create discord and confusion in quarters where all should act in harmony and concord together?

Having thus, my Lord, glanced at the constitutional and ecclesiastical objections to this unhappy scheme, I will now proceed to set forth the special reasons why the diocese of Durham should not be thus plundered.

1.—The Rapid Increase of Population. According to the census of 1851, the increase of population in the county of Durham is most remarkable, being relatively greater than in any other county of England. The decennial rate of increase per cent in the population of Great Britain was 12·5, whereas in the county of Durham it was 27 per cent, being more than double the rate of increase in Great Britain; and in the county of Northumberland, the rate of increase was 14 per cent, or 1·5 per cent above the average of Great Britain. And the rate of increase since 1851, in the county of Durham, is estimated to be even considerably higher than in the ten preceding years, from the great development of the coal and iron fields, and the impetus thereby given to the formation and extension of manufacture and commerce.

2.—The wealth which the diocese has supplied and continues to supply to the purposes of the Ecclesiastical Commissioners merits their gratitude and consideration.

1837—1855.	£.	s.	d.
Receipts from the Diocese, Income Tax deducted	335,309	8	8
Expenditure in the Diocese, Income Tax not deducted.....	72,196	9	1
Receipts over Expenditure, Income Tax deducted ...	£263,112	19	7

And it is notorious that in the present and subsequent years the Commissioners will receive a very considerable increase to their Income from property in the Diocese.

3. The antiquity and high rank of the see. Mr. Lefevre thought that some special allowance should be made in favour of Durham on this ground. Though Durham is second in rank after the archiepiscopal sees, it will be reduced to one of the lowest in point of patronage by the alienation of one-half of its livings as to annual value. The late Bishop of Lincoln, one of the Ecclesiastical Commissioners, recommended the cases of Lincoln, Durham, and Winchester for consideration, separately from the rest.

4. That all the patronage of Durham is situate within the Diocese, except the living of Newton Wolds (£470, Lincoln:) the late Bishop having ceded the livings of Craike, Osmotherly, Birkby, and Leake, of the annual value of £1,000 and upwards to the see of Ripon.

5. That the University of Durham, being utterly destitute of that patronage which is possessed by the older universities for the rewarding of their deserving members must at an early period present occasions in continual succession for the fitting exercise of the diocesan's patronage.

6. That a disunion of the Diocese of Durham has been discussed; and, should it eventually take place, a further division of the patronage could not be reasonbly made; and, consequently, any new diocese formed out of the present diocese of Durham would be destitute of patronage.

7. That even among the Commissioners themselves, a difference of opinion existed in respect to the quantity of patronage proposed to be alienated in 1851.

8. Many objections to the scheme, founded on the extent and income of several livings—the description and number of their population are of weight and deserving of serious considerations.

What livings, if any, are to be taken away? The smaller or the greater—the more or less populous—the mining and manufacturing, or the agricultural — the rich or the poor? These are grave questions for the consideration not alone of the clergy, but of the diocese generally.

And lastly. A scheme is not for "the good of the Church," which by its spoliating and degrading character would embitter the minds of the clergy and laity, already rankling under a sense of injustice by the dissipation of Durham property throughout England, without a special recognition of its own local wants. This enumeration, my Lords, of the special reasons for guarding the diocese of Durham against this meditated abstraction of its episcopal patronage, though briefly and succinctly drawn up, will be sufficient to prove the case which I endeavour to establish; but before concluding these remarks I must refer with a little more detail of facts to the first head of the series—namely, the rapid increase of population, and that the true cause of this increase may be made apparent, I shall content myself with stating the single case of the district in the neighbourhood of a place called Shotley Bridge, distant some twelve or fifteen miles from Newcastle, to the west. I make this selection because it is a striking example of similar facts which may be adduced from every part of the great mining district comprised within the see. I hold in my hand a letter of very recent date from a gentleman of the highest respectability, a magistrate and landed proprietor, who has resided for many years near the town of Shotley. My correspondent writes as follows:—

"The Bishop of Exeter very truly represented the peculiar claims of this Diocese on the funds arising from the property of the Church therein by the sudden introduction of a very large number of miners and other adventurers. Large villages rise up in rapid succession, and are densely crowded by people congregated from all parts of the country, without any feelings in common, but generally the last thing to be thought of is a provision for their religious instruction. A deplorable instance exists in this neighbouhood. About some sixteen or seventeen years ago, a party commenced to work the minerals, under a lease m the Bishop of Durham, as the Lord of the Manor of Lancaster, which in this short period has grown into the enormous works of the Derwent Iron Company. Formerly this district was occupied by a few farmers; it now possesses a population of upwards of 20,000; and as those people are brought there for the purpose of working and manufacturing the minerals belonging to the see, it might naturally be expected that the Ecclesiastical Commissioners would make provision for their religious and moral instruction. This unfortunately is not the case. Bishop Maltby had his attention drawn to the subject, and by the assistance of some other parties the new district of Benfieldside was formed, and in the year 1850-51 a new church was erected. But as all the principal landowners were Dissenters, a small amount of assistance was obtained from them, and the requisite funds were obtained with difficulty, and mostly from private sources, the Bishop himself contributing liberally, together with such aid as could be obtained from the different societies; but no assistance was given by the Ecclesiastical Commissioners towards the erection of this church, costing about £3,000 in a district containing a population of 12,000, and entitled to very strong claims upon their favourable consideration. It is true that they granted £150 a year to the incumbent, but part of this stipend he has been obliged to mortgage in order to complete his house. By assistance from other quarters, he has been enabled to pay a curate; but in consequence of the lamentable failure of the District Bank, that assistance has been withdrawn, and the Incumbent has again the whole work thrown upon himself, and it is much to be feared that ere long he will be obliged to relinquish this arduous duty, since neither his health nor his means are adequate to the charge."

I need not pursue this painful subject, nor state further details of what has been attempted, or what has been accomplished, or what left undone in this populous district. I have been particular in making the foregoing statement, because by this

example the peculiar wants of a multitude of similarly situated parishes may be understood and appreciated. It may be asked what is the bearing of such cases upon the question of episcopal patronage? The answer to this question will bring these remarks to a conclusion.

My Lords, what is the only conceivable remedy for evils such as these in parishes thus situated? Manifestly, the only means of providing religious instruction and pastoral superintendence for these neglected portions of our labouring population is by the subdivision of such parishes into smaller districts with a corresponding increase of the staff of working clergy. But such men who may be appointed to the fulfilment of these arduous duties upon a stipend not exceeding in many cases that which a luxurious and wealthy man allows to his upper servants, have to maintain the decent appearance and character of a clergyman of the Church of England, have to set the example of propriety of demeanour, and in numberless ways are expected to contribute something towards the mitigation of distress and disease, and the relief of destitution. It is unjust and improper that a faithful servant of Christ thus acting during the period of health, and strength, and youth, should be supported by the hope that such exertions should at some future period be rewarded by his diocesan, and that with an increased family, perhaps, but with failing strength to provide for them, he should look with confidence to promotion in his holy calling? The chance of that promotion will be diminished by one-half if the patronage belonging to the Bishop be reduced to the extent proposed. Therefore my Lords, I conjure you to grant the small amount of security which would be given by the adoption of the clause which I now beg leave to propose.

The noble Lord concluded by moving an Amendment.

"That no appointment or exchange of Ecclesiastical patronage under the provision contained in the Act of 6 & 7 *Will.* IV. c. 77, shall be carried into effect without the consent in writing of the Bishop of the diocese within which such ecclesiastical patronage so proposed to be appointed or exchanged shall be situate."

THE EARL OF CHICHESTER said, that as representing the Ecclesiastical Commissioners, he would endeavour to explain to their Lordships what in his opinion was the state of the law on the subject. The Act 6 and 7 *Will.* IV., which created two new sees, also altered the boundaries of every diocese in the kingdom. Some were increased and others decreased; but it appeared to Parliament that it was absolutely necessary, as a consequence of the re-arrangement of the sees, that the patronage should also be re-arranged. He believed that the Ecclesiastical Commissioners had made the best arrangements which circumstances has allowed, and that in doing so they had acted not only in conformity to the provisions of the Act, but with a view to what they believed to be for the benefit of the spiritual welfare of the people.

THE BISHOP OF DURHAM said, as he was in some sort a party concerned, and as the matter had already been gone into at so much length by his noble Friend, he did not intend to go into the question; but he wished to remind their Lordships of the extreme inconvenience that would arise if patronage in one see were transferred to the Bishop of another; and he was the more anxious to call attention to this circumstance in the hope that their Lordships would endeavour to devise some remedy for this serious evil. It must be obvious to every one that such an arrangement would seriously interfere with the due discharge of the discipline of the diocese; and besides, if such a large abstraction of the patronage of livings took place as was proposed from the see of Durham, and they were given to the dioceses of Ripon and Manchester, how would matters stand if that were carried out which had often been contemplated—the separation of Durham into two dioceses of Durham and Northumberland? In that case the patronage of Durham would be considerably below that of Ripon. All he pleaded for was, that further consideration should be given to the subject: that, if possible, the inconvenience of investing a Bishop with patronage in a diocese that was not his own might be avoided.

THE EARL OF DERBY reminded their Lordships that this was no arbitrary decision of the Ecclesiastical Commissioners, but that they were acting under the provisions of an Act of Parliament, passed so long ago as 1836, which empowered the Ecclesiastical Commissioners to recommend schemes for giving to each Bishop an amount of patronage that should be, as near as possible, commensurate with the magnitude and importance of his diocese; which scheme, when so drawn out, was to be sanctioned by an Order in Council. So far as the province of Canterbury was con-

cerned this scheme had been sanctioned and carried out long ago; and why the Act should have been allowed to remain so long a dead letter in the province of York it was impossible for him to say. One thing had been obtained, however by the long delay—that none of the Bishops in the province could offer any objection to its operation, as they had all been appointed to their sees subsequent to the passing of the Act, and therefore subject to its provisions. He would not argue in defence of any particular scheme or plan; he would only say that the Commissioners in proposing a scheme at all, were acting under the provisions of an Act passed twenty-two years ago, and passed on good and satisfactory reasons. He certainly concurred in the general principle that it was not desirable, if it could be avoided, to give a Bishop of one diocese patronage in another—that if it could be done, a Bishop's patronage should be confined within his own see. But as comparisons had been drawn between the see of Durham and the sees of Ripon and Manchester, and as much had been said about the growing population of Durham, he would read to their Lordships a paper which he held in his hand, and which would show the relative population and the importance of each. The see of Durham contained a population of 700,000 inhabitants; the see of Ripon a population of 1,033,000; and the see of Manchester a population of 1,400,000 so that their Lordships would see the diocese of Manchester possessed nearly double the population of Durham. Then as to benefices, there were in Durham 247 benefices; in Ripon 373 benefices; and in Manchester 315 benefices; so that in point of benefices, both these dioceses were far a head of the diocese of Durham. But with regard to patronage the position of the sees was very different. The see of Durham possessed the patronage of seventy livings, the aggregate value of which amounted to £39,140; the see of Ripon possessed forty-seven livings, the aggregate value of which was £10,000; and the see of Manchester thirty-six, the aggregate value of which was £9,000 only. It was clear, therefore, that if the Ecclesiastical Commissioners were to carry out the provisions of the Act of 1836 they must abstract somewhat from the patronage of Durham in order to make up for the inadequate patronage assigned to Manchester. He might add that the patronage of Manchester was almost valueless, consisting for the most part of newly-created parochial districts, with endowments of from £100 to £150 a year, and containing populations of from 2,000 to 6,000 persons. If his noble Friend (Lord Ravensworth) therefore intended to carry out his proposition, he must begin by repealing the Act of 1836, and then introduce the clause which he had brought before the House. But his noble Friend must see that to say a Bishop shall not be deprived of his patronage unless he gave his consent in writing was as much as to say he shall not be deprived of it at all. If the Ecclesiastical Commissioners were to be bound to make no change except with the consent of the individual Bishops, the powers intrusted to them would be almost valueless. And after all, who were these Commissioners? Why, the great body of the Bishops themselves, and by those Bishops all those arrangements were sanctioned. If they, for the sake of convenience, chose to entrust those particular duties to a body of three laymen, it only showed the confidence which those Bishops entertained in their discretion and judgment. He could not assent to the proposition of his noble Friend, as it would defeat the powers of the Commission. But their Lordships must remember that the Commission had only power to frame a scheme; but it could not be carried into effect without an Order in Council. Now, if his noble Friend would be satisfied with this—though he did not think it would make the slightest difference—that no disturbance should take place in the patronage of any Bishop without giving a month's notice, so that the aggrieved Bishop might have an opportunity of carrying his case before the Ecclesiastical Commission, and if he did not give satisfaction he might then appeal to the Queen in Council, without whose sanction no new arrangement could be made, he (the Earl of Derby) would agree to that course; but he could not consent to give any one Bishop an absolute hold over the proceedings of the Commissioners, which would completely subvert the operation of the Act.

LORD RAVENSWORTH intimated that he could not accept of this suggestion.

EARL GREY regretted that no arrangement could be made by which the patronage of each Bishop should be comprised within his own diocese, because he could easily see that great inconvenience would arise from the patronage of a parish being

in the hands of a Bishop of another see, and who had no acquaintance with the wants and the habits of the people.

After some remarks from Earl POWIS and the Duke of MARLBOROUGH,

On Question, Whether the said clause shall be inserted? their Lordships *divided:* Contents 12; Not-contents 38: Majority 26.

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	Wynford, L.

Resolved in the *negative.*

THE BISHOP OF OXFORD moved the addition of a clause for the endowment of the chancellorships of the different dioceses out of the common fund of the Ecclesiastical Commission.

THE EARL OF DERBY thought the subject required more consideration, especially by the House of Commons, before their Lordships decided upon adopting the step proposed by the right rev. Prelate. He would recommend, as the more convenient course, that the right rev. Prelate should be satisfied for the present with having raised the question, and allow it to rest with the other House of Parliament; and, if that House introduced such a clause into the Bill, he was certain their Lordships would readily give it their sanction. Whatever their Lordships now did in reference to the matter must necessarily be imperfect, though he granted that it was important and necessary, in some way or other, for Parliament to make provision for the Chancellors.

LORD CRANWORTH said, that for the fees which the Chancellors used to be paid in regard to wills, the present holders of the office were compensated, under the Probate Act, out of the Consolidated Fund.

THE EARL OF POWIS hoped their Lordships would not shrink from giving an opinion as to whether or not the Bishops should be left altogether without the assistance of these important ecclesiastical functionaries.

THE BISHOP OF LONDON hoped that the award of salaries to the Chancellors would be accompanied with a remission of fees now paid by the poorer clergymen.

THE EARL OF DERBY said, that if the right rev. Prelate were disposed to insert this clause, it would be necessary at the same time to state what amount of salary he proposed to give, the number of the Chancellors, and the duties they had to perform. With this view, he suggested to the right rev. Prelate to withdraw the clause for the present, in order that this information might be obtained.

THE BISHOP OF OXFORD assented to this proposition, and proposed to bring forward clauses with the object he had in view on the third reading of the Bill.

Further Amendments made.

Bill to be read 3ª on *Friday* next.

COUNTY COURTS DISTRICTS BILL.

REPORT OF AMENDMENTS.

Amendments *reported* (according to Order).

LORD BROUGHAM said, that their Lordships could estimate the importance of the County Courts by the fact that the amount involved in the suits brought last year was not less than £700,000. A proof of the preference given to these courts over the Superior Courts of Westminster was, that there were 10,000 suits brought in the County Courts for sums in which the Superior Courts held a concurrent jurisdiction, while only 2,000 of these suits were brought in the Courts of Westminster. He had always advocated an equalization of the salaries of the County Court Judges, but he regretted that the House of Commons had shown a disposition to carry this equalization into effect by cutting down the salaries to a *minimum*, instead of adopting the *maximum*, as he had recommended.

THE LORD CHANCELLOR said, that the Bill before their Lordships, which he

had proposed with the view of equalizing the duties of the County Court Judges, would go a considerable way towards accomplishing the object of his noble and learned Friend. It appeared that in consequence of the unequal distribution of business amongst the County Courts several of the Judges were greatly overtasked, and he believed there was no doubt that their labours were too great for them. But his noble and learned Friend would remember that there were others of the Judges whose labours were exceedingly light, and that it would be ridiculous, therefore, to think of advancing their salaries to the extent his noble and learned Friend suggested. It was only yesterday when he (the Lord Chancellor) proposed to insert a clause in the Bill for preventing references being sent to County Court Judges, in consequence of their heavy labours, that his noble and learned Friend (Lord Wensleydale) showed him a list, by which it appeared that there were some of the County Court Judges who did not sit more than forty-five days in the year. [Lord Brougham: Very few of them.] He could not say whether this account of their labours was a correct one or not; but certainly their duties were extremely unequal, and he thought in the present state of things it would be most unreasonable indeed to equalize their salaries. What might be the effect of the Bill which their Lordships were now considering—whether it would have the effect of so far equalizing the labours of the County Court Judges, and distributing the business amongst them as to find them all sufficient employment throughout the year, and make it reasonable that their salaries should be raised, was a matter to be hereafter considered when they saw what was the operation of the Bill.

Bill to be read 3ª on *Thursday* next.

CHINESE PASSENGERS' ACT (1855) AMENDMENT BILL.

BILL READ 3ª.

On Motion that the Bill be now read 3ª,

Lord BROUGHAM said that, although he regarded the measure as an improvement on the existing law, he doubted if it went far enough. He would venture to refer to a discussion that had taken place on a previous night, for the purpose of saying that he was perfectly persuaded, from information he had received, and part of it from official sources, that the persons who were on board the *Regina Cœli* were not free negroes, or Liberians, but slaves who had been liberated for the sole purpose of being embarked as nominally free negroes, and that they had come, not from Liberia, but from the well-known slave district of Mannoo, the chief of which was one of the most determined slave traders who ravaged that part of the African coast.

The Earl of DERBY thought it was most unfortunate that the noble and learned Lord had not made this statement when his noble Friend the Secretary for Foreign Affairs was in his place, who, he understood, took quite a different view of the subject. He (the Earl of Derby) did not mean to say a word in favour of the system of French emigration; but he believed his noble Friend had shown the noble and learned Lord a paper, by which it appeared that the persons on board the *Regina Cœli* had been mustered or raised within the districts of Monrovia and Liberia, and not in the district to which the noble and learned Lord had referred.

Lord BROUGHAM: The paper which the noble Earl had shown him certainly treated the *Regina Cœli* as a slaver.

Bill read 3ª; an Amendment made.

Bill *passed*, and sent to the Commons.

House adjourned at Eight o'clock, to *Thursday* next, half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, July 6, 1858.

Minutes.] Public Bills.—1° Endowed Schools Law Amendment; Landlord and Tenant (Ireland); Emblements, &c. (Ireland); Leasing Powers (Ireland).
2° County, &c., Property Conveyance.
3° Universities (Scotland); Wills, &c., of British Subjects Abroad; Copyright of Designs; Stipendiary Magistrates, &c.

MEDICAL PRACTITIONERS BILL.

COMMITTEE.

Order for Committee read.

Motion made, and Question proposed—"That Mr. Speaker do now leave the Chair."

Mr. T. DUNCOMBE rose, to move that the Bill be proceeded with that day six months. The measure was one which

was supported solely by the Colleges of Surgeons and Physicians; the profession generally were opposed to it and the public, much as their interests were affected by it, knew nothing about it. It was an ill-considered measure, and, from the advanced period of the Session, it would be impossible to bring it to a conclusion. If it were a simple Bill for registration of medical practitioners, that object might be effected in a much simpler method than by the machinery of this Bill; it, however, went much further, providing for the establishment of regulating councils. By the 41st clause of the Act the Treasury was to defray the expense of carrying out the measure. He for his part would not consent to saddle the public with any such expense. No one ought to give his consent to the Bill until he had seen the dissection made of it in the *Westminster Review* of April and the present month, which showed conclusively that the proposed Medical Council was simply a method of centralizing and consolidating the powers of those corporations. The measure was one which would meet with the greatest opposition; there would be numerous divisions on almost every clause, and he implored the right hon. Gentleman (Mr. Cowper) not to waste the time of the House and the Government by persisting in a measure which it would be impossible to carry through this Session.

MR. BLACK seconded the Motion.

Amendment proposed,—

To leave out from the word "That" to the end of the Question, in order to add the words, "this House will, upon this day three months, resolve itself into the said Committee,"—instead thereof.

MR. COWPER admitted, that on the second reading the Bill did not receive that full consideration which it deserved. With regard to the observation of the hon. Member that this Bill was not looked upon with favour by the profession, he would refer him to the large number of petitions to that House from the profession in support of it: he believed that none but those who were unqualified practitioners were hostile to it. He therefore trusted the House would not interpose any further delay in going into Committee on the Bill, as he had not heard any fair reason for postponing it.

MR. HEADLAM said, that considering he had presented petitions against this measure from the Medical College of Edinburgh, he had listened with some surprise to the statement of the hon. Gentleman that those only objected to it who were unqualified practitioners; but he regretted the course taken by the hon. Member for Finsbury, because, although he had numerous Amendments on the paper, he thought that if there was a possibility of going on with it they might legislate this Session, supposing the right hon. Gentleman were to make such moderate concessions as were demanded of him; hitherto, however, the right hon. Gentleman had steadfastly refused to meet the views of those who were opposed to some parts of the Bill. If they were going to have a lengthened discussion on every clause it would be utterly useless to expect any legislation on the subject at present.

MR. HADFIELD was very anxious to know what were the intentions of the Government with regard to the measure?

MR. WALPOLE said, that on the second reading of this Bill he had stated his views on the matter, and had since incorporated those views in the shape of Amendments to be proposed in Committee. They were first to form a General Council, and then to lay down such a course of study and examination as would entitle the Council to grant licenses. He did not think that the registration provided for by the Bill would only result in the compilation of a medical directory; something more was to be expected from its establishment than that. He did not think, considering the great interest felt in this question, after much care had been expended in the framing of a Bill, and a day had been appointed for its discussion, it would be right now to refuse to go into Committee. When the House was in Committee they could more precisely ascertain what the objections to the Bill were, and if they were such as no mere alteration of the Bill could remove, he, on the part of the Government, would propose a course which should be acceptable to all parties.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 95; Noes 8: Majority 87.

Main Question put, and *agreed to*.

House in Committee.

Clause 1 and 2 *agreed to*.

Clause 3,

MR. T. DUNCOMBE moved that all the clauses should be postponed till they came to the consideration of the 41st clause, which provided that until the fees were

sufficient for the working of the Bill the expenses should be advanced by the Government. He thought before they proceeded further, they ought to decide who were to pay for going into this legislative quackery, for quackery, after all, it was. If it was not competent for him now to move this Amendment, he must only oppose all the clauses, clause by clause, until they came to the 41st.

MR. COWPER said, with regard to the 41st clause it was so framed that it would not make any demand upon the public purse. He therefore appealed to the hon. Member for Finsbury not to impede the progress of the Bill. When they came to the 41st clause, he hoped to satisfy the hon. Gentleman that the clause did not bear the construction which he put upon it.

MR. AYRTON also hoped his hon. Friend (Mr. Duncombe) would not persevere against the opposition which he met with on the division which had just taken place. He thought the feeling of the profession with respect to this Bill was decidedly in its favour, and he believed it contained the foundation of a good measure of legislation for the country.

MR. HATCHELL thought that this Bill met the wishes of the medical profession as much as any others which had been proposed, and after it was amended in Committee he saw no reason why it should not be passed. He was sure it would give satisfaction to the medical profession in Ireland.

MR. W. WILLIAMS was very anxious to know, before they proceeded further, what would be the expense of carrying out the Bill, and what proportion would probably be returned in fees. He complained that in almost every new measure, with the exception of that introduced by the Attorney General for Ireland with respect to land transfer in that country, the principle had been to defray the cost of carrying out the Act out of the public funds.

MR. BLACK said, that the hon. Gentleman could not be aware of the amount of the fees to be paid by the persons who availed themselves of the benefit of this Act.

MR. T. DUNCOMBE replied, stating that the only result of the appointment of the Council would be to perpetuate a monopoly, and the medical profession viewed it with the greatest jealousy. He did not believe that any portion of the expenses of carrying it out would be refunded by means of fees.

MR. WALPOLE said, that he was quite opposed to the Government being saddled with the expense of the Act, and therefore should support all the clauses which would tend to establish a scale of fees sufficiently high to defray that expense. The 41st clause was merely for the purpose of obtaining an advance from the Government until the fees came in. He thought it was unnecessary.

MR. LEFROY hoped the Committee would be allowed to proceed with the Bill.

MR. COWPER said, that as he did not consider the 41st clause essential he would consent to withdraw it when it was arrived at in due course.

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Clause 4,

MR. AYRTON moved, that the President of the Council should be elected by that body among themselves, instead of being nominated by Her Majesty as proposed by the clause.

Amendment *agreed to.*

Clauses 4 to 14 *agreed to.*

Clause 15.

MR. HEADLAM moved an Amendment to the effect that no practitioners but such as had passed an examination at the Colleges of Physicians and the College of Surgeons, and received license to practise therefrom, should be permitted to register themselves under the Bill.

Amendment proposed,—

In page 5, lines 19, 20, to leave out "subject to the provisions hereinafter contained, every person hereafter becoming possessed."

MR. WALPOLE opposed the Amendment, which he said militated against the main objects of the Bill—namely, the continuance of all the existing bodies by whom degrees and diplomas are granted so long as the course of study in them shall be satisfactory to the Council to be appointed under the Bill.

Question put, "That the words proposed to be left out stand part of the clause."

The Committee *divided*:—Ayes 138; Noes 51; Majority 87.

Clause *agreed to*, as were also Clauses 16 to 25.

Clause 26.

MR. HEADLAM moved to add a proviso that no person should be erased from the register on the ground of his having adopted any particular theory of medicine or surgery.

Amendment *agreed to.*

Clause, as amended, *ordered* to stand part of the Bill.

Clauses 27 to 40 inclusive were *agreed to.*

Clause 41 *struck out.*

Clauses 42 to 44 *agreed to.*

Clause 45.

MR. HADFIELD moved to insert a proviso to the effect that within twelve months after the granting of such charter to the College of Physicians of London, any fellow, member, or licentiate of the Royal College of Physicians of Edinburgh, or of the Queen's College of Physicians of Ireland, who may be in practice as a physician in any part of the United Kingdom called England, and who may be desirous of becoming a fellow or member of such College of Physicians of England, shall be at liberty to do so, and be entitled to receive the diploma of the said College, and to be admitted to all the rights and privileges thereunto appertaining, on the payment of a registration fee of ( ) pounds to the said College.

MR. WALPOLE agreed to the Amendment; but with reference to a proposed exemption from stamp duty which the proviso first contained, said the hon. Gentleman must consult the Chancellor of the Exchequer.

Proviso, as amended, *agreed to.*

Clause ordered to stand part of the Bill.

Remaining Clauses *agreed to.*

MR. HEADLAM moved to insert the following clause in lieu of Clause 16:—

"After the passing of this Act the medical registrars shall, under the authority of the respective branch Councils, require proof from every person who applies to be registered as a physician, and who is not qualified to be registered as such under the provisions of section 15 of this Act that he has completed the age of 24 years, and that he has graduated in Arts and Medicine, or in Medicine after having passed the examinations for a degree in Arts in some University of the United Kingdom, or in some foreign University approved by the General Council, or that his case comes within some special exception established by the General Council, and that he has been examined by and has received letters testimonials as a physician from one of the Royal Colleges of Physicians of England, Scotland, or Ireland, and has been enrolled as a member of that College."

MR. WALPOLE opposed the clause as unnecessary.

Clause *negatived.*

MR. BERESFORD HOPE moved to insert the following clause after Clause 45:—

"It shall, notwithstanding anything herein contained, be lawful for Her Majesty, by charter, to grant to the Royal College of Surgeons of England power to institute and hold examinations for the purpose of testing the fitness of persons to practise as Dentists, who may be desirous of being so examined, and to grant certificates of such fitness."

Clause *agreed to.*

House *resumed.*

Bill *reported;* as amended, to be considered *To-morrow.*

CHELSEA BRIDGE ACT AMENDMENT BILL.—COMMITTEE DEFERRED.

Order for Committee read.

LORD JOHN MANNERS said, he understood the objections entertained against the Bill were mostly directed to the 2nd and 3rd clauses. He proposed, therefore, to omit the 2nd clause altogether, and to alter the 3rd clause so as to make the foot toll cease as soon as the capital, £80,000, together with interest not exceeding 4 per cent, had been repaid. That proposition would, he thought, obviate all objection to the Bill, and accomplish his great desire of seeing an end to this vexatious legislation. If that arrangement met the view of the House, he proposed to postpone the consideration of the Bill in Committee until Thursday next.

Committee *deferred* till *Thursday.*

CHARITABLE BEQUESTS ACT. QUESTION.

MR. LEFROY said, he would beg to ask the Chief Secretary for Ireland, if the Government intend to bring in a Bill for amending the Charitable Bequests Act this Session?

LORD NAAS said, many representations had been made to him on that important subject, but it was quite out of the question to introduce a Bill with any hope of carrying it in the course of the present Session. During the recess the subject would receive the consideration of the Government.

MUNICIPAL ELECTIONS.—QUESTION.

MR. GILPIN said, he would beg to ask the Secretary of State for the Home Department, if it is his intention to extend the provisions of the Corrupt Practices Prevention Act to Municipal Elections?

MR. WALPOLE said, there was no

time this Session to introduce a Bill on the subject, but he had always had a strong opinion that the Act ought to be extended to Municipal Elections, and he would support any measure for that purpose.

MUNICIPAL AFFAIRS OF BELFAST.
QUESTION.

MR. MACARTNEY said, he rose to ask the Chief Secretary for Ireland whether any period has been fixed to commence the inquiry into the Municipal Affairs of the borough of Belfast, and who are the Commissioners appointed to hold such inquiry?

LORD NAAS said, there was no precise time appointed for the Commissioners to commence their inquiry. He, however, hoped that as soon as the circuits were completed, the gentlemen appointed Commissioners would commence their business. Those gentlemen were Mr. Major and Mr. Coppinger. Those Commissioners were men of great experience, and the Government would be happy to afford them the assistance of an actuary or of any person they might require.

MEDICAL AID IN INDIA.—QUESTION.

MR. SIDNEY HERBERT said, he wished to ask the right hon. Gentleman the Secretary for War the question of which he had given him notice. It was stated in the accounts recently received from India that many regiments were proceeding up the country without any European medical professional assistance. He understood there was great difficulty in obtaining medical men for our army in consequence of no improvement having as yet been carried out in their rank, pay, and general position. He believed that a plan was under the consideration of the Government which was intended to remedy that inconvenience, and to give those medical gentlemen a better status in the army than they had at present. He wished to know whether it was likely that any such plan would soon receive the sanction of the Government or be promulgated?

GENERAL PEEL said, there had been certainly a difficulty in securing for our army the number of medical men required. The plan recommended by the right hon. Gentleman had been considered, and was now placed before the Treasury for their approbation. He hoped that it would be soon brought into operation.

PUBLIC BUSINESS.—QUESTION.

MR. HUTT said, he would beg to ask the Chancellor of the Exchequer a question in regard to the arrangement of public business. He presumed it was the intention of the right hon. Gentleman to go into Committee of Supply on Friday next. He wished to know whether the right hon. Gentleman would be able to facilitate the bringing on Vote No. 5, respecting the Slave Trade, on which he (Mr. Hutt) had given notice of Motion on going into Committee of Supply.

THE CHANCELLOR OF THE EXCHEQUER said, that the question of the House going into Committee of Supply depended upon the progress of the India Bill. But, assuming that that Bill would be read a third time on Thursday next, he proposed to go into Committee of Supply on Friday morning.

MR. SERJEANT DEASY said, as many of the Irish Members would be obliged to leave town in the following week, it would be a great convenience to them if the Chancellor of the Exchequer would take the Vote upon the Irish Education question on Friday next.

THE CHANCELLOR OF THE EXCHEQUER said, that as the Irish Education Vote was No. 4 on the paper, it would be one of the first that would occupy the attention of the Committee. He had little doubt but that it would come under their consideration on Friday next. He proposed to go into Committee of Supply in the morning, as well as in the evening sitting of Friday. As to the question of the hon. Member for Gateshead (Mr. Hutt) he (the Chancellor of the Exchequer) could hardly answer for the Vote No. 5 coming on on Friday next, but as they would go into Committee of Supply on Monday also, the hon. Gentleman would then have the opportunity he required.

In answer to Sir HENRY WILLOUGHBY,

THE CHANCELLOR OF THE EXCHEQUER said, there would be no unnecessary delay in proceeding with the Estimates. He was under the impression that those Estimates had been delivered. They would, however, be delivered immediately.

GOVERNMENT OF INDIA (No. 3) BILL.
CONSIDERATION.

Order for Consideration of the Bill, as amended, read.

MR. GREGSON moved that the consideration of the Bill, as amended, be postponed until Thursday next. He had no

wish to impede the progress of the measure, but as the reprint of the Bill with Amendments had only been delivered with the Votes that morning, he thought that Members had scarcely had time to give it the consideration which its importance demanded. If the noble Lord (Lord Stanley) would not consent to the Motion, he would then appeal to the House whether, under the circumstances, it was not a fair one to make.

LORD STANLEY said, he was in the hands of the House in regard to this matter; but he apprehended that the general feeling of the House was rather in favour of proceeding with as little delay as possible. He would remind the hon. Gentleman that the reprint consisted really of nothing but the original Bill and those Amendments which had been in print for several days before.

SIR HENRY RAWLINSON said, the paragraphs in the reprint were all numbered differently to what they were in the original Bill.

Motion *negatived.*

LORD STANLEY then moved the omission of Clause 31, with a view to the insertion of new clauses. The first of those new clauses was as follows:—

"Sections 36, 37, 38, 39, 40, 41, and 42, of the Act of the 16th and 17th of Victoria, chap. 95, are hereby repealed, so far as the same apply to or provide for the admission or appointment of persons to the civil service of the East India Company."

SIR JAMES GRAHAM said, he was very unwilling to obstruct the further progress of the measure, more especially since the noble Lord the President of the Board of Control had displayed so much candour and wisdom in dealing with this Bill; but he must certainly say that, in reference to Clause 31, the proposed Amendment was not an improvement. The noble Lord proposed to omit that clause and to insert another clause.

"With all convenient speed, after the passing of this Act, regulations shall be made by the Secretary of State, with the advice and assistance of the Commissioners for the time being acting in execution of Her Majesty's Order in Council of 21st May, 1855, 'for regulating the admission of persons to the civil service of the Crown,' for admitting all persons being natural-born subjects of Her Majesty (and of such an age and qualification as may be prescribed in this behalf) who may be desirous of becoming candidates for appointment to the civil service of India, to be examined as candidates accordingly, and for prescribing the branches of knowledge in which uch candidates shall be examined, and generally for regulating and conducting such examinations under the superintendence of the said last-mentioned Commissioners, or of the persons for the time being entrusted with the carrying out of such regulations as may be from time to time established by Her Majesty for examination, certificate, or other test of fitness in relation to appointments to junior situations in the civil service of the Crown, and the candidates who may be certified by the said Commissioners or other persons as aforesaid to be entitled under such regulations, shall be recommended for appointment according to the order of their proficiency as shown by such examinations, and such persons only as shall have been so certified as aforesaid shall be appointed or admitted to the civil service of India by the Secretary of State in Council; provided always that all regulations to be made by the said Secretary of State under this Act shall be laid before Parliament within fourteen days after the making thereof, if Parliament be sitting, and, if Parliament be not sitting, then within fourteen days after the next meeting thereof."

He must own he did not think there ought to be an ouster of the advice of the Council, which this Amendment seemed to imply. He thought the advice of the Council on such a point the very best advice which could be given. He had the greatest respect for the two Civil Service Commissioners; but he thought the Council still more competent to give advice than Sir John Lefevre and Sir Edward Ryan. The hon. and learned Gentleman the Member for Devonport (Sir E. Perry) had, on a former occasion, observed that he (Sir J. Graham) seemed to be the organ of the East India Company in that House. He knew not what he had done or said there to justify such an observation. He certainly had not hesitated to express his opinion that the Directors of the East India Company had served their country in an eminent degree, and deserved the confidence of the British public; they had mainly created and conquered a great empire for this country; and he believed it would not be found much more easy to maintain it than they had found to conquer it. For the rest he might tell the hon. and learned Gentleman that he (Sir J. Graham) never had been in receipt of wages from the East India Company, and was not at present a pensioner of that body.

SIR ERSKINE PERRY supposed it would be thought that the right hon. Baronet had made a very pointed and severe attack upon him when he alluded to a gentleman having received the wages of the East India Company and being a pensioner of that corporation. The right hon. Baronet had doubtless employed his leisure in framing the most sarcastic sentence he could devise as applicable to him; but he begged leave to observe that the right hon.

Baronet was entirely wrong in his facts, for he had not been in the service of the East India Company and was not one of their pensioners.

SIR JAMES GRAHAM never said, the hon. Member had been in the East India Company's service.

SIR ERSKINE PERRY: The right hon. Gentleman had spoken of his being in their pay and being their pensioner. He had, indeed, received the public money for his services, and so had the right hon. Baronet; and without placing himself in competition with the right hon. Gentleman he would say this, that he had served as faithfully and to the best of his ability as the right hon. Baronet had himself done. The right hon. Gentleman appeared to be nettled that he should have been described as the organ of the East India Company in that House. He would tell him again, what he had alluded to the other day, that by maintaining the position of the East India Company and endeavouring to assimilate the new Council to the Court of Directors, the right hon. Baronet had, in his humble opinion, done more injury to the measure before the House than any other man in it. It might easily be conceived that the right hon. Baronet, at his time of life, should be indisposed to make any change; and doubtless that feeling accounted for his votes on this question. However, the observation of the right hon. Baronet did not apply to him, for he could say that he had given every vote in reference to the East India Company as conscientiously and as free from bias as any Member of that House. With respect to the clause now under consideration it was in perfect unison with the 16th clause of the Bill, and the objection of the right hon. Baronet therefore fell to the ground. He hoped the noble Lord would adhere to the clauses he had drawn.

MR. VERNON SMITH said, that in the course of the discussion in Committee the noble Lord had laid about forty different Amendments on the table, and though those Amendments had been adopted they had never been reprinted. The Bill had indeed been reprinted; but the noble Lord now sought to introduce fresh clauses and Amendments on the Report. It was desirable that the noble Lord should explain the object of the alteration which he now proposed.

LORD STANLEY said, as Clause 31 originally stood it left the competitive principle optional in reference to the admission into the civil service. The clause in effect placed the question upon the same footing as it stood in the Act of 1853. Under the clause of 1853 there was nothing to prevent any Government from sweeping away the whole system of unlimited competition, and of adopting, if it were so pleased, limited competition by examination tests. He had no doubt but that the framers of the Act of 1853 acted wisely at the time, leaving as large a discretion as possible in the hands of the authorities. But when the clause so taken from the Act of 1853 was brought to his notice, he felt that it was not the intention of Parliament or the Government to have the permissive principle contained in the present Bill. The Government were, therefore, willing to accept the clause of the hon. and learned Gentleman because it established beyond doubt the principle of competition, which was thus made binding and no longer permissive. The rule of unrestricted competition could not now be altered except by an appeal to Parliament. That, he thought, was an important gain.

MR. GLADSTONE thanked the noble Lord for introducing into the Bill a positive enactment on the subject of competitive examinations. Furthermore, he thought the noble Lord would act wisely in providing that the superintendence of the examinations should be placed in the hands of the Civil Service Commissioners, because they had the experience and staff which rendered them the best qualified to conduct such examinations. But the clause went somewhat beyond that, because it was a complete ouster of the Council from many matters referring to the admission of candidates to the civil service upon which they would be the most competent to give an opinion.

MR. MANGLES, in order to show that there was room for the consultation of the Council, said that if the President of the Board of Control had asked the advice of the Court of Directors as to the mode of carrying out the provision of the Act of 1853, he would have avoided the fatal mistake of fixing the limit as to the age of candidates too high.

LORD STANLEY said, that the exclusion of the Council by this clause was not so absolute as it appeared, because by Clause 36 it was provided that "the power of making regulations in relation to appointments in the civil service may be exercised by the Secretary of State in Council." At the same time, he had no objec-

tion to insert in the next clause (31 A) the words "in Council" after "Secretary of State:"

Original Clause 31 *struck out.*

Clause 31, as amended, *agreed to*, and *added* to the Bill.

The clause above recited was then *brought up*, and read 1° and 2°.

The words "in Council," after "Secretary of State," were, on the Motion of Lord STANLEY, inserted in the clause.

Clause, as amended, *added* to the Bill.

MR. GLADSTONE, in rising to move a clause of which he had given notice, said that he cordially accepted that principle of our constitution which treated the making peace and war as strictly a function of the Executive Government, and as such a part of the prerogative of the Crown; but it had always been part of the wisdom of Parliament to limit the exercise of that prerogative by a variety of safeguards, and the means which had been adopted for that purpose had generally been effectual. By one of the fundamental laws of the constitution it was a high breach of the rights and privileges of the people to maintain a standing army without the authority of Parliament; nor was that authority a mere matter of form, for in its annual proceedings the House gave practical effect to that principle by voting the precise number of men of which the army was to consist, as well as the exact amount of military expenditure; and that check ensured the earliest appeal to Parliament in all matters connected with the levying of war by the Crown. Moreover, it had been the practice of Governments not to confine their appeals to Parliament for support, when about to undertake military operations, to cases where an increase of the military establishment or an increase of expense was necessary. The force which Mr. Canning sent to Portugal in 1825 and 1826, with the view of defending that country against hostile machinations on the side of Spain, was a very small one; but, because it was in the nature of a military operation, it was thought advisable to obtain the assent of Parliament to the measures that were contemplated, and a message was brought down to Parliament on the subject. It was difficult to apply that principle to the case of an empire so distant as the East Indies; but it was by no means so difficult now as it was sixty years ago, when Parliament was first called upon to legislate for our East Indian territories, and when the average communication between this country and India was not less than five or six months instead of as many weeks. Yet, at that time, two great constitutional authorities—Mr. Pitt and Mr. Fox—who agreed on hardly anything else, were agreed on the necessity of limiting the powers of peace and war which were to be exercised in the East Indies, and both of them, by means not very different, gave effect to their intentions in their respective Bills. Under the Bill of Mr. Fox it would have been unlawful, under any circumstances, to make any war in India, excepting upon a State that was certified to be about to attack and make war upon us or upon our allies; and the measure of Mr. Pitt, which became an Act, contained provisions nearly similar. It might be said that these provisions had been ineffectual; but he alluded to them solely with reference to the principle which they enshrined—namely, that it was necessary in a case like that of the East Indies, where we could not have the securities which we possessed at home, to devise limitations of another kind upon the prerogative of the Crown in making peace and war. The question now arose, in what manner ought we to deal with this important subject at the present time? He thought it was not difficult to show, in the first place, that it was practicable to make arrangements more likely to be efficacious than those which were adopted by Mr. Fox and Mr. Pitt, and, in the second place, that a great necessity now existed for such arrangements. The communications with the East Indies were now so greatly shortened, and the contrivances of modern science and the daring of British enterprise were likely to effect so much in shortening them still further, that the whole question had assumed quite a different character from that which it had fifty, forty, or even twenty years ago, with regard to the probable inconvenience of hampering, in case of necessity, the action of the Executive Government. What he proposed was:—

"That, except for repelling actual invasion, or under other sudden and urgent necessity, Her Majesty's Forces in the East Indies shall not be employed in any Military operation beyond the external frontier of Her Majesty's Indian Possessions, without the consent of Parliament to the purposes thereof."

At the time when Mr. Fox proposed his Bill, and Mr. Pitt passed his Act, the wars waged in India were local wars. That was not the case now. Such had been the growth of the British empire, that we had now reached a point at which it became a

subject of speculation what Powers might be intriguing against us that stood in positive geographical connection with our frontiers, and whether the arms of Europe might not be carried into India. The consequence had already been, that wars had been waged in India that had been entirely divested of a local character, and that had had exclusive reference to European politics. Upon that ground alone it was necessary that we should contemplate seriously the imposition of restrictions such as those he now suggested, and which he hoped would not be thought too stringent. But, in order to prove his case, he must refer to particular instances, and he would take as his examples the Affghan and Persian wars. The Affghan war was the subject of long previous consideration—not the offspring of any sudden or unforeseen necessity, but the fruit of deliberate policy and of mature preparation; and if it had been necessary to appeal to Parliament before it was commenced, there was no doubt that it could have been done without danger or inconvenience. It was, however, entered upon without any such reference, although a large section of the House of Commons disapproved of it; and so strong was that sentiment, that, even after the war had been commenced, his right hon. Friend the Member for Carlisle (Sir James Graham), who was then acting in connection with a numerous and powerful party, actually gave notice of his intention to challenge the judgment of the House upon the propriety of the war. But as the war had been actually begun, it was considered, on grounds of State policy, practically impossible to appeal to the judgment of Parliament, and Parliament was excluded from pronouncing its opinion on the Affghan war, which involved the lives of as many subjects of the Queen as the Russian war, and which added to the debt of India some £12,000,000 or £15,000,000 sterling, forming a permanent burden on the population of that country. He was not now saying whether that war was right or wrong—that did not matter to his purpose; but what he maintained was, that it was a matter in which Parliament ought to have had something to say, and Parliament had nothing to say in it. At a later period an attempt was made by the hon. Member for Sheffield (Mr. Roebuck) to challenge the judgment of Parliament in a retrospective and condemnatory sentence on that war. The Motion entirely failed, as all such Motions did, and usually ought to do, even if Parliament differed on the original policy of the war, unless in the case of some flagrant breach of public principle and duty. He appealed, then, to that war to prove the necessity of a prior reference to the opinion of Parliament. The question to consider was, whether the Great Council of the Queen and nation should be practically excluded from consultation and influence on questions vitally affecting the interests of the empire. With respect to the Persian war the case was still more forcible, because it came home nearer by one degree to the rights of the British people and to the rights of the House of Commons. When the Government of that day gave orders for military operations in the case of the Persian war, they seemed to have felt that it would be unjust to impose on the people of India all the burdens of that war, as the war was to be made for objects really not Indian but British; and, perhaps, it would have been more just, as the people of India had no voice in the matter whether the war should be made or not, if India had not been called on to pay any charge in respect to it. Accordingly, the Government proposed an arrangement under which the cost of the war was to fall in the first instance upon the East India Company; but a portion of that cost was to be reimbursed to them from the Imperial Exchequer. He wished the House of Commons to look at its position in reference to the Persian war. In the autumn of 1856 an order was sent out for military operations in Persia. In February, 1857, Parliament met, and he did not recollect whether there was any communication in the Queen's Speech on the subject. There might have been; but, at all events, it was only one of that nature that called forth a formal and ceremonial answer, according to the usual practice of the Address in answer to the Speech from the Throne at the beginning of a Session. Time went on, and Government were asked whether it was their intention to take a vote for the Persian war. They answered that it was not; and the Parliament which existed when the war was made was dissolved without having had the opportunity of saying, whether it was or was not an assenting party to that war, though during the existence of that Parliament all the expenditure was incurred. He was not at the present moment uttering one word as to the policy of the war; assuming the public necessity for all the measures taken, his doctrine was, that those were measures

to which Parliament ought to have been a party. He appealed to the Members of the late Government to say, whether it was not a most dangerous precedent that it should lie in the discretion of the Executive to make use of what might be called extraneous finance and an extraneous army for the purpose of making war, the expense of which was hereafter to be charged on the British people? The point did not bear argument, and it was plain that if such a precedent were to grow into a practice it would amount to a perfect nullification of the privileges of the House of Commons upon one of those points most vitally and immediately connected with the rights of the British people. He, therefore, strongly urged on the House the necessity of some restraint being placed by law on the action of the Government in this matter; and he did not believe that any public inconvenience would arise from so doing. It was quite plain that if they could suppose a case arising in which military operations would be necessary, and which was not governed by the exceptions he proposed, it would be the duty of the Executive, on its own discretion, to order those preparations, and come down to Parliament for a Bill of indemnity.

Clause *brought up*, and read 1°.

LORD STANLEY said, he did not rise to reply to the arguments of his right hon. Friend, nor did he propose to enter into the circumstances which he had used as illustrations of the argument itself. There was not one expression which fell from him on the subject to which he was not prepared to assent. The Government were prepared to assent to the clause which his right hon. Friend proposed. He would only add, that the sole reason which prevented its being in the original draft of the Bill was, that it seemed to the Government that, although a clause of this kind might be very valuable as a declaration of the intentions and opinions of Parliament, still, as a practical check upon the Minister, it had not much binding force. There was first in the clause the exception of cases of "sudden and urgent necessity." That exception when considered by a Governor General, under the influence of strong feelings in favour of war, might be very largely extended. Then, again, the troops were not to be employed without the consent of Parliament. That was a security for one-half of the year, but it was not a security during the months when Parliament was not usually sitting, and could not be conveniently called together. Still, he agreed that it was important to place on record the opinion and feeling of Parliament on a subject of this kind. He thought the clause would answer the effect of constituting such a declaration of opinion; and, in that sense, and accepting it in such a manner, he should be glad to see the clause introduced into the Bill.

SIR GEORGE LEWIS said, that reference had been made to former Acts, in which an attempt had been made to carry into effect the principle of the proposed clause; but these had all unfortunately proved ineffectual in restraining Governors General from entering into wars. Now, the exception in this clause would probably be found to leave the matter still at large, wherever there was a Governor General with a disposition to engage in wars. There were not now, it was true, the same motives for undertaking wars in India which existed in the time of Lord Wellesley, inasmuch as nearly the whole of India had been brought under British dominion; and the temptation now was to engage in such wars as had occurred in Affghanistan and in Persia. He thought that great difficulties might result from the practice which would be introduced by this clause with regard to Indian wars. It was the prerogative of the Crown to declare war, and it would undoubtedly be the prerogative of the Crown to declare war in any part of Asia. But the general prerogative of the Crown in declaring war was practically limited by the necessity of obtaining votes of Supply from Parliament for the purpose of carrying on war. Beyond that constitutional necessity the prerogative of the Crown with regard to a declaration of war, or concluding peace, was unlimited. Suppose, however, the Governor General desired to make war, not for the purpose of repelling actual invasion, or under other sudden and urgent necessity—he would have to communicate with the Home Government; and in what manner would the consent of Parliament be obtained? He presumed it would be necesary to obtain the consent of both Houses, and that it would be the duty of the executive Government to introduce a Bill formally giving their consent to the Governor General's making war. That might be difficult to procure. Then the question might arise whether, Parliament having consented to the commencement of a war, it was competent for the Governor General to terminate such war without

the assent of Parliament? If they sanctioned such a principle it might be extended to other wars, and they might eventually adopt the doctrine that the British Parliament, like the American Senate, should give its consent to all wars in derogation of the existing prerogative of the Crown. If this clause was to have a practical effect these points would have to be considered.

VISCOUNT PALMERSTON said, he would not enter into any argument as to the past wars to which his right hon. Friend (Mr. Gladstone) had referred; but he must observe that the right hon. Gentleman was mistaken, as to a matter of fact, in his statement with regard to the Persian war, which was formally announced to Parliament in Her Majesty's Speech at the opening of the Session, and after such announcement it was competent to any hon. Member to call the attention of Parliament to the subject. He entirely agreed with his right hon. Friend who last spoke, that the consent of Parliament was not necessary previous to a declaration of war, because it was a fundamental principle of the constitution, that the power of declaring war and concluding peace rested with the Crown, the Ministers of the Crown being responsible for the manner in which they advised the Crown to exercise that prerogative. To maintain that the previous consent of Parliament was necessary, either to the commencement of a war or to the conclusion of a peace, would be to introduce a principle destructive of the British constitution; and he was somewhat surprised that Her Majesty's Ministers, who were the guardians of the prerogatives of the Crown and of the constitution of the country, did not rise and protest against doctrines which, in his opinion, were most inconsistent with prerogative and the constitution. But apart from the constitutional question, there was, he thought, a technical verbal objection to the clause in its present form. The right hon. Gentleman (Mr. Gladstone) proposed to enact that Her Majesty's forces in India should not go beyond the frontiers of Her Majesty's Indian dominions except to repel invasions; but invasion could only be repelled in the country which was invaded, and to state formally and deliberately in an Act of Parliament that troops should not go beyond the frontier of an invaded country to repel invasion was to perpetrate what in the sister country might be called a "bull." His right hon. Friend would probably adopt some other phraseology with the view of accomplishing his object. He apprehended, however, that the clause in its present form would go beyond the intentions either of his right hon. Friend or of the Government. What were "Her Majesty's forces in the East Indies?" Did those words refer to the local army, or to the Queen's troops stationed in the East Indies? He presumed they were meant to apply only to the local army, because otherwise the clause would prevent any part of the Queen's troops in India from being removed from that country for the purpose of carrying on military operations in any other part of the world without the previous consent of Parliament. Suppose a war should break out with China, Turkey, or any other Power, and it should be deemed necessary to remove a portion of the regular troops from India for the purpose of carrying on such war, were those troops to be placed upon a different footing from Her Majesty's forces at the Cape, at the Mauritius, or in any other part of the Queen's dominions abroad? He thought the noble Lord (Lord Stanley) would act somewhat hastily if he adopted the clause in its present form.

THE CHANCELLOR OF THE EXCHEQUER said, that the noble Lord had said that by the constitution of the country the Sovereign alone had the power of peace and of war, and that he looked to the Ministers of the Crown, who were the constitutional guardians of that prerogative, to oppose the clause which was now brought forward. [VISCOUNT PALMERSTON: The principle which it involves.] The principle enshrined in the clause. Well, let it be so. No doubt by the constitution of the country the power of peace and war rested with the Sovereign; but what they were now considering was a state of affairs not under the constitution of the country. The power of declaring peace and war might be left to the Sovereign under the constitution of this country, and with a House of Commons that voted the supplies and had a legitimate and constitutional mode of expressing its opinion. But if the power of declaring war and peace was left entirely in the hands of the Sovereign in India, there were not the means of controlling its exercise that existed in this country, and a policy might be pursued extremely injurious to the national interests. The instances which the noble Lord gave to show the injurious consequences of adopting the clause did not apply. The

noble Lord said that if this clause were adopted there would be no power of employing the Queen's troops that happened to be in India in a war which might arise with China, Persia, or other Powers. But if the Queen's troops in India were required by a war in China or in Turkey, that war would have been declared in consequence of an exercise of the prerogative of the Crown under the constitution, and in that case Parliament would have had an opportunity of declaring its opinion; and, therefore, the clause could not interpose any difficulty in the way of the troops being moved from India. Some provision of this kind, would, he thought, be salutary as regarded India. And although an alteration might perhaps be advantageously made in the language of the clause, he believed that it did not involve any invasion of the prerogative that the Crown exercised under the constitution of the country, but was a salutary and politic provision.

LORD JOHN RUSSELL agreed in the general policy of the clause on the grounds which had been stated by the Chancellor of the Exchequer, for there were in India upwards of 200,000 soldiers to whose support a large amount of revenue was appropriated, which soldiers were not voted by the House of Commons, neither was the means of paying them. He did not agree in all his noble Frind's objections to the working of the clause—for instance, in regard to "repelling invasion;" that would obviously apply to troops crossing the frontier to attack the enemy after the invasion had taken place; but he was disposed, however, to concur in the objection raised by his noble Friend (Viscount Palmerston) to the terms of the clause. "Her Majesty's forces in the East Indies," it was said, "shall not be employed in any military operation" beyond the frontier of India without the consent of Parliament. Now, supposing we had a war with some European power, and that, this war being supported by the House of Commons, it was considered desirable for the Indian army to attack the possessions of this enemy of the Crown, it appeared to him the clause would prevent the employment of those forces without the consent of Parliament. Thus if, prior to the attack on Java, when we were at war with the Dutch, the Governor General had been obliged to send to the home Government, and they had been obliged to apply to Parliament to obtain authority for this expedition, it might have failed altogether, because, by making it known to the enemy through a debate in Parliament, you would entirely defeat your object. He doubted, also, whether the language of the clause would not have prevented the expedition to Egypt.

THE SOLICITOR GENERAL thought the clause as it stood would meet both the cases mentioned by the noble Lord, which would come within the scope of the words "or under other sudden and urgent necessity." He would suggest to the right hon. Gentleman (Mr. Gladstone) whether it would not be better to alter the wording of the clause by making it read—Her Majesty's forces "maintained out of the revenue of India" shall not be employed, &c.

MR. WILSON believed there was no precedent whatever for the interference of the House of Commons in the disposal of Her Majesty's forces. He concurred with his right hon. Friend (Mr. Gladstone) that it was desirable Parliament should have a check upon Indian as well as upon European wars; but he suggested whether his object would not be gained in a more constitutional way if, instead of saying that "Her Majesty's forces in the East Indies shall not be employed," and so on, he provided "that the revenues of India shall not be applied for such purpose, except with the consent of Parliament." This would leave the prerogative of the Crown in respect to the employment of forces unimpaired. It would then be exactly analogous to the practice in this country, where a Vote of Supply formed the only check upon military operations.

MR. GLADSTONE said, he had no objection to make the alteration suggested by the Solicitor General, which he thought would meet the case. He did not think the alteration suggested by his hon. Friend (Mr. Wilson) was a desirable one.

MR. VERNON SMITH thought the alteration proposed by the Solicitor General a good one; but he wished to ask in what manner it was thought necessary, in point of law, that the approbation of Parliament should be signified.

THE SOLICITOR GENERAL said, the most convenient and constitutional course of testing the consent of Parliament would be by an Address to Her Majesty from both Houses.

VISCOUNT PALMERSTON said, the troops of the regular army while stationed in India were paid out of the Indian revenue, and the clause would thus restrain the

action of the Queen's as well as of the local troops.

MR. GLADSTONE thought the obvious answer to this was, that the moment the troops of the regular army were removed from India into another country for the purpose of military operations, they would cease to be maintained out of the Indian revenue, but would become a charge upon this country.

MR. MANGLES said the Affghanistan and Persian wars constituted charges upon the Indian revenue.

VISCOUNT PALMERSTON thought that the clause was most objectionable, and, although he did not think that it would be possible to strike it out by a division, he should when the Question was put from the Chair that the clause be added to the Bill, say no to that proposal.

Clause read 2°; and amended, by leaving out the word "in," in line 2, and inserting the words "maintained out of the Revenues of," instead thereof.

Question put, "That the clause, as amended, be added to the Bill."

The House *divided*:—Ayes 152; Noes 46: Majority 106.

Clause *added* to the Bill.

VISCOUNT PALMERSTON then rose to move the following clause :—

"That so much of this Act as relates to the nomination, election, numbers, duration of service, salaries, and retired allowances of the Councillors, shall not continue in force longer than for five years from the 1st day of August, 1858."

His object was to limit the duration of the Council, and so to place Parliament under the necessity of reconsidering these arrangements after the lapse of a certain time. The arrangements which the Government had been led to make in regard to the constitution of the Council would, he thought, be found in practice inconvenient. In the first place, the proposed Council would be to a certain extent, a continuation of the double government. It was a maxim with a political writer of Italy that if, being compelled to make a charge, you wished to maintain things as nearly as possible as they were, you should change their names. That was precisely what the Government proposed to do in the present instance:—that was to say, they changed the name of the "Court of Directors" to the "Council of India"—but they left, under the new name, very much the same state of things and the same obstructive machinery (as everybody admitted the Court of Directors to be) as existed under the old. Consider what was proposed to be done. There were now eighteen Directors of the East India Company. It was proposed to substitute fifteen Councillors, the greater portion of whom would, of course, be chosen from the present Court of Directors; and no doubt, so far as that choice went, it would fall upon men conversant with Indian affairs and men of capacity. To that, therefore, he could not object. But the House must look not to individuals but to things. Those gentlemen, who had hitherto received £500 a year for doing certain duties, were henceforward to be paid £1,200 a year for doing, at all events, nothing more, and probably less, than they did now. Hitherto they had as Directors held their offices for six years, but were eligible for re-election; now they were to hold office for life; and more than that, these gentlemen, who, if compelled to retire by ill-health or by not being re-elected when the period for re-election arrived, retired without pension, were in future to be entitled to pensions of £500 a year each. What was the object of this great change? What was the reason why the duties the Council had to perform required that the Councillors should be placed in so much better a position than had been occupied by the very individuals who composed it up to the present time? He did not see any reason for it. The duties of the Council would in a few years greatly diminish, for the noble Lord (Lord Stanley) admitted that when the Government of India was transferred to the Crown a great deal of the details of business which were now sent to India would not be sent, and that a great deal of the work would progressively decrease. Their functions would be of a less important character, for, as he understood the Bill, the Council would not have to decide anything; the Cabinet, on the system of Ministerial responsibility which the House had been endeavouring to establish, must have the deciding voice on matters relating to India as well as in other parts of Her Majesty's dominions. The Councillors would have no responsibility, whereas the Directors of the East India Company were responsible to their constituents. Here were fifteen gentlemen without any responsibility about to be placed in a much better position as regarded tenure and as regarded salary than before, for no reason whatever that he could see. He thought it advisable that Parliament should have an opportunity of reconsidering the ar-

rangement now made without giving to the Councillors a freehold interest in their places, such as the Bill now proposed to give them. Otherwise, if in three or four years the Government of the day came down and said that they were of opinion that there should be fewer Councillors, that their tenure of office should be shorter, and that retiring pensions ought not to be given, unless there was something in the Bill to enable Parliament to re-consider its enactments, the Act would be pleaded in bar to the action of Parliament as affecting vested interests, unless the Bill itself contained a provision binding them to reconsider the matter within a certain period. As far as it was advantageous to the interests of India, he still thought the number of fifteen Councillors too large. When the late Government was considering the question, they thought six a sufficient number, but in deference to opinions which were expressed on the subject, they extended the number to eight. He was sure that eight would be amply sufficient, and that even six would be found sufficient. If that opinion was correct, it would be found that fifteen would be cumbrous, and that in the transaction of business of moment, so far from accelerating, they would rather tend to retard it. He would put it to hon. Gentlemen who were accustomed to serve on Committees in that House whether, when they consisted of fifteen Members, in deciding on the details of administration—for the Chancellor of the Exchequer emphatically denied that this was an executive, but that it was only an administrative Council—he put it to Gentlemen whether, on Committees consisting of fifteen members, in considering matters analogous to those which would come before this Council, a great deal of time was not consumed in discussing matters which one or two of the Committee, or even the Chairman, could have satisfactorily decided. So far as the details of the Indian Government at home were concerned, he was strongly of opinion that fifteen would be an inconvenient number for the Council, and that the consequence would be either that one-half of the Council would degenerate into sinecurists, or that their exertions would prove an impediment and clog on public business. Indeed, he thought that the noble Lord's (Lord Stanley's) tendency was towards the same opinion. As regarded the convenience of administration, there should be some provision in this Act which would bind Parliament, within a limited period, to reconsider the matter. When that time came, if the Secretary for India stated that he found it to be necessary and convenient that there should be so many Councillors, and that fifteen were required, Parliament, deferring to his experience, would have no difficulty in continuing that number. If the Minister of the day said that he was satisfied from experience that those officers should hold their offices for life instead of for a limited time, of course Parliament would give greater weight to an opinion founded on experience than on those founded on conjecture, on which alone the Government had now acted. The proposition he now made did not interfere with any decision to which the House had come. All he asked was, if this Act passed in its present shape, that any future Government or Parliament should be able to deal with the question of this Council without being met by the question of vested interests and Parliamentary titles to the office of Councillor. He submitted that by the clause he now proposed, future Parliaments and Governments would be free to propose either to alter or to continue the arrangements which were now made, but that if they wished to alter them, that they should not be met by that plea in bar which the Bill, as it now stood, would afford.

Clause *brought up*, and read 1°.

LORD STANLEY said, the noble Lord, at the commencement of his speech, had used two expressions as equivalent the one to the other, which, nevertheless, appeared to convey an entirely opposite meaning. He said, first, that he wished to give Parliament an opportunity of reconsidering this question within a limited time; and then, correcting himself, he said he wished to put Parliament under the necessity of reconsidering it within a limited time. These were two very different propositions, and he objected both to the one and the other, though for different reasons. He objected to the plan by which the noble Lord proposed to give Parliament an opportunity of reconsidering this subject, because Parliament had such an opportunity, not merely at the end of five years, but at the very earliest moment when any measure which it had passed was found inconvenient in its practical working. The noble Lord had talked of keeping the door open for reconsideration. Why, the door was open. And, as to placing the Legislature under the necessity of reconsidering

the subject, there was a strong objection to fixing a definite period at which a great question like that of the Indian Government must be dealt with by that House. Such an enactment might have been a proper provision when what was called the renewal of the charter of the East India Company had to take place at certain prescribed intervals; but even with regard to that, frequent and just complaints had been made of the inconvenience of their being compelled to legislate at one particular moment, no matter what might be the other subjects pressing on the attention of Parliament, and no matter how desirable it might be to obtain a longer period for discussion. The House generally had shared in that opinion; because, when the measure of 1853 was brought forward by a Government of which the noble Lord (Viscount Palmerston) was himself a Member, to which Members on both sides objected quite as strongly as the noble Lord did to the present Bill, the question was raised whether, instead of that measure continuing in force until Parliament should otherwise determine, a certain period of time should be fixed for its reconsideration. The sense of the House was against that proposition, partly from many hon. Members thinking it would be imprudent to tie up the whole question for ten years, and partly from the reason he had stated, that no one could foretell what events might occur in that time, or whether, at the end of ten years, there might not be some great political agitation, or a war imminent or pending, which would compel them either to legislate without due attention, or to resort to the clumsy expedient of a Continuance Bill. The noble Lord said he was afraid, unless some such provision were introduced, of vested interests being created, and that Parliament would have to grant heavy compensations in case it should be proposed to reduce the number of members of Council or to diminish their salaries. But if the noble Lord had referred to the last paragraph of the 14th clause, he would have found that that contingency was already guarded against. In the 14th clause it was provided that no Councillor should have any claim for compensation for loss of office under ten years' service, in the event of Parliament deciding at any future time to reduce their number. As the Bill now stood any member of Council, having served ten years, would at the end of that time be allowed a retiring salary, which in case of any reduction in the number of the Council would stand as compensation for his removal. So that, as far as vested interests were concerned, the House need not trouble itself to guard against a peril which was already provided for in the Bill. The noble Lord had also found fault with the provisions of the Bill generally, and had spoken of it as continuing the double Government and the existing machinery of the Indian Government. He (Lord Stanley) remembered hearing a speech of the noble Lord at the commencement of the Session, in which he dwelt upon the inconveniences, delays, and the complexity of the transaction of Indian business which arose from the existence of two offices, and the sending backwards and forwards of despatches, and the noble Lord described what he called "the travels of a despatch," to the amusement of the House. Now, the Bill, whatever else it might have spared, had certainly swept away the two offices, and despatches would not have to travel until they commenced their journey to India. Then, again, the Court of Proprietors having been abolished, the administration of Indian affairs having been placed directly under the Crown, great facilities had been provided for placing the army in India upon a different footing, if it should be deemed necessary, and the first step had been taken, without which any measures of reform hereafter would have been more difficult. He denied that, although the Bill was less extensive in its character, and gave less power to the Minister than the measure of the noble Lord, it was therefore to be considered as a mere continuance of the existing system. Into the question of the number of the Council he would not follow the noble Lord, but would only observe in reference to his remark that fifteen was an awkward number, that after long experience that House continued to adopt that very number for its Committees. In fact, a great part of the work of the Council would be done in the Committees which it was proposed to create, and not by the whole collective body. The noble Lord seemed to think that the Government looked forward to the time when the number of the Council might be reduced. He (Lord Stanley) repeated what he had said on former occasions. They were told that by a different mode of carrying on business in India it might be possible greatly to diminish the work of the Government at home. Upon that point he expressed no opinion. If it

should turn out that the amount of work transacted in this country was diminished, no doubt it would be proper to consider whether the number of Councillors also might not be reduced. But he did not regard the Councillors merely as so many clerks; their assistance would be required for the experience they would bring, the advice they would give, and the administrative ability they would possess. He did not deny that hereafter a reduction might be possible, and if so, remembering that they were all now acting in a great measure upon conjecture and as an experiment, he would not be ashamed, and no Minister need be ashamed, to come down to that House and ask Parliament to alter the arrangement which it had sanctioned, but which a change of circumstances had rendered unfit to be continued. If the noble Lord thought so badly of the Bill as he appeared to do, it was not a question of enduring for five years only, but whether it should pass at all. If that was his opinion, there would soon be an opportunity of trying the question upon the third reading, when he could ascertain whether the House still adhered to the opinions it had already expressed upon this subject.

MR. BRIGHT observed that, when the clause of the noble Lord the Member for Tiverton first met his eye he was undecided as to the course that he should take, for he was afraid that fixing a period of five years for the time when this question should be reviewed might give to what he considered altogether a faulty measure, a length of life which it did not deserve. On the other hand, he had a fear that if no period for review was fixed probably such a measure, once passed, might go on for a good many years without alteration. When the present Government of India was enacted by Parliament, in 1853, the period that had formerly been fixed at twenty years was omitted, and he wished, at the time, that such provision had been made, but with a shorter period. It was argued in reply, that no period was fixed; that they could alter the law at any time; that Parliament could have it for a year if it chose. Now, that was very specious, and might take with some people; but he would venture to ask the House, if they had not had an earthquake in India, in this great revolt, whether these eighteen gentlemen would not have gone on for many years in the India House just as they had done up to this period; and he ventured to say that there was nothing really in what had taken place in this revolt that was conclusive against the gentlemen in Leadenhall Street with reference to their past career. He thought they had been most unjustly judged by being made to bear the odium of that revolt, especially by gentlemen who, during their political lives, had always defended the Directors of Leadenhall Street as if they were the best possible government for India. The noble Lord at the head of the Board of Control had given a reason which to his (Mr. Bright's) mind was very much in favour of this clause. He said that what we were doing was very much based upon conjecture, and very much a matter of experiment. Everybody in the House knew that, and that this Bill was a Bill of the majority of a House which originally was not in favour of any Bill at all. The present Government and its followers were opposed to any legislation this Session, and not a small portion of the Bill he held to be as objectionable, and very much like that which they intended to destroy. Yet the Bill was carried by the hon. Gentlemen opposite, assisted by some fifty Members on that (the Opposition) side of the House, whose sympathies were with the East India Company. The Bill, besides being a measure of conjecture and experiment, was a measure that was opposed by a party in the House that really had never made up its mind, except upon compulsion, to legislate in the matter at all; and therefore it was not to be wondered at that the Bill should be like the one it pretended to destroy, and if there was any argument or reason for overthrowing the existing Government of India there might also be very strong reasons for doubting whether the Bill that supplied its place was likely to answer the purpose of Parliament in establishing good government in India for the future. The fifteen gentlemen with handsome salaries, fair retiring allowances, and whose work would be so small that no one was yet able to divine what they were about to do—these gentlemen would be the last persons to complain of the Act under which they were created, and they would find that their friends in that House and out of it, and in the press, would say that nothing was so admirable as the Act that was passed in 1858; and so the condition of India might be neglected and the complaints that had been frequently made in that House with regard to the neglect of

that country might be equally justifiable five, ten, or fifteen years hence, and these fifteen gentlemen would still assert, with the most unblushing countenances, that nothing could be better than their administration of India. Under these circumstances, he thought it would be wise in Parliament to adopt the clause that had been proposed. Some approved, others disapproved of the Bill; but he hoped they were all agreed in this one conclusion—that in carrying out the government of India, its government for the future should be better than its government for the past. But if this Bill were based upon conjecture, if it were a measure of experiment on a question so momentous, if it involved details so intricate, and in many cases so much unknown to them, was it unreasonable that Parliament should put itself in a position to say, "We will do the best we can under this measure, but whatever may happen, or if nothing should happen at the end of five years, Parliament will be imperatively called upon, the Cabinet of the day will be necessitated to take this question into consideration, with the purpose of reviewing the action of this Bill, and to consider whether the time was come for improvements to be made in Indian administration." All past government of India had been under a Bill for twenty years; and it was not an unusual thing to appoint periodical revisions. This had been the case with regard to the income and property tax, which had been passed for three years on several occasions, advantageously to Parliament and the country. For these reasons he should give his vote for the clause of the noble Lord the hon. Member for Tiverton. The noble Lord at the head of the India Board said the subject would be open next year; but would that be less so when this clause should be passed? This clause of five years would not prevent the noble Lord at the head of the India Board proposing to diminish the Council next Session. It would not incapacitate him from a single thing he proposed to do, but it said to the House of Commons and its successors, and to the successors of the noble Lord and his colleagues—for no doubt the House and Cabinet would have successors many by that time—it said to them, all these great questions that you have settled with so much difficulty through the tumults of political strife, and while groping in mists and darkness, on this great question in 1858—in the year 1863, in justice to the people of England, and still more in justice to the people of India, will have to be reviewed and reconsidered.

MR. MACAULAY said, that he was opposed to the clause. He thought that the observations of the noble Lord the Member for Tiverton, and the argument of the hon. Member for Birmingham would have been well adapted to the question whether the Councillors should be appointed for life?—whether their salaries should be £1,200 a year?—whether they should be at liberty to sit in Parliament? But he could not understand how the House, having enacted that the Councillors should be for life, that they should have salaries of £1,200 a year, and should not be at liberty to sit in Parliament, how it could be consistently urged that those provisions should be only for five years. It was like giving an estate for life, and, by a clause in the deed, saying that it should only be for five years. It was competent to the House to alter the Bill next year, or in two years to deal with the settlement of the Government of India as it had done this year with the settlement of 1853. That measure was an enactment in force until Parliament should otherwise provide; but it seemed to him, with great respect for the noble Viscount, something very like nonsense to mention that certain offices should be for life, and then to say that they were practically only to continue for five years.

MR. VERNON SMITH said, that the hon. and learned Gentleman had misunderstood the clause. His noble Friend proposed that the Council and the other arrangements made by the Bill should be subject to revision in five years. The hon. and learned Gentleman said, that the Councillors were appointed for life; but it was not for their natural lives, but during good behaviour. The same objection as had been made would apply to any alteration in the Act. The proposal of his noble Friend was only that the Act should be subjected to revision in five years. The noble Lord opposite (Lord Stanley) said, that he objected to the expressions of his noble Friend, which stated either that the House should have an opportunity, or be compelled to take an opportunity, of revising this measure; and the noble Lord said that Parliament always had an opportunity of doing so. But would any one take the opportunity without some such provision

as this? The noble Lord said, that great events, such as a war or a Reform Bill, might interfere with the dealing with such a question as was involved in this Bill, but the answer was that a Continuance Act could be passed. He agreed with the hon. Member for Birmingham (Mr. Bright) that this Bill, faulty as it was, ought to pass; for at least they had got rid of the inconvenience of separate establishments for conducting the home government of India. As regarded the Council, it seemed to him that there was some extravagance in enacting that the identical Gentlemen, performing identically the same duties, should have their salaries more than doubled, should have the advantage of a superannuation which had never existed before, besides a large amount of patronage. He was sure that if those expenses were to have been paid out of the revenues of England, instead of those of India, the proposal would have been hooted out of the House as a perfect job. The only ground for increasing the salaries was that there would be an increase in the active duties of the Councillors, which he thought it could be shown would not be the case. There ought to be an opportunity afforded for the revision of this measure, and the object of the clause of the noble Viscount was to invite attention to what was, after all, an experiment, and it was better to limit the time during which it was to exist.

MR. WHITESIDE thought that the course taken by the noble Lord and the right hon. Gentleman opposite was not very complimentary to the sense of the House. Nor was the expression of the noble Lord that the appointment of the Council was a job, a very civil one. More labour, pains, and due consideration had, he believed, been bestowed upon this measure, than had ever before been given to any proposal by a deliberative assembly; and now, after the House had discussed and decided all the questions as to whether there should be a Council, of what number it should consist, and what should be the emoluments of its members, they now sought to revive and reopen the debate upon all those matters. The whole subject of the remuneration of the Councillors turned upon the question whether the men to be chosen would discharge the duties which would devolve upon them, if India was to be well governed, for a less sum than was by this Bill proposed to be paid to them. What, he would ask, was the nature of the proposition which the House was engaged in discussing? It was nothing more or less than that at the end of five years the functions of the new Council should cease; that the constitution of the Government of India should fall to the ground, and that the House of Commons should at the close of that period proceed to the work of reconstruction. Now that, in his opinion, was a proposition as extraordinary as could well be submitted to a body of intelligent men. The arguments which had been urged in its favour by the hon. Member for Birmingham were quite consistent with the views to which he had previously given expression, inasmuch as he objected to a Council, be it composed of eight, or fifteen, or any number of persons; and he was of opinion that one man, the Secretary of State, should be invested with absolute power. It had, however, been decided by the House that the Minister for India should be afforded the assistance of a body of men of ability, knowledge, and experience, and he should put it to hon. Members whether they were prepared to legislate upon the principle that affairs in India, as seemed to be anticipated by the hon. Member for Birmingham, would take a disastrous turn during the course of the next five years, instead of looking forward to the happiest results from the operation of a measure which would transfer the administration of Indian affairs to a responsible Minister, who would be aided in the discharge of his onerous duties by men competent to give him the advice of which he might stand in need. For his own part, in spite of these unpatriotic prognostications, he believed that such a measure was calculated to be productive of the greatest benefit to India, and he, therefore, trusted that the proposition of the noble Lord opposite would not receive the assent of the House.

MR. MELLOR, looking at the great number of changes of opinion which had taken place with reference to the details of the measure, thought it not unreasonable to expect that still greater changes would take place in the course of five years, and enforce on Parliament the necessity of reconsidering the various schemes which had been proposed. The present Bill appeared to be framed chiefly for increasing the salaries of the Directors, and he trusted the House would not allow it to pass without providing for its revision within five years.

MR. KINNAIRD observed, that questions relating to India had always been

distasteful to the House, and it was desirable that these matters should come before them of necessity for reconsideration. He thought the clause was well and ably drawn up, and would be in all respects answerable for the end in view.

MR. AYRTON said, he could not help thinking that of all the propositions which had emanated from the noble Lord the Member for Tiverton in reference to India that under discussion was the most mischievous. One would have supposed that the noble Viscount would be satisfied with the divisions which, at his instance, had already been taken, and with the success which he had met in his attempts to induce the House to adopt his views; but, not contented with the repeated evidence which had been afforded him that a House of Commons elected under his own auspices was entirely opposed to the various propositions which he had made in connection with the future government of India, the noble now asked them to destroy every thing which they had previously resolved to accomplish. The clause which the noble Lord had moved would, if assented to, pledge the House to a declaration that at the end of five years all the provisions of the Bill in regard to the Council should absolutely cease and determine; and the result would be that, when that time had expired, the government of India would become completely vested in the hands of the Secretary of State. Now, a fatal objection to the course which the noble Lord asked the House to adopt was, he thought, to be found in the circumstance that its tendency would be to make the Council dependent upon the good opinion of the Government of the day, and so to preclude the exercise upon its part of that freedom of thought and advice which it was the whole scope of the Bill to secure. The Bill was framed not merely to reform the Court of Directors, but also the Board of Control, which he and almost everybody else felt stood very much in need of reform, especially during the administration of the noble Viscount. It was, in his opinion, highly inexpedient that the government of India should be intrusted to one man, and the more so when that man was found to be wholly incapable of discharging his duties with efficiency; nor was he anxious to see the exhibitions of last Session repeated, when the only able and intelligible speech which had been made upon the subject of India in that House had been delivered, not by a member of the Government, but by a right hon. Gentleman entirely unconnected with it, and to whom no sources of official information were open. Such an exhibition as that he hoped the House would never again see; and it was because he thought the clause would render it possible that he opposed its being introduced into the Bill.

MR. DUNLOP said, he did not think the proposal of the noble Lord was open to the objection which had been made to it by hon. Gentlemen on the other side of the House. The clause would not, at the expiration of five years, vest uncontrolled powers in the Secretary of State, for the Bill provided that the authority of that functionary should be exercised by him in Council. The only effect of their adopting the proviso would be that they must reconsider that question at the end of five years.

THE SOLICITOR GENERAL said, the clause did not require that the constitution of the Council should come before Parliament at all; the effect of it would be simply this — that at the end of five years the Minister of the day might continue, if he chose, to govern India without any Council whatever. In August 1863 the state of things would be this—there would be no salaries, no Councillors, no superannuations, no retiring allowances; but there would be a Secretary of State; and thus the arrangement which the hon. Member for Birmingham had consistently advocated throughout would thus come to pass—India would be administered by a Secretary of State without the assistance of a Council. The hon. Member for Birmingham said that the attention of Parliament could never be directed to the affairs of India except under the pressure of some great necessity, such as the recent revolt. That argument was conclusive against the proposition before the House. When the five years elapsed Parliament might be found in that apathetic state which had been so much deprecated, whereas it was now in a proper frame of mind for establishing a constitution for India. But, as he had said, there was nothing in the clause to compel Parliament to reconsider the question at the end of five years as had been the case in reference to the Company's charter; for the noble Viscount did not propose that the Act should expire at the end of five years, but that the Council should terminate at that period. In the Bill as it stood, however, there was a clause to the effect that if at any time dur-

ing the next ten years Parliament should think it right to alter the constitution of the Council no Member should be entitled to demand compensation by way of indemnity for the loss of his office. That was a much better way of dealing with the question than the one proposed by the noble Lord the Member for Tiverton, whose opinions with regard to the Council had undergone some extraordinary changes since the commencement of the Session. The matter would thus be left perfectly open for reconsideration, but he thought the execution of the Council would be completely paralysed if they were told that they were doomed to last for only five years, and that after that period the Secretary of State was to reign supreme.

MR. WILSON could not think that the Solicitor General was serious in the argument which he had urged upon the House. That argument was that if the clause were passed the question of the Council would not necessarily come before Parliament at the end of five years, but that the government of India would fall entirely into the hands of the Secretary of State. The hon. and learned Gentleman must know, however, that the Secretary of State had no power under this Bill separate from his Council. What the clause really proposed was that in the spring of 1863 it should be incumbent upon Parliament to reconsider the whole of this question. A similar provision had always been inserted in the Indian Bills of former times, and the fact that nobody knew what the results of the present measure would be afforded a strong reason for making the same arrangement now.

MR. G. VANSITTART opposed the proposed clause; for if it were held out that the whole of this matter was to be again taken into consideration at the end of a few years, no one would consider that their policy was placed on a firm foundation.

MR. GRIFFITH said, the whole of the subject was surrounded with considerable difficulty, and that the House must feel considerable doubt with respect to the working of any scheme which they might adopt. Under those circumstances he thought they ought to leave it open to Parliament to reconsider the measure within some definite period, and he should therefore support the clause.

MR. ADAMS thought, the House would act very unwisely if it adopted the clause, and could not imagine that the noble Lord seriously intended it to form part of the Bill. Should such a clause pass it would in the first place be completely at variance with the other provision of the Bill by which the Councillors were to hold their offices "during good behaviour;" and in the next place there would be great difficulty in inducing the right men to accept the office of Councillor when they knew that they would be turned out at the end of five years; and the people of India would have but little confidence in them on account of their want of permanency. But, above all, the independence of the Council would be utterly destroyed if their existence was to depend upon the will of the Minister who might be in office at the end of five years. A great deal had been said with respect to the increase of salaries. It was true the present Directors had only £500 a year, but they were not bound to devote the whole of their time to their duties, whilst under this measure the whole of their time must be devoted to the service of India.

THE CHANCELLOR OF THE EXCHEQUER said, it had already been remarked that if the House should agree to the proposition of the noble Lord, the consequence would be that the whole of the powers that could be exercised under the Act would be exercised by the act and will of the Secretary of State. That argument had been met by the hon. Member for Devonport (Mr. Wilson), by the assertion that it could only be exercised by the Secretary in Council; but that as the clause would determine the attributes of the Council, of course the Secretary of State would no longer be able to exercise the powers entrusted to him. Granted. But what was this Bill before them? It was a Bill to transfer the government of India from the East India Company to the Crown, and this was a proposition relating to that part of the Act which referred to the existence, the constitution, and the functions of the Council. Abrogate that constitution and those functions, and where were they placed? They had by their votes in that House transferred the powers and attributes of the Company to the Crown. If they agreed to this clause, they placed in the power of the Crown an unrestricted and irresponsible authority, which the Crown in its constitutional functions would immediately delegate for its exercise to a Secretary of State, and the Secretary of State would be without any restriction or control. The noble Lord, if he disapproved

of the policy of Her Majesty's Government, which the House had on so many occasions ratified, might legitimately, on the third reading, have asked the House whether it would or would not sanction a course of legislation which the noble Lord and those who supported him disapproved of. But the course which the noble Lord now took, asking the House at this stage of the Bill, when it had passed through Committee, and had not arrived at the third reading, was to ask the House not to disown the principles of the Bill, but to terminate all those regulations and all those arrangements by which the principle of the Bill could be regulated, modified, and contested in such a manner that a House of Commons could accept the proposition of the Government. It was really, practically speaking, to transfer an arbitrary authority to the Crown, if they agreed to the destruction of the arrangements which they had already sanctioned; it would be transferring the authority of the Company to the Crown, without the slightest control of Parliament. Surely the House would pause, after all its labours, before it assented to a proposition of this kind. He thought the original proposition of the noble Lord which he made some months ago was one which Parliament should look at with some suspicion. That was a proposal for the exercise of patronage on the part of the Crown which he thought the House would do well before it ratified; but after all the government of India was, to a certain degree, brought under the management and control of Parliament. But if they acceded to the present proposition of the noble Lord, they would have this Bill denuded of all the modifications and arrangements they had already sanctioned, leaving nothing but a *caput mortuum* in the shape of a bare transfer to the Crown of the power now exercised by the East India Company. This proposition was so monstrous that he could not believe the noble Lord could have contemplated its result. By this proposition, they would at one fell swoop abrogate all the decisions to which the House had arrived during its long and laborious dicussions on this Bill. Were they to surrender at discretion to the Crown the exercise of this great authority, and of this great patronage which they and those who had preceded them had always looked upon with so much jealousy, and guarded by legislative enactments? The question of the number of the Council —whether it should consist of eight, twelve, or fifteen members, and the duration of the term for which the office should be held—had been fully and amply debated on previous occasions, and they were really now discussing the principle of the Bill upon the Report.

VISCOUNT PALMERSTON said, that as far as he could judge from the addition which had been made within the last half-hour to the Members on the benches opposite, the speeches which had been delivered against the clause, like the Resolutions of the noble Lord the President of the Board of Control, had answered the purpose for which they had been intended. There were two modes, both of them of a complimentary character, of meeting a proposition; and he was proud to say that two Amendments he had brought forward had been met in one or other of those forms. The first was to say nothing upon the question, and that was the course pursued by the Members on the Treasury bench in reference to a Motion he had submitted to the House some evenings ago. The other complimentary form of opposition was totally and fundamentally to misrepresent a proposition, and instead of answering it to answer something entirely different. That was the way in which the present proviso had been met. The right hon. Gentleman who had just sat down had stated that the clause would, in the course of five years, hand over the government of India to the Secretary of State absolutely and without control, inasmuch as at the expiration of that period it would put an end to the existence of the Council. But there was not a word in the clause about the existence of the Council, and he had studiously abstained from proposing that at the end of five years the Council should cease to exist. If the clause were adopted every part of the Act which related to the constitution of the Council, and which compelled the Secretary of State to act in conjunction with such a body, would remain untouched. The clause would merely render it necessary for Parliament to reconsider the question of the salaries and of the number of the Councillors at the expiration of five years. There could be no doubt but that necessity would involve a reconsideration of the whole of that arrangement; but that was precisely the merit of the proposal. It would not only give an opportunity to Parliament, but would render it necessary for Parliament to take into consideration the re-arrangement of the Council, and although it would

not put an end to the Council, as the right hon. Gentleman supposed it would, by declaring that till further legislation took place the number and regulations of the Council should no longer be continued under this Act, render it necessary for Parliament to consider the re-arrangement of the Council, and with that the other questions connected with it. He thought the proposal a good one, and trusted the House would agree to it.

Motion made, and Question put, "That the said Clause be now read a second time."

The House *divided*:—Ayes 115; Noes 149: Majority 34.

MR. DANBY SEYMOUR then moved the addition of the following clause:—

"Whereas it is expedient to promote Civil Servants who have shown conspicuous ability, although by the length of their service they may not be entitled to such promotion, and likewise to throw open some offices hitherto exclusively filled by members of the Civil Service to other qualified persons, Be it Enacted, That the fifty-sixth and fifty-seventh Sections of the Act of the thirty-third George the Third, chapter fifty-two, are hereby repealed; and the Secretary of State for India in Council shall, within one year of the passing of this Act, publish a list of offices in India, declaring which shall be open to all qualified persons, and which shall be reserved only to the members of the Civil Service."

His object in bringing forward this clause was, to give greater encouragement to the military service in India, by repealing the provision of the 56th clause of an old Act of Parliament, in so far as they gave precedence to civil servants of the Crown in the territories of the East India Company. The change he wished to carry into effect had been recommended by some of the highest authorities in India. The consequence of the exclusive character of the civil service under this Act of Parliament was, that persons were appointed to offices they were totally unfit for; for instance, the boy-judges, of whom great complaints were made, and yet persons well fitted were left unappointed because they were of the uncovenanted service. Again, young gentlemen of high acquirements were appointed to offices which required no such education; and yet the Governor General had no option. It was also a question worth consideration, whether the civil service and judicial offices ought not to be separated, and the latter filled by gentlemen educated for the law. Moreover, he thought it unwise that the educational department, so suspected by the Natives, should be headed by gentlemen of the civil service, thereby weakening the proper influence of that service in India. To show the injustice wrought by this exclusiveness, he instanced the case of Mr. Venables, in the north of Bengal, who, though not of the civil service, came forward at a time of great difficulty and did the most distinguished service; yet the highest reward which the Governor General could give him, or he could hope to rise to, was a place of £1,500 a year, such as any young gentleman two years out might have attained to. In fact, instead of tying up the matter in that way, the Governor General ought to be left a discretion and a power of laying down rules for the guidance of the authorities on such subjects. What he wished was, no injury to the civil service, but a thorough revision of it by the repeal of this clause.

Clause *brought up*, and read the first time.

MR. SPEAKER said, that by the Orders of the House, notice must be given of clauses moved in consideration of the Report. Any material alteration in the form of the notice of course destroyed its value, and it appeared to him that the alterations introduced by the hon. Member were of such a nature as to bring them under the rule of the Standing Orders.

Clause *withdrawn*.

MR. DANBY SEYMOUR said, he would now move the addition of the following clause.

"Whereas it is expedient that some offices hitherto exclusively filled by members of the Civil Service, should be thrown open to other qualified persons, the fifty-seventh section of the Act of the thirty-third year of George the Third, chapter fifty-two, is hereby repealed."

Clause *brought up*, and read the first time.

LORD STANLEY said, that the hon. Gentleman had opened a very wide subject, and had treated it concisely, ably, and fairly; but he had proposed to get rid of certain well-established privileges in a most summary and sweeping manner. He did not wish to express any opinion as to what might be the effect of the change proposed. He had hardly yet had the opportunity of inquiring into the relations between the covenanted and uncovenanted civil services; but, whether the proposed change would be a benefit or not, it was evident that it would swamp all those privileges which for more than seventy years, the covenanted civil service in India had enjoyed. Now, that was a great change to make, and although some hon. Gentlemen might be sufficiently conversant

with the question to enable them to give a judgment upon it, he did not think that was the case with the House in general. He considered that they owed it to themselves not to embarrass the future consideration of so large a question as that with which they were dealing by the expression of an opinion upon the immediate point before them, unless they could convince themselves, the public here, and the public in India that they were prepared to deal with it in a satisfactory manner. There was one other consideration he was bound to notice. The object of all, who, during this Session, had framed Bills for the government of India had been to limit their scope as far as possible to the home administration of India. If that branch of the subject was now to be departed from—if they went into the larger and more important question of the internal administration of India in the country itself—it would not be easy to see why they were not, in connection with this measure, to consider many other questions of internal reform which were equally deserving of their attention. No doubt the events that had taken place during the last twelve months had in a measure disorganized the whole framework of society in India, and had, consequently, rendered it necessary to effect extensive changes. Those events had broken up many old customs, and would probably open the eyes of all classes to the necessity of various administrative changes being made. It was not easy to see why one such change, and one only, should be embodied in the Bill now before the House. The proposition of the hon. Gentleman was twofold. First, he proposed to open to the uncovenanted services the privileges at present confined to the covenanted service; and next, he proposed that merit should stand in lieu of seniority; so that eminent service should give that claim to promotion which was now given by length of service. He thought that this subject must necessarily engage the attention of the Government on a future day. Further than that he was not prepared to express any decisive opinion upon it; and considering the difficulties of the subject, the House would probably agree with him in thinking it much better not to commit themselves by any expression of opinion upon it.

Sir EDWARD COLEBROOKE trusted the House would act with great caution in this matter. He had been a member of the civil service, but he was not blind to its defects, and he had taken every opportunity of bringing the subject under the consideration of the Committee of 1852, of which he was a member; but he did not think the present Motion was calculated to remedy the defects. He entreated the House to forbear, for the present at least, to commit themselves, as this clause would commit them, to altogether destroying those barriers which had hitherto existed against the abuses of patronage by the Ministers of the Crown.

Mr. W. VANSITTART said, the object of the Bill being to provide a better home Government for India, he apprehended this clause would not come within its general scope; and taking that view, he had refrained from giving notice of a clause, which he should otherwise have done, connected with the Legislative Council of Calcutta, the establishment of which was so pertinaciously insisted upon in 1853 by the right hon. Baronet the Member for Halifax (Sir C. Wood). The duties and functions of the Members of this Council were identical with those of the Supreme Council. It cost India one lac of rupees, or £10,000, per annum; and as all the members were Government nominees, it was universally allowed that it had failed to produce any good or practical result. In point of fact, it was nothing more or less than a sham legislative assembly—a burlesque on the House of Commons, and resembling the Court of East India Proprietors, which this Bill had happily swept away. He desired, therefore, to see it either entirely abolished or thrown open and enlarged by the admission of indigo planters, merchants, agriculturists, and other gentlemen possessing every variety and every shade of Indian mercantile and other information. The clause they were now called upon to insert must necessarily give rise to considerable discussion, and he hoped, therefore, the hon. Member for Poole would not press it at present. In his opinion, it was a subject of far more importance which demanded our attention, and that was the future state of a Native army for the Bengal Presidency. It was now upwards of sixteen months since the utter breakdown of our old Bengal Native Sepoy army had been made patent to the whole world; and up to the present time not a single step had been taken towards its reorganization, not even a foreshadowing had yet appeared of the new army so essential to the existence of our great Eastern empire, and he

hoped, therefore, the noble Lord the President of the Board of Control would turn his early attention to that important and pressing subject.

Clause by leave *withdrawn*.

MR. GREGSON moved the following clause:—

"That the settlements of Penang, Singapore, Malacca, Labuan, and Sarawak, be placed under the President and Council of India."

MR. FITZROY rose to order. He submitted that the Motion of the hon. Gentleman could not be considered in the nature of a clause in connection with the India Bill.

MR. SPEAKER concurred that it was merely an expression of opinion, giving no enacting powers, and therefore that it could not stand as a clause in the Bill.

Clause, by leave, *withdrawn*.

Clause 10.

SIR ERSKINE PERRY moved, after the word "behaviour," to insert the words,

"And shall not, so long as he shall remain such Councillor, accept, hold, or carry on any other office or situation, or any profession or employment from which any gain or profit shall be derived."

The hon. and learned Gentleman said the question had been discussed once or twice, and he had no doubt he should be met with the argument that it had been sufficiently discussed. He admitted that the Liberal side had not been able to carry a single Amendment; but it was their duty to advocate sound principles and record their votes in their favour, as upon a new election, which was probably not very distant, the constituencies would profit much by looking at the division lists. It would be found that the Liberal Members had not given a single factious vote throughout this Bill, and that the great body of them had voted with the Government whenever the Government had been right. Nothing distinguished English administration so much as purity, and nobody in Government employment in India could have anything to do with trade during the time he was in office. It had long been matter of reproach that the Court of Directors, having the government of a great empire, were themselves engaged in trade. When the matter was discussed before, the only answer was that it was most difficult to frame a clause to meet the objection which he had brought forward. He had, however, found a clause in the 8 & 9 *Vict.*, the act for regulating the Commissioners in Lunacy, and he had adopted the words of that statute in framing his clause. The East India Company had obtained a great deal of influence from the enormous sums of money which they had expended in the city in shipping and other things, and he wished to sever this connection between government and trade.

LORD STANLEY said, he did not believe that in the course of these debates there had been any considerable admixture of party feeling. For himself he had supported the Bill of the noble Lord (Viscount Palmerston), although he thought many alterations were required in it, and many Members sitting opposite had supported the measure of the Government, not as such, but because they believed it would, in the main, carry out the object they had in view. There could be no misunderstanding of the views of the Government with regard to the duties of the Council. The principle he wished to lay down was this, that that portion of time which the public service required from the Members of Council, they must be prepared to give; but further than that the Government did not think it necessary to place any limit upon their private occupations. He still thought it would be difficult to frame a clause that would exclude all sorts of occupations; for instance, how were they to exclude a man that was a sleeping partner? He was content, therefore, with securing sufficient time for the performance of all public duties; with the disposition by the Council of the rest of their time he was not disposed to interfere.

MR. CHICHESTER FORTESCUE thought it might at least be worth the while of the noble Lord to consider whether he would not continue the restriction which prevented the members of the present Court of Directors from trading with India. For instance, if a Member of Council was a director of an Indian railway his private interests might clash with his public duties.

Question, "That those words be there inserted," put, and *negatived*.

LORD JOHN RUSSELL then rose to move that clause 27 and 28, which provide that orders now sent through the Secret Committee may be sent by the Secretary of State without communication with the Council be omitted from the Bill. The noble Lord said that it would not be necessary that he should occupy the time of the House long, but he would take leave to say that he introduced this Motion in no hostility to the Bill. In his opinion, al-

though he differed from it in several respects, and although to some of the clauses he could offer many objections, it was upon the whole not only a Bill which he wished to see passed, but he hoped it would form a foundation for the good government of India. On this question there were some clauses of great importance, and none more so than those relating to the Secret Committee. The House would understand that the Secret Committee had been, heretofore, subject to the President of the Board of Control, and his power, covered by this secrecy, was of a very extensive nature, not only as regarded wars or the making of treaties, but with regard to the policy to be pursued with the Native Princes. The Governor General of India addressed the President of the Board of Control through the Secret Committee, and he was answered through the same Committee; and therefore all matters of revenue, police, or judicial establishments might be brought under the notice of that Committee. The noble Lord (Lord Stanley) said he wished to see men of experience, men of ability, and men of administrative talent employed in the Council of India. He quite agreed with the noble Lord; but for that purpose he must consider both the men likely to be obtained and the measures with regard to which the secret power would have to be exercised. With regard to the men, it would be sufficiently obvious that the best men could only be secured by making them members of the Council and parties in all deliberations. It was of the utmost importance to this country and India that all questions of peace or war, and all questions of policy towards Native Princes, should be considered by men of ability and experience, like those who were to form the Council, and their opinion would be of the utmost support to a Minister; for Parliament would be much more ready to adopt a policy which had been pursued if they knew it had been more thoroughly sifted and agreed to by a Council of able men acquainted with India. The noble Lord (Lord Stanley) said they might rely on the power given to the Minister with regard to the Secret Committee not being abused; but that was not the policy or maxim of the House of Commons. The maxim of the House of Commons was, that, when a dangerous power was given to a Minister, it was likely that power would be abused. It would depend on the temper of the Minister, and his confidence in his own powers and resources, whether he would consult the Secret Committee or the Council. He did not think there would be any well-founded objection to reserving this proposed power to the Minister, in the event of a European war, or the apprehension of such a war; but his objection was that this power might be exercised for the purpose of undue aggression. He thought that no war in India should be undertaken by the Minister until he had heard the opinions of the Members of the Council; and if ten or twelve gave an opinion decidedly averse to such a war, the Minister would hardly insist upon pursuing it; and in a case of that kind they would have the benefit of the war being stopped by the Council; or if it were not stopped they would know the opinions of a body at home on the subject. As these clauses were inconsistent with the general powers of the Bill, he hoped the House would agree to their omission.

On Motion that Clause 27 be omitted,

The CHANCELLOR of the EXCHEQUER said, the whole question came to this, whether a combination of circumstances might not arise when it would be necessary for the Secretary of State to act on his own responsibility and without consulting his Council. He had not heard the noble Lord himself maintain that such a combination of circumstances would never arise; and therefore the question came to be, whether it were wise or prudent to deprive themselves beforehand of the possibility of acting with secrecy at a time when all men would be ready to admit the necessity; and if they admitted the principle, surely it would be unwise, or impracticable, to attempt to define the conditions under which secrecy should be observed. No general rule could possibly be laid down. The noble Lord said, they must not trust to the character of the Minister; but the answer to a position so vague was one that necessarily partook of the same vague character. They could not demonstrate the emergencies under which a Minister ought to act by himself, and they could not prove that he would never abuse his power; but it might be fairly argued that with the increased sense of responsibility which now existed in society, a Minister was not very likely to abuse that extraordinary power some portion of which, they were all agreed, ought to be entrusted to him. They were all anxious to establish the responsibility of the Minister, but if they laid down the maxim that he was never

to act upon his own responsibility, but that, at any moment of emergency, when his responsibility was likely to be tried, he must go and consult his Council, they would, to a certain degree, be diminishing the Minister's responsibility, besides the risk of endangering the best interests of the State. They were all agreed that this was a question of degree. He had himself considered the question, as he dared to say many other gentlemen in the House had considered it, whether the powers of the Bill might not be more limited than the Bill proposed ; whether, for instance, it should not be confined to matters external to India, and that they should lay it down as a rule that the Council must be consulted on all matters of internal administration ; but then there was always this danger of laying down strict rules, that the emergency might arise in that very quarter from which they had excluded the Minister's responsibility. Bearing in mind that no one had laid it down as a principle that secrecy to some extent was not necessary, the point they had to decide was, whether it should be more limited than it was in the Bill now before them. He had considered whether language could be devised by which it could be more limited, and he believed the Bill might be so drawn as somewhat to limit the power of secret action. But, if they made up their minds to intrust the Minister with this power of secret action, they must ask whether it would be wise or beneficial to restrain him in the exercise of it. The Minister was always responsible to the House, and it was for the House to consider whether they would consent to take from the Minister the power of exercising to the best of his judgment the power which secrecy would give to him. The noble Lord who had moved the omission of the clause had stated that he was not actuated by any feeling of hostility to the Bill. Now, any such assurance was quite unnecessary. Any one who had watched the progress of the measure must have seen that the noble Lord had shown an example which he trusted would not be forgotten. He had shown how, on a great question of Imperial interest, party considerations could be thrown aside, and that the weight and influence of a person holding a high position in that House could, without regard to party motive, be directed towards the establishment of a state of things in India which might seem the best adapted for securing the future prosperity of that country. No one could have witnessed the course pursued by the noble Lord during the whole discussion on the India Bill without recognising that he was animated by a great sense of public duty. He did not, therefore, quarrel with the noble Lord for bringing forward the Motion before the House, but he would beg the House to pause before it agreed to a proposal which would in many respects tie the hands and fetter the action of the Indian Minister.

SIR JAMES GRAHAM said, that he, no more than the noble Lord who made the Motion, was actuated by any feeling of hostility to the Bill; but at the same time he was not influenced by any parental feeling with regard to it which would induce him, in this particular case, to object to its symmetry being destroyed. He could not admit that secrecy would be violated if it was compulsory on the Minister to communicate with the Council on all questions. Experience had proved that the Court of Directors could keep a secret. He recollected that when, during the Government of Sir Robert Peel—at a time when the Court of Directors consisted of twenty-four members—a question of the greatest importance arose with respect to the recall of the Governor General, that question was pending during three months without the fact of its pendency being disclosed, and when it was disclosed at last the disclosure was traced, not to the Court of Directors, but to the Board of Control. With that example before him he had perfect confidence that if the Minister communicated to the Council any despatch which he desired to be kept secret, secrecy would be strictly preserved. Nor could he admit that the responsibility of the Minister would be maintained by the retention of the power of secrecy; while, on the other hand, in many cases the advice and action of the Council might advantageously restrain the action of the Minister. The power of giving a character of secrecy to a despatch rested at present with the Governor General of India, as well as with the President of the Board of Control; and thus the Governor General and the President might come to an understanding by means of private letters, make any despatch they pleased a matter of secrecy, and in this way the purpose of the Council would be defeated, while the responsibility of the Minister would not be increased. He believed that on the whole the safest course would be to deprive the Queen's Executive Government of the power of imposing in-

The Chancellor of the Exchequer

violable secrecy on communications with the Governor General, apart from the Council; and he came to that opinion from the experience of the past. He believed that no event in the history of India had so shaken our power in India as the Affghan war. He believed it was the commencement of the great evil in which we were now involved; and he believed that if before the Affghan war was decided upon by the Government, and the order to commence it conveyed to the Governor General by a secret despatch, and the question had been raised before the Court of Directors, the wiser and safer counsel would have been adopted, and that great disaster would have been avoided. So, also, as to the recent war with Persia, he believed that a mutinous spirit was smouldering in the India army, that an opportunity of revolt was sought and desired, and that that opportunity was afforded by the withdrawal of a large portion of the European force at that juncture from India to Persia, in conjunction with the struggle then taking place in China. That afforded to the indisposed the opportunity they desired. He believed that if that abstraction of that force from India had been brought before the Directors, that expedition would have been averted. He believed, also, that if on a recent occasion Lord Ellenborough had submitted to the Court of Directors, instead of sending through the Secret Committee, his despatch relative to the affairs of Oude, that despatch in its objectionable form would never have been sent to India. The Earl of Ellenborough had previously sent to India through the Secret Committee a despatch recommending clemency. He approved of it; but he could see no reason why it should have been sent through the Secret Committee. And this was a proof of the tendency which would always exist on the part of a Minister to push secrecy to an extreme—which was another argument against the retention by the Minister of such a power at all. If, therefore, it was impossible to impose those limitations which the noble Lord thought desirable in the exercise of this power of secrecy, and if the alternative was that of having no Secret Committee, or of maintaining secrecy in its present form liable to evil consequences, such as experience had demonstrated to be, not only possible, but probable, he could not hesitate to vote for striking the clause out of the Bill, and thereby abolishing secrecy. He had no doubt that if an emergency arose, the Minister would always be able to obtain secrecy from a Council composed, as this would be, of men of the highest character and standing. To violate it would, on the part of any Member, be a gross act of misbehaviour, and if convicted he would no doubt be at once removed. He believed that would be ample security for the preservation of secrecy when desirable. He believed that those occasions would be very rare, and that the more rarely a Minister resorted to secrecy, the more he consulted his Council, the sounder would be his policy; and, therefore, on the whole, his conclusion was, that secrecy should be abolished.

SIR GEORGE LEWIS said, that by Clause 27, as it now stood, it was competent to the Secretary of State, through the Secret Committee, to order the Governor General to undertake a war in India; but, by a clause to which they had agreed that night, that power was only to be exercised with the assent of Parliament. Therefore, if the powers, given in an unlimited form by Clause 27, were exercised with reference to the clause inserted that night, they must suppose that the Minister was relieved from the necessity of communicating with the Council on the question of war. He would then send out his instructions; but when the orders arrived out in India, the Governor General would find he could not act upon them without writing home for the assent of Parliament. If the clause was retained in its present form, they must come to the absurd conclusion that the Secretary of State, in order to obtain secrecy, would be relieved from the necessity of consulting his Council in a matter on which there must be an appeal to Parliament. In his opinion the better course would be to reject the powers of the Secret Committee and stand by the clause to which they had already agreed. There was another point upon which he was anxious to ascertain the views of the Government. In Committee on the Bill a question was raised of which he had not heard any explanation given. There were two powers with regard to secrecy. There was, first, the power of the President of the Board of Control to send out instructions to the Governor General; and there was, next, the power of the Governor General to send home information to the Board of Control. These powers were not exactly co-extensive. The President of the Board of Control had power to send out orders to the Governor General with respect to making war,

concluding peace, or negotiations with Native States; and the Governor General had a corresponding power of secret communication with the President of the Board of Control. But in addition to these three heads of information, he might correspond secretly "concerning the government of the said territories and acquisitions." Therefore it was competent to the Governor General to send secret despatches respecting the revenue or police of India. What he understood to be the argument used by some persons in defence of the practice which had prevailed of correspondence in the Secret Committee was, that when the President of the Board of Control received a despatch respecting the internal government of the Indian territories it was competent to him to answer that despatch in the Secret Committee, because the information received related to the internal government of India. Now, it appeared to him (Sir G. Lewis) that, according to the fair construction of these two clauses, the power of the President of the Board of Control to send out instructions to India was limited to the three questions of war, of peace, and of negotiations with Native States; but, that he had no power to send out instructions on questions relating to the internal government of India, and therefore the power of the President of the Board of Control to send secret orders was not co-extensive with the power of secret correspondence on the part of the Governor General. It was important that that question should be decided, because, if all the powers of the Secret Committee were to be maintained in activity, and if it was to be held that the Secretary of State would have power to send out instructions on all matters relating to the internal government of India, as well as to questions of war, of peace, and of negotiations with Native States, it seemed to him that the powers of the Council would be nugatory, and that the Secretary of State would have absolute power to send out instructions upon every question that could come under his consideration. He should therefore wish to know from the Government what construction they put upon this clause, and if they thought it was competent, under its provisions, for the President of the Board of Control to exercise, by despatches sent out to India, all the powers that were contained in the clause which related to the powers of the Governor General, and not to the powers of the President of the Board of Control.

Sir George Lewis

Mr. MANGLES said, that having been, at a very recent period, a Member of the Secret Committee, he could take upon himself to assert that, whilst he was so, there were very few matters which came before that Committee that might not have been made known to the entire Court of Directors, and even proclaimed to the public at Charing Cross. With regard to the Chancellor of the Exchequer's statement, that there was not likely to be any abuse of power in these days, all he (Mr. Mangles) could say was, that not only was the conquest of Scinde carried on by the Secret Department, but the whole of the affairs of the province were administered for some years altogether beyond the cognizance of the Court of Directors by the then President of the Board of Control. What had been done once, then, it was not impossible might be done again. The Governors General of India had power to write home on any subject whatever to the Secret Department, and the power of answering that Department had been always assumed by the Board of Control; but in the clause which gave that power of writing home from India to the Governors General, no power was given to the President of the Board of Control to answer in the same Department. With regard to the trust that might be reposed in a Council, such as it ought to be for India, the right hon. Baronet (Sir J. Graham) had understated the case of the recall of Lord Ellenborough; inasmuch as that matter was not only known to the twenty-four Directors for the time being, but it so happened that, whilst the subject was under discussion in the Court of Directors, six Directors went out by rotation and six others were elected in their room—so that instead of twenty-four, not less than thirty were cognisant of the transaction; and yet it was never made public by them! Surely, then, if thirty gentlemen could keep a secret for several months without its transpiring, the fifteen Members of Council for India—a higher power and loftier body than the Court of Directors could possibly be—might be trusted with perfect safety.

The SOLICITOR GENERAL, in answer to the question of the right hon. Gentleman, said, that what the clause was intended to carry out, and did carry out, was the conveyance to the Secretary of State of the same powers, and no higher or more extensive ones, as regarded secrecy, as were given by the Act of 1853 to the Committee of Secrecy of that day.

VISCOUNT PALMERSTON said, he thought the House did not very clearly understand the proposition before them. As Indian affairs had hitherto been managed, the Ministers of the Crown had only an incidental power of management through the Board of Control, and, therefore, it was necessary by special enactment to give to the Cabinet, through its organ the Secretary of the Board of Control, certain powers of action in certain cases. All these arrangements were now about to be altered. They were now going to abolish the Court of Directors, and transfer the Government of India, like the Government of any other part of the dominions of the Crown, to the responsible Ministers of the Crown; and they were asked to enact, with regard to the affairs of India, that which was not enacted, and ought not to be enacted, with regard to the affairs of any other part of the dominions of the Crown—namely, that the Cabinet—for he refused to draw any distinction between the Secretary of State for India and the rest of the Ministers—should place in their confidence and communicate freely, entirely, and unreservedly, all they intended to do, all they heard, and all they proposed, to fifteen gentlemen who were not members of the Cabinet and not responsible to either Parliament or the country. Now, that appeared to him to be a total departure from the existing state of the British constitution. It ought to rest with the Cabinet to make such communications to the Council as they might think expedient for the purpose of guiding them in their conduct; but it would be a complete solecism in regard to the working of the British constitution to compel the Cabinet to take into their confidence any given number of persons whom they did not wish of their own accord to consult. With regard to the recall of Lord Ellenborough, everybody knew that people could keep their own secrets; but it did not therefore follow that they would keep the secrets of others; and it so happened, that in the case of Lord Ellenborough the secret was one which belonged to the Court of Directors themselves, and it did not follow that they would have been equally scrupulous about preserving the secrets of the Government. His objection to the proposal was, that it introduced a new principle in the working of the administrative system of the country, by compelling by law the Cabinet, who were responsible for everything that was done, to take into their entire and unreserved confidence in the administration of a large and important portion of the dominions of the Crown fifteen gentlemen, who were not Members of the Government, and who did not hold their offices upon the responsibility of the Government, but were fixed in their tenures, and therefore had not a common interest with the Cabinet whose secrets they were required to keep.

Question put, "That Clause 27 stand part of the Bill."

The House *divided*:—Ayes 176; Noes 149: Majority 27.

Clause 33,

MR. T. BARING moved to leave out the words "in the Engineers and in the Artillery," and to insert the words "to the Military College at Addiscombe." At the end of the clause add "and not less than one-half of the vacancies in the said College shall be filled up by the appointment of persons so selected." He did not wish to alter the number of appointments open to public competition.

Question proposed, "That the words proposed to be left out stand part of the Bill."

LORD STANLEY said, that there was nothing in the words of the clause as it then stood to prevent the proper authorities from making a regulation to the effect that cadets should pass through the College of Addiscombe; but he thought it was not necessary to make any provision of this kind in the Act of Parliament.

Amendment, by leave, *withdrawn*.

Bill to be read 3° on *Thursday*.

UNIVERSITY (SCOTLAND) BILL.

THIRD READING.

Order for Third Reading read.

LORD ELCHO, in moving the third reading of this Bill, thanked the Lord Advocate for the introduction of this beneficial and important measure, giving, as it would, an extension of the means of education and an improvement of the Scottish Universities—objects that every Scotchman had so long desired. They were much indebted to the learned Lord for the effective expression he had given to the national wish.

MR. DUNLOP expressed his concurrence in these observations.

COLONEL SYKES dissented, and said that on this the third reading, he should

pronounce a decided "No" to that part of the measure that created a fusion between the two colleges.

Bill read 3° and *passed.*

House adjourned at a quarter after One o'clock.

HOUSE OF COMMONS,

Wednesday, July 7, 1858.

MINUTES.] PUBLIC BILLS.—2° New Trial in Criminal Cases.
3° Police (Scotland) Act Amendment

NEW TRIAL IN CRIMINAL CASES BILL.
SECOND READING.

Order for Second Reading read.

MR. M'MAHON, in moving the second reading of this Bill, stated that it were founded on a Bill introduced by the present Attorney General in 1844, and on another Bill having the same object. There were three main provisions. The object of the first provision was to remove doubts which had existed for forty years as to the power of the Court of Queen's Bench to remove indictments after trial into that court, and to grant a new trial. This was his own idea. The object of the second provision was to remove doubts as to whether or not the statute of Edward I., with regard to Bills of exceptions, applied to criminal as well as civil cases. That was contained in the Attorney General's Bill of 1844. By the third provision subordinate courts were enabled to grant new trials themselves. The last provision was introduced in accordance with a suggestion made by Sir Frederick Pollock when he was examined before the Commissioners on criminal law reform. There were subordinate provisions of secondary importance, including clauses authorizing the removal of indictments from sessions to assizes, and the summoning of special juries in certain cases. It might be objected that the Home Office afforded a sufficient remedy in cases where there had been errors either of law or of fact, but the Criminal Law Commissioners, after fully considering the subject, were of a different opinion, and regarded the existing system as unsatisfactory. The law of this country with regard to new trials differed from that of every other civilized country except Scotland, and manifestly required alteration.

Motion made and Question proposed—

Colonel Sykes

"That the Bill be now read a second time."

MR. WALPOLE was understood to say that the measure itself was one which, in order to make it at all acceptable to the House, would require so many alterations it was vain to hope that it could be passed into a law in the present Session. There was the 17th clause, for example, which proposed to give power to the Courts of Oyer and Terminer to grant new trials in respect to every case that had been tried before them; so that a person acquitted by a jury of his country might be tried over and over again. Now, this he thought a most objectionable provision, and one which would give rise to much inconvenience and litigation. Whether it might not be advantageous to give an appeal in certain criminal cases from the Court which first tried the case to the Queen's Bench, was a question which he was fully prepared to consider; but that power could only be given under great modifications and restrictions. He had spoken to the Attorney General the previous night upon this subject, and his hon. and learned Friend informed him that he had maturely considered all those matters, and he thought the second reading of this Bill could only be assented to upon the understanding that the principle contained in the 17th clause should be given up. Looking at the many defects in the Bill he (Mr. Walpole) thought it utterly impossible that the measure could be passed in anything like its present shape in the present Session. It was, however, in his opinion desirable that the matter should be fully discussed.

MR. J. D. FITZGERALD confessed that some years ago, before he had any experience of official life, he was quite in favour of some such measure as that proposed by the hon. and learned Gentleman the Member for Wexford; but the result of three years' careful examination of the working of the criminal law had led him to the conclusion that it would be very unwise to read this Bill a second time, inasmuch as such a proceeding would be equivalent to a pledge by the House that the principle was one which ought at some future time to be carried into law. The matter was not new, for the hon. and learned Attorney General had brought it before the House on a previous occasion, when it was eventually dropped without any opinion being expressed upon it. Up to 1844 the law, no doubt, was in a very anomalous state, but since

then many of the defects that existed in our criminal proceedings had been removed. In 1844 there was no tribunal which had the right to rectify any blunder of a learned Judge; but now there was a most satisfactory tribunal, the Court of Criminal Appeal. Formerly the Judges, indeed, if asked to do so, met and talked over the matter, and, if they thought fit, advised their learned brother to alter his decision; but now, in the Court of Criminal Appeal the question was solemnly argued and decided. The real question was, whether there ought to be a power of appeal given in every criminal case, when it was alleged that the jury had acted wrong in respect to matters of fact. Under the existing law the juries were impressed with the grave responsibility that attached to them, and were always anxious to give to the prisoner the benefit of a doubt, conscious that their determination in the matter was final. If the present Bill passed the jury would feel themselves relieved of much of their responsibility, and the prisoner would most probably be deprived of the benefit of the doubt. The delay which such a measure would cause in the carrying out the original verdict would render it most difficult to maintain the system of capital punishment at all. In all cases where a man's life was in question there would, of course, be an appeal; and if he were convicted at the Summer Assizes, months would elapse before a new trial could be even applied for. Under such circumstances he could not see how the immense amount of criminal business was to be got through. The result of his experience of the working of the criminal law convinced him that the mistakes made were very rare indeed. He also objected to the present Bill, inasmuch as it only provided for an appeal in the case of conviction; it did not give the same right in case of a wrong acquittal. Indeed it could not provide for a new trial in the latter case without infringing the principle that a man should not be put in peril twice for the same matter. For all those reasons he should oppose the Bill.

MR. BARROW said, he thought that prisoners who had been unjustly convicted should have a new trial, and he believed that applications for new trials would be very few. He thought it a great anomaly that there should be new trials in civil and not in criminal cases. Was it not an anomaly to say that if the Judge made a mistake it could be set right, whilst if the jury, a much less educated tribunal, made a mistake, there was no means of rectifying it?

MR. BOWYER said, that a few years ago counsel were not allowed to address the Court for prisoners in cases of felony, and when a Bill was brought in to redress that wrong it was opposed on similar grounds to those which were urged against this Bill. Those arguments had weight with the House for some time, but at last people saw through them, and the Bill obtained the assent of Parliament, and had worked well. He was certain that if the present Bill was passed it would be equally successful. It had been said that if this Bill passed there would be an appeal in every case in which a severe sentence had been inflicted. Well, he said, that if a man was sentenced to punishment he had a right to have the verdict of the jury and the sentence of the Judge reviewed. A man who in a civil case was mulcted in damages had an appeal; was it not unjust that one who was condemned to death, or to long imprisonment, or transportation, should have none? The case of Mr. Barber alone would suffice to show that an appeal in criminal cases should be allowed. But he did not want any cases to be shown in support of a measure of this kind which stood on broad principles of common sense. The opposition to this Bill was an instance of the self-glorification they were too apt to indulge in, for they believed that the law was almost perfect, when, in fact, the civil law was very imperfect, and he believed it more uncertain now than it was in the time of Lord Eldon. If they were told that in Naples, for instance, a man might be sentenced to death without appeal, they would say that it was a most barbarous law; and there might be some persons who would say that they ought to send a frigate to teach the sovereign of that country to alter the law. Again, they were told that if an appeal were allowed to criminals all would appeal, delay would take place, and the Judges would be overworked. To that argument he replied that they ought in that case to make more Judges. What was the principle on which the law of appeal was based? Legislators all the world over had agreed that the decision of no one Court ought to be conclusive on important matters affecting an individual. The decision of the Court was more important in criminal than in civil cases, and he believed that this was the only country in which an appeal was not allowed in criminal cases. Such an appeal

existed in France to the Court of Cassation. And he was quite sure that although the Bill might now be rejected, common sense would eventually prevail, and an appeal would be allowed to persons criminally convicted.

MR. CROSS quite agreed that it was desirable to have certainty of decision in criminal cases, but that he thought meant certainty of having a right decision. Nor did he think that any considerations of expense or delay could weigh in importance against that of punishing the right man. He did not think that the present power of taking up the record to the House of Lords had ever been said by any one engaged in the administration of justice to have caused undue delay. And he could not see why a similar remedy in case of a mistake by the jury in point of fact should not be granted, nor why it should create greater delay. He was willing to admit that the Court of Criminal Appeal was a very good Court, but no case could be brought before that Court unless with the sanction of the Judge trying the case, and unless he reserved points for the consideration of the Court. Now, he did think that a Judge ought to have such a power, and, therefore, he quite agreed in that portion of the Bill which would give the prisoner, in all cases, the right to take the opinion of a Court of Appeal upon points of law ruled by the Judge upon the trial. That power of appeal to one of the Superior Courts was given in all cases of summary convictions by magistrates, who could be compelled by the party dissatisfied with their decision to state a case for the opinion of one of the common law courts at Westminster. He did not think that if this Bill were carried many appeals would be successfully prosecuted, because the Judges would not any more in criminal than they did now in civil cases disturb the verdict of a jury except upon the strongest grounds. At present there was no remedy, however perverse might be the verdict of a jury. He would support the second reading of the Bill, although he admitted that some of the details might require amendment.

MR. JOHN LOCKE said, it appeared to him that one of the principal objects of the Bill was to give the prisoner an absolute right of appeal both in point of law and fact. He had heard complaints made that Judges had not given sufficient consideration to the objections taken in point of law by the prisoner's counsel, and had declined, when they should not have done so, to reserve them for the Court of Criminal Appeal. Now, it would be a great thing, if the Bill did nothing else, to enable the counsel who appeared for the prisoner at his trial to take the opinion of the higher court in all cases upon points of law. If that was the case in civil cases, and if in cases where persons had sufficient property they could transfer their cases into the Court of Queen's Bench, and then derive all the benefit of an unrestricted appeal to a Court of Error in point of law, he said that it was the duty of the House to extend to all persons who were tried the privilege which was enjoyed by those who could transfer the case to the Court of Queen's Bench. To show the wisdom of such a measure, he might refer to the case of Mr. Auchmuty Glover, who had been lately prosecuted by the Attorney General, by the direction of that House. If there had been such a law in existence Mr. Glover, who had not taken the precaution to remove his indictment into the Queen's Bench, could have had a new trial, and the jury would not have had to deplore, as they did, what they have done. The circumstances which had since come to light to show the innocence of Mr. Glover might have been laid before the Court of Queen's Bench, on affidavit, as ground for a new trial. In short, if the Bill were passed, instead of an application to the Home Secretary in cases where it was thought a man had been unjustly convicted, the decision of the Judge and jury, in point of law and fact, would be reviewed by four Judges in Westminster Hall, who were, he thought, a much more satisfactory tribunal to decide whether the verdict and the ruling of the Judge were justified by the evidence and by the law. If this was the course pursued in civil cases, *a fortiori*, it ought to be taken in criminal cases. And he said this especially looking to the fact that our criminal law was in such a state of imperfection that it was found necessary to allow an appeal in point of fact to the Secretary of State, who he did not think was the proper person to be charged with such a duty.

MR. MILES said, that he believed that to pass this Bill would be to do away with the right of trial by jury, because it would allow the decision of a jury, in point of fact, to be reviewed by the Judges. At present there was an appeal only in matter of law. And he would ask the House to mark how few cases of appeal there were from the minor jurisdictions. Then, sup-

pose a jury convicted a prisoner against the weight of the evidence, the Chairman of Quarter Sessions, if the case was not an important one, and the verdict was, as he supposed, against the facts, awarded a very slight punishment. If it was a heavy case, and a severe punishment was awarded, the prisoner's friends went to the Home Secretary, who obtained the notes of the trial made by the Chairman of the Quarter Sessions, together with his opinion on the case; upon that the Secretary of State acted, and he believed that his decisions generally gave satisfaction. He believed that if this Bill were passed they would have an immense increase of appeals in criminal cases at the instance of pettifogging attorneys. The Judges would be overworked, and he did not believe that the decisions come to by a Court of Appeal could have half the effect of those arrived at by the Secretary of State. He should move that the Bill should be read a second time that day three months.

Amendment proposed to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

MR. EVANS said, he wished to ask whether the Bill was to apply to acquittals as well as convictions? [MR. M'MAHON: No!] He thought that the House should be satisfied on that point previous to going to a division.

MR. ROEBUCK said, that all human tribunals were fallible, and the English law in matters of property was so fully aware of this that it allowed a man, when his property was at stake, to carry an appeal to the highest tribunal—the House of Lords. But when a man's life was at stake, it said that cases should be only tried once. The hon. Gentleman who preceded him (Mr. Miles) said, he wished the trial by jury to be final. It was not final now, for there was an appeal to the Secretary of State. The friends of the prisoner could send petitions to the Home Secretary. Who decided upon them? Not the Home Secretary, but his Secretary, Mr. Waddington, sitting in his parlour, without responsibility, and without the check of a Bar. He it was who in reality decided. Justice was not justice unless the people believed it to be so, and a dark tribunal of this kind did not conciliate public opinion. It was a cruel anomaly in the law of England. The law once was, that no witness could be sworn for a prisoner; and it was within his (Mr. Roebuck's) time that counsel was allowed to a prisoner. When it was proposed to grant the prisoner that right there was great opposition to the proposal. The Judges were against it. He would now ask, whether the opponents of that measure had not since seen ample reason to approve of it? The Judges would now say that much good had resulted from it. He did not believe that the opposition to the Bill before the House ought to or would be successful.

MR. BOOKER BLAKEMORE said, that while granting that the law required Amendment, he did not think that this Bill would effect the required Amendment. He thought that no man should be put on trial for his life before any Judge who had not an opportunity of consulting with a second Judge on the case as it was being tried. In fact there ought to be two Judges in such cases. In that part of Wales with which he was connected, an English Judge was about being sent to deliver a very heavy calendar. The Judge did not understand a word of Welsh, and he would probably have a jury half of whom were Welsh, not understanding a word of English, and half English, not understanding a word of Welsh. It would be easy to conceive in what a position a Welsh prisoner would be placed who was being tried for his life. At the same time he could not support the Bill before the House, and he trusted therefore that it would be withdrawn, and that another, and better one, in which Wales was included, would be brought in.

MR. LOWE said, that however beneficial the Bill might be to practitioners in criminal courts, it would be decidedly injurious to the whole of the non-criminal portion of the community. He was, therefore, sorry that his right hon. Friend the Home Secretary had consented to the second reading of this Bill. He hoped that the consent of his right hon. Friend would be withdrawn, as none of the law officers were present when it was given. There were already loopholes enough for the criminal portion of the population without affording them those additional modes of escape which the Bill would provide them with. Great commiseration had been shown for prisoners, but he thought a little might be spared for those who were the victims of their crimes.

MR. DE VERE said, he thought that the precautions at present taken with regard to bringing prisoners to trial, and

during trial, were not sufficient to prevent the possibility of mistake, and such being the case, he held that an appeal should be allowed. He remembered a case where a man was tried by a most able Judge and an intelligent jury. Eleven of the jury considered him guilty, but one had a doubt, and the jury was discharged. The man was tried at the next assizes by the same Judge but by another jury, and in less than a quarter of an hour the jury acquitted him, and it was subsequently found that he was guiltless, another person having committed the offence. He had given his attention during the last twenty years to the state of the criminal law, and the conviction was very strong upon his mind that innocent people often suffered while the guilty escaped, and he should support the Bill on the ground that it would afford an additional precaution against such occurrences.

MR. W. EWART cited some cases of erroneous convictions, and expressed his opinion that many very serious mistakes were made in the administration of the criminal law. He should therefore give his support to the Bill, although he would rather have voted for the appointment of a Select Committee of inquiry, as to the necessity of such a court of appeal.

MR. BRIGHT said, that though the lawyers were a numerous class, and though most persons thought that the less they had to do with them the better, still he believed that we owed to lawyers a great many of the rights which we now possessed. He would support the Bill, and he was sure that in five or ten years hence no Member of that House—not even the right hon. Gentleman the Member for Kidderminster (Mr. Lowe)—would venture to get up in that House and express a doubt of the mercy, the wisdom, or the justice of the Bill. All the Bill asked the House to do was to go on with a process which had been proceeding slowly for years past. Some time ago prisoners were not allowed to have counsel or sworn evidence, and he could not conceive anything more brutal than such a state of things. He had had under his notice a great number of cases, in which he had had a strong conviction that if they could have come under the notice of a Court of Review, the result would be different. They had been told that there was a Court of Review in the Home Secretary, but nothing could be worse than such a tribunal. The friends of a man condemned to death in London could bring many influences to bear on the Home Secretary, but when the man lived in the north of Scotland, or in the south or west of Ireland, his chances of influencing the Home Secretary were absolutely worthless. As some such arrangement as that proposed by this Bill prevailed in, he believed, every other civilized country in Europe, he could not see any pretence for an opposition to the Bill in the English House of Commons. He did not think that any gentleman with a conscience who had ever filled the office of Home Secretary could hesitate to vote for the measure. He trusted, therefore, that no hon. Member of the House would act on the unjust, and he might almost add, the offensive arguments of the right hon. Gentleman the Member for Kidderminster (Mr. Lowe).

SIR JOHN TROLLOPE said, that although he was in favour of the measure, he did not think that the Courts of Quarter Sessions deserved the attacks that had been made upon them by some hon. Gentlemen who had taken part in the debate. He was sure that the majority of the gentlemen who presided in those courts would be very glad to see a Court of Appeal in criminal cases established. Whenever he had been asked for appeals on points of law he had granted them, and such he believed was the general practice. He had been engaged in a most painful inquiry that day, that of Mr. Barber, and he thought he might say that if at the time of the trials for the will forgeries there had been a Court of Appeal, Mr. Barber would not have been placed in that position in which he had unfortunately found himself. On every principle of law and justice he considered that there should be an appeal in criminal cases, and, as he thought that any imperfections might be corrected in Committee, he should support the second reading.

MR. GILPIN observed, that he would also vote in favour of the second reading. He reminded the House of the case of the two men recently executed at Nenagh. When that case was before the House, he (Mr. Gilpin) had expressed his conviction that these men were innocent. Circumstances which had occurred since confirmed that conviction, and he trusted and believed that the case would again come before the House. But whether these men were innocent or guilty, it would have been an immense comfort to thousands in Ireland had the verdict in that case been subjected to the revision of a Court of Appeal. He

considered that the Bill was an onward step in that glorious path in which Romilly had led the way.

MR. ADAMS said, he had devoted many years' consideration to the subject, and was strongly in favour of the Bill. Much had been said about the appeal to the Home Secretary, but all that could come of that appeal would be a pardon, which was not a satisfactory mode of doing justice to an innocent person who had been convicted. It often occurred that fresh evidence turned up after a trial; evidence to show that the prisoner was not guilty. In such cases a free pardon, which did not, in terms, affirm the innocence of the party, was a very poor compensation to the man to whom the wrong was done. Though he believed the Bill would require very extensive amendment in committee, he should vote for the second reading, on the ground that a Court of Criminal Appeal was, in his opinion, necessary.

MR. HENLEY said, that the Bill placed himself, together with every other hon. Member, in a difficulty. It was not his conviction that in no case ought a man tried for a criminal offence to have a right of appeal; but if he voted for this Bill, he would be voting that a man accused of a criminal offence should be tried twice, or, perhaps, three or four times over. Now, as he was not prepared to do that, he thought that probably the best thing he could do was not to vote at all. The argument had gone on the principle that the proposed Court of Appeal was to relieve the Home Secretary of that which was, no doubt, one of the most painful parts of his duty; but if it were meant that, by instituting the right of appeal in criminal cases, the prerogative of mercy was no longer to be exercised by the Crown, he could never give his assent to such a measure. Upon principle, he was not opposed to an appeal in criminal cases, but he could not agree that a person who had been once tried and acquitted should be liable to be put on his trial a second time.

MR. M'MAHON observed, that the Court of Queen's Bench would never order a new trial where the party was acquitted, but would proceed upon the well-known maxim of law, that no man could be tried again for the offence of which he had been once acquitted; and he hoped, therefore, to have the vote of the right hon. Gentleman (Mr. Henley) as well as the votes of his colleagues.

MR. SPOONER said, he took exactly the same view of the Bill as that which had been taken by his right hon. Friend (Mr. Henley). He was not opposed to providing more efficient means than at present existed for appeals in criminal cases. On the contrary, he fully agreed that something ought to be done, but the Bill before the House was so objectionable in its details that he could not give his vote in favour of the second reading; and, therefore, following the example of his right hon. Friend, he should refrain from voting at all upon the question. As he viewed it, the Bill would open a court of appeal to the rich man, but shut it altogether against the poor man who happened to have been unjustly convicted of a crime. The man with plenty of money would always be able to find solicitors to advise him that he had a good case for an appeal, and such appeals he apprehended would be chiefly brought before the Court. They were told that they must endeavour to make their criminal law analogous to the civil law, but he denied that the cases were at all parallel.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 145; Noes 91: Majority 54.

Main Question put, and *agreed to*.

Bill read 2°.

MR. M'MAHON said, he would then propose to fix the Committee on the Bill for the following Wednesday.

THE ATTORNEY GENERAL rose, and said that he had felt it to be his duty to support the second reading of the Bill, because he was favourable to the principle that there ought to be an appeal in criminal as well as in civil cases; but, after having read the Bill, he found so much that was objectionable in it, and that required very serious and attentive consideration, that he would express a hope that the hon. and learned Member would not attempt to carry the measure further during the present Session.

MR. STUART WORTLEY said, he hoped the hon. and learned Gentleman would proceed with it, although he believed that no measure that could be passed would carry out the object in view.

MR. J. D. FITZGERALD said, that if, as he understood, the principle of the Bill was that a new trial in criminal cases should be co-extensive with that in civil cases, it was an intelligible principle; the

Bill in its details was free from objection, and there was no reason why it should not be proceeded with.

MR. M'MAHON said, he felt himself in a difficulty. He had received so much encouragement and support from the right hon. Gentleman the Home Secretary and the Attorney General that he thought he should not be acting, as he ought, if he pressed the Bill now against their wishes. It was true that the House had by a large majority affirmed the principle of the Bill; but he was fully alive to the difficulty which a private Member had in carrying a measure through without the assistance and support of the Government. The Attorney General had declared his adhesion to the principle of the Bill, and if the hon. and learned Gentleman would give him his assistance in making the Bill as perfect as possible, he should not object to postponing the question until next Session.

MR. ROEBUCK observed, that the Home Secretary and the Attorney General having both coincided in the principle of the Bill, he hoped the former would give a pledge that next Session he would himself bring in a measure on the subject.

MR. WALPOLE said, he could not undertake to do so. His hon. and learned Friend would allow him to observe, that what he had stated in the previous part of the discussion was, that there were grave objections to the Bill in its present shape, and that one of these appeared to him so grave and serious that he could never give his consent to the Bill—namely, that in criminal matters a person once acquitted by a jury might be put upon his trial a second time. He also went further, and observed, that he thought it would be reasonable to extend the right of appeal in criminal matters under certain guards and restrictions, but that those guards and restrictions would require the most careful consideration, and that he, for one, therefore, should not give a pledge to support any particular Bill until he saw that such guards and restrictions were properly provided.

MR. BOUVERIE said, if the Bill were a good one it ought to be proceeded with; but if, on the other hand, the Government did not approve of its details, they ought to have had the courage to oppose the second reading and save the House all this unnecessary discussion.

MR. BARROW said, he was of opinion that the details of the Bill required so much consideration that it would be desirable to postpone it till another Session. At the same time he congratulated the House and the country upon its principle having been affirmed.

MR. BUTT expressed a hope that the hon. and learned Member for Wexford would proceed with the Bill, and name the following Wednesday for its committal.

MR. LABOUCHERE said, it was impossible to proceed further in the present Session with a Bill which involved such grave and serious questions.

MR. M'MAHON stated, that he was prepared to adopt the suggestion of the right hon. and learned Attorney General; but if the beaten party were anxious to have a division on the question he was prepared to take it.

MR. TATTON EGERTON said, he thought that the House had been treated unfairly by the Government in supporting the second reading of a Bill which they admitted was impracticable as it stood.

Motion made and Question put, "That the Bill be committed."

The House *divided*:—Ayes 129; Noes 112: Majority 17.

Bill *committed* for this day three weeks.

INSURANCE AND ASSURANCE INSTITUTIONS BILL.

SECOND READING.

Order for Second Reading read.

MR. H. B. SHERIDAN said, he rose to move the second reading of the Insurance and Assurance Institutions Bill. He might perhaps be met with the objection that, from the length of the Bill and the lateness of the Session, there would not be time to deal with it. It was true that there were a great number of clauses, but 150 of them had received the assent of the House in former Sessions, and the remaining forty clauses he thought would receive the assent of this House. Of those forty, five were necessary for the purpose of extending the benefits of English companies to Ireland, from which, at present, that country was positively excluded by the operation of the Insurance Act of *Geo.* III. He thought Her Majesty's Ministers would not object to this extension. Nine of the clauses referred to the guarantee business of Government. A practice had recently grown up by which insurance companies guaranteed persons employed in places of trust; but that guarantee business had

been practically stopped, in consequence of the employment by the Government of one guarantee society which did not combine life insurance in its operations. He did not seek to deprive that company of its privileges, but he wished to extend those privileges to other societies, so as to enable them to trade upon equal terms. He believed that the Company to which he referred enjoyed its monopoly mainly because it transacted its business on the principle of unlimited liability, which certainly looked as if the late Government, which gave the British Guarantee Company its exclusive privilege, thought limited liability was good enough for the subjects, but that it was worthless where the interests of the Crown were concerned. No individual could become security for a servant of the Crown, because the moment he did so the Crown estreated the amount of the security, entered the judgment up against him, and caused it to become known all over the country. More than that, a person thus becoming security was unable to assign any real property. Some time since he became security for a man in the War Office, and shortly afterwards he wanted to sell some property in Kent, but he found he was unable to do so, although the accounts of the gentleman for whom he had become security were perfectly correct and satisfactory. In fact, he found himself a debtor to the Crown to a large amount, and that his hands were seriously tied in consequence. It was therefore extremely difficult to get individuals to become security for servants of the Crown, and forced the individuals appointed to seek their security in a public company, all which went to enhance the per-centage of the monopolist company. There were also clauses by which provision was made for the proof of birth; for a better mode of dealing with what were called days of grace in the renewal of policies. Provision was made for the better auditing of accounts of insurance companies. Power was given to the shareholders by requisition to have an examination of the accounts. There was a clause which dealt with the amalgamation of insurance companies, and enabled them to do so safely. These were the only clauses that contained no new matter. Another objection had been urged, that this measure ought to have been left in the hands of Government. He agreed in that general principle; and the insurance companies had waited for years for Government to take up the question, but they had waited in vain. These companies, indeed, had little to thank the Government for; and if they could be sure that Government would leave the question altogether alone, the companies would not interfere; but as they were threatened with legislation of some kind, he had come forward to propose a measure which would be equally beneficial to the companies and to the public. He thought, therefore, that under the circumstances it was better to leave this question in the hands of private individuals. He could not hope to carry this Bill through in the course of the present Session; but if he could obtain a promise from the Government that they would not oppose its introduction early in the next, he would not go further at present. He should therefore move the second reading, *pro formâ*, with the view of eliciting the opinions of the Government.

Motion made and Question proposed, "That the Bill be now read a second time."

MR. SOTHERON ESTCOURT observed, that he wished to state distinctly that the Government were not disposed to give such a pledge. The Bill as it stood could be considered in the recess, and if there were any clauses which could be carefully incorporated in a Government measure, they would be accepted, but he was not prepared to endorse the measure of the hon. Gentleman. Indeed it would be absurd to expect that the Government could give any opinion on a Bill of 190 clauses, without going into it seriatim. He might state, however, that the Secretary to the Treasury had a Bill prepared on this very subject. When the Government came into office they found a valuable Bill drawn up by the late Government, and upon it the Secretary to the Treasury had drawn another, not in all respects the same. But it would be absurd to bring it forward without some chance of its passing, though he hoped it would be brought forward early next Session. This, perhaps, would not be very satisfactory to the hon. Gentleman, but he believed it would be satisfactory to the House, because he could not at all assent to the views of the hon. Gentleman, that a measure of this kind was better left in the hands of the hon. Gentleman. He admitted that the hon. Member deserved much credit for the pains which he had taken in preparing the Bill, but, for the reasons he had stated he must oppose the second reading. He begged, therefore,

to move that the Bill be read a second time that day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

MR. BUCHANAN said, that as the Government was to bring in a Bill next Session, it would contribute greatly to the convenience of the parties interested if it was brought in at an early period.

MR. H. B. SHERIDAN said, that as the present Government intended to adopt the draft of the Bill of their predecessors, it was sufficient to induce him not to press his Bill.

MR. J. D. FITZGERALD said, he must take leave to deny the statement of the hon. Gentleman that respectable insurance companies could not venture to do business in Ireland. The most respectable companies, like the Sun and the Royal Exchange, did large business in Ireland, and never disputed any policy. But there were a set of reckless bodies which should be rather called "assurance" companies, which invariably disputed policies, and so conducted their business as even to lead to an impression that human life was not fairly dealt with. One of these companies, which professed to have a capital of a million, had assets to the amount of £8,000, of which £6,000 was composed of unpaid premiums.

MR. HADFIELD said, he hoped the Government would take into their consideration the propriety of reducing the duty on insurances.

Question "That the word 'now' stand part of the Question," put and *negatived.*

Words *added.*

Main Question, as amended, put and *agreed to.*

Bill *put off* for three months.

REFORMATORY SCHOOLS (IRELAND) BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

Clause 1 and 2 *agreed to.*

Clause 3.

MR. VANCE said, he had great objections to this clause. It contained taxing powers of a grievous kind, while it was understood, when the Bill was introduced, there should be no taxing powers taken. Many of his constituents who were favourable to such schools objected to their being supported by a rate. The Protestants of Ireland had no wish to tax the people for such a purpose. They considered the schools should be maintained by subscriptions. By this clause, town councils would be able to raise a rate for the maintenance of the schools. The Protestants of Ireland had no desire to see large schools opened at their expense for teaching the children of one sect.

MR. SERJEANT DEASY said, that the clause objected to fell far short of the clause in the English Act. The buildings must be erected by private contributions, but the inmates were to be maintained by a rate, as they would have been if they were inmates of gaols. He would also remind the hon. Member that Protestants were represented on the grand juries.

MR. VANCE replied that Protestants were not adequately represented in the town councils.

Motion made and Question put, "That Clause 3 stand part of the Bill."

The Committee *divided* :—Ayes 157; Noes 41: Majority 116.

Clause *agreed to.*

Clauses 4, 5, and 6 were also *agreed to.*

Clause 7.

LORD NAAS proposed, to leave out from the beginning of Clause 7 to the word "then," in line 28, and insert

"Whenever after the passing of this Act, any person shall be convicted of any offence punishable by law, (except the offence of vagrancy) before any Judge of assize or Judges sitting under a Commission of oyer and terminer, or before any Court of quarter sessions, or before the divisional justices of the metropolitan police district, or before any justices of the peace at petty sessions, under the provision of the sixth section of the 'Summary Jurisdiction (Ireland) Act, 1851,' whose age shall not, in the opinion of such Judge or Court, exceed the age of sixteen years then."

MR. SERJEANT DEASY did not object to the Amendment.

Amendment *agreed to.*

MR. COGAN said, he wished to move the insertion of words to limit the operation of the Act to offences which were not first offences.

Amendment proposed,—

In page 3, line 28, to insert "who shall, previously to such conviction, have been convicted of any offence in the manner aforesaid."

MR. DE VERE said, he should support the Amendment. The Bill should only apply to children that had been proved habitual criminals, and not to trifling first offenders.

MR. SERJEANT DEASY said, he could not agree to the Amendment proposed.

The effect of it would be to prevent the reformation of a youth until he had become hardened in crime. The earlier a bad career was checked the better.

LORD NAAS observed, it would be better to adhere to the principle of the Bill, and not introduce the words proposed.

Question put, "That those words be there inserted,"

The Committee *divided*:—Ayes 16: Noes 176: Majority 160.

MR. GROGAN said, he would move an Amendment in the clause to the effect that no child should be sent to a Reformatory who had not previously been sentenced to not less than fourteen days' imprisonment.

Amendment proposed,—

In page 3, line 38, after "always," to insert "that no offender shall be directed to be so sent and detained as aforesaid, unless the sentence passed as a punishment for his offence, at the expiration of which he is directed to be so sent and detained, shall be one of imprisonment for fourteen days at the least; and Provided also."

MR. SERJEANT DEASY opposed the Amendment. It could not, in his opinion, be desirable that the magistrates should be compelled to sentence children in the first instance to what might be the very injurious effect of a residence in a prison.

MR. GROGAN said, that his Amendment was copied from a provision in the English Act. The object of it was to prevent children from being made chargeable without some sufficient cause on those Reformatories.

MR. VANCE said, he thought that without some such provision there would be reason to fear that collusion might take place between children and parents.

Question put, "that those words be there inserted."

The Committee *divided*:—Ayes 105; Noes 42: Majority 63.

Clause *agreed to*.

House resumed.

Committee report progress; to sit again on *Wednesday* next.

House adjourned at five minutes before Six o'clock

HOUSE OF LORDS,

Thursday, July 8, 1858.

MINUTES.] PUBLIC BILLS.—1ª Wills, &c. of British Subjects Abroad; Copyright of Designs; Stipendiary Magistrates; Police (Scotland) Act Amendment; Universities (Scotland).

3ª Sale of Poisons, &c.; Commissioners for Exhibition, 1851; Marriages (Moscow, Tahiti, and Ningpo); County Court Districts.

BANKRUPTCY AND INSOLVENCY AMENDMENT.—QUESTION.

In answer to Lord TRURO,

THE LORD CHANCELLOR said, that the attention of the Government had been directed to this very important subject, and that the law officers of the Crown had been engaged in preparing a Bill for the Amendment of the law of Bankruptcy and Insolvency. It would be mainly founded on the recommendations of the Commissioners; but there were some portions of it to which he certainly could not agree. As he should be responsible for that Bill in their Lordships' House, he was of course unwilling to lay it upon the table until he had had an opportunity of carefully reviewing and considering it. He trusted that in the course of a very few days he should be enabled to present it to their Lordships; but he certainly had not the slightest expectation of passing it in the present Session. He should, however, most earnestly invite their attention to this important subject, in the hope that by their assistance he might succeed in making the measure as perfect as possible.

JEWS BILL.

Order of the day for the House to be put into Committee (on recommitment) read.

Moved, "That the House do now resolve itself into a Committee on the said Bill."

LORD LYNDHURST said, it was of the utmost importance, before going into Committee on this Bill, that the House should understand as precisely as possible what was to be the future course of proceeding with respect to this question. If this Bill were read a third time he understood that it was to be sent down to the other House along with the Bill of the Commons, and it was confidently expected that the House of Commons would pass this and the Oaths Bill. All the advocates of the measure would be perfectly satisfied he was sure with that result; but he would wish to state in a few words what the effect would be. In the first place, the Bill of the Commons would establish it as law that hereafter one oath would be substituted for the three oaths of supremacy, allegiance, and abjuration, certain offensive expressions in the oath of supremacy and all the parts in the oath of abjuration relating to the Pretender being omitted

altogether, and farther, that in all cases where a declaration was substituted for the test of a sacrament members of the Jewish religion would have a right to make a declaration omitting the words "on the true faith of a Christian." These would be great advantages gained. In the next place the Bill now before their Lordships would enable Jews—subject to the license, if it might be so called, of either House—by omitting the words objected to, to sit and vote in Parliament, and would place them on the same footing as the rest of Her Majesty's subjects with respect to holding office—certain high offices mentioned in the last clause or the last clause but one of the Commons' Bill only excepted. The advocates of the measure would be perfectly satisfied with these results. He had himself introduced a Bill to their Lordships, but having withdrawn it in deference to the opinion of the noble Lord at the head of the Government, he was glad to find that the objects aimed at in that Bill would be attained completely by these two Bills. But at the same time he was anxious to direct their Lordships' attention to a point of some importance, arising out of an Amendment which had been made in the Bill now before them. As the Bill originally stood, its effect, if passed into law, would have been to give Members of the Jewish religion a right to sit in Parliament, subject to the license of Parliament —without any reference whatever to the provisions of the Bill of the Commons. Now, however, from an Amendment introduced into the first clause of the Bill, if the other Bill were not passed into law from any accident, the whole measure would fall to the ground; because now this Bill was made to depend entirely on the new oath contained in the Bill which had come up from the Commons. If that Bill did not become law the effect of the second Bill would be entirely destroyed. It would be very easy to amend the alteration made in the second Bill, so as to obviate this inconvenience; but it was scarcely necessary to do so, since, from all he had heard, he could not for a moment doubt that both Bills would pass the other House. [The Earl of DERBY.—Hear, hear!] The noble Earl assented to that, and he took his assent to mean that he was perfectly confident as to the passing of the two Bills. The noble Duke on the cross benches (the Duke of Marlborough) had given notice of an Amendment in the Bill for the purpose of preventing Jews presenting to benefices. That Amendment was copied from a clause in the Roman Catholic Relief Bill. But the position of the Jews differed entirely from that of the Roman Catholics in reference to the subject matter of the clause. By law a Roman Catholic could not exercise the right of presenting to a benefice, and it was only fair, therefore, that the Roman Catholics should be prohibited from presenting in right of any offices they might hold. But the Jews were not in the same position. If they held advowsons they had a perfect right to present to them; they frequently exercised that right, and he had never heard any complaint of the manner in which they had exercised it. He understood, however, from communications which he had had with members of the Jewish religion, that it was not their intention to oppose the clause, and he quite concurred in the prudence of their course. With regard to the other Amendments of which notice had been given, he would reserve his remarks until they came before their Lordships' Committee.

THE EARL OF WICKLOW said, he had heard with much regret that the Bill was not in such a form as to enable it to pass without being mixed up with the other Bill — because he was not satisfied with the Oaths Bill and thought a much better Bill might be framed. He thought if the Bill were called a Bill for the alteration of an oath, and it were framed for that purpose, without the adequate materials, it would not be a Bill calculated to give satisfaction in the country. The Bill came before them as a Jew Bill, and the only object of the insertion of the clause as to the oath was to give the Bill a better chance of passing both Houses of the Legislature. Nothing could be more unjust than to compel the Jews to take an oath which the Legislature had declared was an improper oath for other Members of Her Majesty's subjects to take. He heard with regret that this Bill would be useless if it were not accompanied by the other Bill.

THE EARL OF CLANCARTY said, that the Bill had increased to three times its original length. The original Bill was to relieve the Jews from the conscientious objection they had to taking the present oath. It now contained a clause enabling either House to permit any of Her Majesty's subjects to take the oath without making any declaration; and, thirdly, there was the insertion of this clause from the noble and learned Lord's Bill which

had been withdrawn. Now, the noble and learned Lord had frequently asserted that by the common law the Jews were entitled to sit in Parliament——

LORD LYNDHURST asked, to what occasion the noble Earl alluded? He had spoken so often on the subject that perhaps the noble Earl would point out the occasion when he had said this.

THE EARL OF CLANCARTY said, that during the present Session of Parliament the noble and learned Lord had said that the Jews were not excluded from seats in Parliament by the common law, but accidentally by the terms of the oath.

LORD LYNDHURST said, that perhaps the noble Earl was alluding to what he said respecting King William III., who was one of the most constitutional of our Sovereigns—that during his reign no measure was passed which had the effect of preventing Jews from sitting in Parliament.

THE EARL OF CLANCARTY said, the argument mainly dwelt upon by the noble and learned Lord, and those who advocated the Jewish claims, was, that the Jews, prior to the words creeping into the oath "on the true faith of a Christian," had a common law right to sit in Parliament. Previous to that time the Jews might hold these offices, and he wanted to know why they were now to be excluded.

LORD CAMPBELL said, he would prefer that the Oaths Bill should drop for this Session, and that they should only repeal the oath of abjuration, leaving the oath of supremacy on the statute book. If the House of Commons should not pass the Oaths Bill as amended and as it now stood, the Bill of the noble and gallant Earl would become a nonentity, because it had reference to the new Oaths Bill. Their Lordships were going to ask the House of Commons to do what they would not do themselves, and therefore he would earnestly advise his noble and learned Friend to propose, as an Amendment, what he had suggested.

LORD LYNDHURST said, he had prepared an Amendment to obviate any possible inconvenience from the Oath's Alteration Bill not passing. His Bill, founded upon the suggestions of his noble Friend (the Earl of Derby) carried into effect all the objects aimed at in the two Bills which his noble Friend wished to see passed. It was, however, a matter of indifference to him whether the object was attained by two Bills or a single measure.

THE EARL OF DERBY was somewhat surprised at the speech of the noble and learned Lord Chief Justice. Almost every year for the last ten years a Bill had been sent up from the other House for the Amendment of the oath in question, and their Lordships had been told that it went against the conscience, and next that it was blasphemy, to call upon Members to take the oath in its present form. In fact, a noble Earl, who had always objected to the admission of the Jews, had told them that he felt compelled to vote for the second reading of the Bill for their admission because it was absolutely impossible for him to refuse his consent to a Bill for doing away with such ridiculous oaths. The noble and learned Lord, having now secured the admission of the Jews, came forward and asked them to reject the Oaths Bill sent up by the House of Commons, which had for its object the removal of certain objections to the form in which the oath was taken, for the purpose of inserting a form to which no one had any objection. The noble and learned Lord proposed to do away with all the labours of the House of Commons, and wished to see a Bill introduced simply for the repeal of the oath of abjuration. Now, to the repeal of that oath there were serious objections, inasmuch as that oath was the expression of their adherence to the existing settlement of the Crown and to the reigning family. He had no doubt that if the two Bills were sent down to the other House, they would receive a fair consideration, and this great question would be finally and more or less satisfactorily settled during the present Session. He had postponed the consideration of the Reasons for their Lordships insisting on their Amendments, in the belief that the better mode of proceeding would be to send down both Bills in a way which would ensure the passing of both.

Motion *agreed to:*

House in Committee.

THE DUKE OF MARLBOROUGH moved the insertion of a clause prohibiting any person of the Jewish religion from exercising any right of presentation to any ecclesiastical benefice in right of his office; such right of presentation to devolve on the Archbishop of Canterbury.

Clause *agreed to.*

Report of the Amendment to be received to-morrow.

COMMISSIONERS FOR EXHIBITION, 1851, BILL.—THIRD READING.

On the Motion that the Bill be now read 3ª,

THE DUKE OF NEWCASTLE said, he thought this opportunity of reserving a portion of this land for the erection of new barracks ought not to be lost. The arrangement which the Government had made seemed upon the whole to be advantageous; still, as the Kensington Barracks would require to be removed, and as it appeared the National Gallery was to remain where it was at present, and that it would be absolutely necessary to remove the barracks behind that site, in order that the gallery might be enlarged, they ought to retain ten or twenty acres of that land as a site for the new barracks. What objection could there be to such a course? Where were there to obtain such another piece of land? The price of land in the immediate neighbourhood of London was rapidly increasing every day. They had this space already in their hands, and there could be no objection to its being used for barracks. But it was said there was a contract, or *quasi* contract, with the original possessors that it should not be so occupied, as it might depreciate the value of the adjoining property. But if the character of the houses was good, he did not believe that the erection of barracks would be disadvantageous.

THE EARL OF DONOUGHMORE said, the terms of the charter under which the Commissioners held the land were, that it should be applied in the promotion of science and art. The purchase having been effected under those terms, they were bound by the charter, and consequently the land could not be applied in the erection of barracks.

Bill read 3ª, and *passed.*

COUNTY COURTS DISTRICTS BILL. THIRD READING.

On the Motion for the third reading of this Bill,

THE LORD CHANCELLOR corrected an error into which he had fallen on a previous evening in stating, on the authority of a noble and learned Friend, as an illustration of the lightness of the duties of some of the County Court Judges, that one of them had been only employed forty-five days in one year. He had since found that the return was for nine months, and not a year, and that by a mistake of the clerk who prepared it forty-five was inserted for 115 days. He thought an employment of 115 days in nine months was not such as to induce their Lordships to think the County Court Judges were overworked, or to sanction an increased salary.

Bill read 3ª, and passed.

UNIVERSITIES (SCOTLAND) BILL. FIRST READING.

On Motion that this Bill be now read 1ª.

LORD CAMPBELL said, as he should not in all probability be present when this Bill would come on for consideration by their Lordships, he would take that opportunity to express his cordial approval of it, and his earnest hope that it might pass into a law. To his right hon. Friend, the Lord Advocate, the people of Scotland were especially indebted for the measure; and he would add, that while he could not help sympathising with the noble Earl at the head of the Government in the feeling with which the noble Earl must regard the loss of so valuable a supporter of his Government as the Lord Advocate, he rejoiced in the well-deserved elevation which awaited his right hon. Friend.

House adjourned at half-past Six o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, July 8, 1858.

MINUTES.] PUBLIC BILLS.—1° Militia Ballots Suspension; New Writs; Rateable Property (Ireland); Gaols and Houses of Correction Act Amendment; Railway Cheap Trains, &c.
2° Government of New Caledonia; Police Force (Ireland).
3° Government of India (No. 3); Navigation Advances (Ireland); Titles to Land (Scotland); Lunatics (Scotland) Act Amendment.

LOCAL GOVERNMENT BILL. COMMITTEE.

Order for Committee read.

House in Committee.

Clauses 30 to 65 inclusive *agreed to.*

Clause 66, Appointment of Officers.

MR. T. DUNCOMBE said, he rose to move the insertion of the words "medical and other." His object was to give the Secretary of State power to appoint medical as well as other officers, and thus to obviate the necessity of passing the Public

Health Bill, which stood next on the orders of the day, and under which the Privy Council would have the appointment of medical officers for purposes connected with the public health.

Amendment proposed in page 36, line 4, before the word "officers," to insert the words "medical and other."

Mr. WALPOLE said, he should oppose the Amendment, on the ground that it was inconsistent with the object of the Bill.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 30; Noes 148: Majority 118.

House resumed.

Committee report progress; to sit again *this day*.

COMPENSATION TO PROCTORS, &c. QUESTION.

MR. HADFIELD said, he wished to ask the Judge Advocate General whether he is prepared to give a general estimate of the sums claimed or awarded for compensation under the Probate Acts (England and Ireland) of 1857:—1st. To Proctors; 2nd. To the Ecclesiastical Judges, the Registrars, and other officers entitled to compensation under the said Acts; 3rd. The probable amount of fees or other charges that will be payable in the Probate Court, and will go to the reduction of the said compensations; 4th. The amounts saved by employing persons whose offices shall have been abolished in any new or other offices under the said Probate Acts, and the probable amount to be allowed to each class under the said Acts (exclusive of the compensation that may be claimed under the Divorce Act); and whether he will be prepared to lay the particulars of said claims and grants before Parliament this Session, or at what other time, and the probable amount that may be ultimately granted under said Acts, distinguishing the several classes hereinbefore particularized.

MR. MOWBRAY said, that at present it was impossible to answer the question of the hon. Gentleman in precise detail, but he was ready to afford such information as he was in possession of. It would be in the recollection of the House that the Chancellor of the Exchequer, upon the 26th of March, speaking on a rough estimate furnished him by the clerks in the Treasury, had stated that the possible charge might, in the first instance, be £250,000. Subsequent to that statement a Commission had been appointed to inquire into the subject, and that Commission commenced its labours on the 12th of April last. Up to the present time they had investigated the claims of thirty-seven London firms, amounting in the whole to £29,647, or giving an average of £801 to each. There were the claims of forty-four more to be investigated, and taking the same average, their claims would amount to £35,244, giving a total of £64,891. From calculations made, however, at Doctors' Commons, it appeared probable that the amount would only reach £53,000. Then, with regard to country proctors, there appeared in the *Law List* the names of about 120 persons, many of them being in partnership, and thirty-five claims had been investigated, and found to amount to £8,847, giving an average of £252 each. Upon the same average, calculating that there were sixty claims more, which would amount to £15,120, the gross total for the country Proctors would be £23,967. As regarded Ireland, the probable amount would be £15,000. Then, as regarded the Judges, Chancellors, Archdeacons, Registrars, Clerks, Apparitors, and other officers, 236 claims had been received. The income of the claimants amounted to £51,387. The compensation, according to the scale allowed, would be £39,782. A considerable additional sum must be set down for the remaining claimants under this head. As regarded clerical surrogates, the claims received amounted to £206; the incomes of the claimants amounted to £5,800; and the compensation would probably be £4,000 for the rest of the surrogates whose claims had not yet come in, he would put down £2,000 more. The best approximate estimate which he could give from the information before him was, for the London proctors £60,000, country proctors £25,000. Irish £15,000; clerical surrogates, £6,000 judges, officers of courts and managing clerks, £70,000, making together a total of £176,000. He was not able to give a more correct estimate at the present moment. All he could state as matter of fact was, that the claims received from the London proctors amounted to £29,647; from the English country proctors, £8,847; Irish ditto, £1,000; Judges, &c., £39,782; surrogates, £4,000. These figures made the total sum absolutely aud formally claimed £83,276. Some of these claims however, might be subject to reduction upon further investigation. With regard to the hon. Gentleman's question as to the probable amount

of fees or other charges that would be payable in the Probate Court, and would go to the reduction of these compensations, he had asked for a return from the Inland Revenue Department, according to which he found that a sum of £28,000 had been paid in the shape of Stamp Duties during the six months that had elapsed since the Probate Act came into operation. If this was a fair average, the amount receivable in this form would be £56,000 per annum. With respect to the hon. Gentleman's fourth question, he had to state that he had communicated with Sir Cresswell Cresswell, the Judge of the Court of Probate, who had informed him that he had had to appoint forty district registrars, above thirty of whom had held offices which were abolished, and had a claim to the new registry. In the principal registry three old registrars had resigned, and three new registrars were appointed. All the clerks in the Prerogative Office had likewise been transferred to the new registry by the Lord Chancellor, in compliance with the Probate Act. Sir Cresswell Cresswell had also authorized him to say that if the hon. Member would move for Returns, the fullest explanation would be afforded as to the appointments made under the new Act. As to the last inquiry made by the hon. Gentleman, he (Mr. Mowbray) begged to remind him that the Commission with which he had the honour of acting was only a Commission appointed by the Treasury to investigate those claims. With respect to the probable amount of the claims not yet awarded, the hon. Gentleman must be content with the general statement he had made until the inquiry was fully terminated, when, of course, he would be able to give him much more accurate information.

MR. HADFIELD said, he wished to know whether the figures adduced by the right hon. and learned Gentleman included Mr. Moore's claim.

MR. MOWBRAY was understood to reply in the affirmative.

ST. JOHN'S COLLEGE, OXFORD.

QUESTION.

SIR GEORGE LEWIS said, he rose to ask the question of which he had given notice, and at the same time to state that the Commission appointed under the Oxford University Act had now expired. Before its expiration, the Commissioners issued an Ordinance regulating St. John's College. That Ordinance divided eighteen Fellowships into two equal classes—nine open and nine close Fellowships, to be between certain public schools. Under the power given by the Act St. John's College, however, put their veto upon that Ordinance of the Commissioners. The Commission having expired, St. John's College would remain in its present state unless some step be taken by that House. He would, therefore, ask the Secretary of State for the Home Department if it is his intention to propose to the House any measure for confirming the Ordinance of the Oxford Commissioners for regulating St. John's College?

MR. WALPOLE said, the right hon. Gentleman had correctly stated the facts as they now existed in regard to St. John's College. The right hon. Gentleman would, no doubt, agree with him (Mr. Walpole) that it would have been improper to force upon the College an Ordinance which was framed contrary to the wishes of two-thirds of the College. The inexpediency of such a course would be more apparent when they recollected that the Commissioners of the University of Cambridge were now dealing with the College Statutes. He should like to see the result of the negotiations that were now going on with the College—the number of statutes assented to or dissented from—before the Legislature were called upon to act in this matter. The difference between the Commissioners and the College was really whether there should be nine open and nine close Fellowships, as proposed on the one side, and ten open and eight close Fellowships on the other. He trusted, when they had had the whole matter before them, the House would be enabled to deal with any difficulty that might appear to have arisen from the operation of the Act. On looking into the matter with a good deal of care, it struck him that, if anything were to be done by them, it would be probably more desirable in the first instance to refer any point of difference to the Committee of Privy Council.

GUN FOUNDRY, WOOLWICH.

QUESTION.

MR. HUSSEY VIVIAN said, he would beg to ask the Secretary of State far War whether it is a fact that the new Gun Foundry at Woolwich, for casting Iron Ordnance, has up to this time proved a failure, and from what cause; and whether any serviceable guns have as yet been produced there, and, if so, how many?

GENERAL PEEL said, it was not the fact that the new Gun Foundry erected at Woolwich for casting Iron Ordnance had been, up to the present moment, a failure. On the contrary, there was every reason to believe that, under the superintendence of that able and talented Officer, Colonel Wilmott, it would prove perfectly successful. It was true the number of guns made last year was not the same as that which had been promised by Colonel Wilmott's assistants in that gallant officer's absence. But thirty-four of the heaviest guns had been cast there, and twelve 68 pounders were to be proved on Monday next. Four or five of these guns were turned out each week; and the delay had arisen not from any defect in the foundry, but in consequence of the proving-butt being out of order.

THE 92ND REGIMENT IN BOMBAY.

QUESTION.

GENERAL CODRINGTON said, he rose to ask the Secretary of State for War whether it is true that, on the arrival of the 92nd Regiment in Bombay in May last, it was quartered in the Colaba Barracks, which had long been pronounced unfit for European troops; whether the Regiment had not many cases of fever in those barracks; and why the usual Indian clothing was not given to that Regiment till six weeks after its arrival?

LORD STANLEY said, that an inquiry had been made, both at the Board of Control and the East India House, on this subject, but he regretted to say that they had not received any official information, or indeed any information whatever upon the matter. He, therefore, could not say whether the 92nd Regiment in Bombay was quartered in the Colaba Barracks; neither could he give any answer to the other question of the hon. and gallant Gentleman, as to whether there had been any cases of fever in those barracks, or whether the clothing had or had not been delivered to the troops before the time referred to. He would, however, bear those questions in memory, and if some report on the matter did not shortly arrive, he would feel it his duty to cause an inquiry to be made. He was afraid it was true that the Regiment had been quartered in the barracks alluded to, because, although there were other barracks selected for them, yet he understood that they were not, at the time to which the hon. and gallant Gentleman referred, in a state for occupation.

CALENDARS OF WILLS.

QUESTION.

MR. ADAMS said, he would beg to ask the Secretary of State for the Home Department what progress has been made in printing the Calendars of Wills in the principal and district Registries, in compliance with the provisions of the Acts 20 & 21 *Vict.* cap. 77, sec. 67, and cap. 79, sec. 72?

MR. WALPOLE said, the question was one which did not lie immediately within his knowledge, but he had referred the matter to the proper quarter, and if the hon. Gentleman would repeat his question on another day he should have the required information.

ARMY MEDICAL OFFICERS.

QUESTION.

COLONEL NORTH said, he rose to ask the Secretary of State for War if he can state the reason why the recommendations of the Select Committee on the Medical Department of the Army which reported on the 3rd of July, 1856, relative to the pay and position of the Medical Officers of the Army, have not been attended to? He put this question in consequence of the statement made the other night by the right hon. Member for South Wiltshire (Mr. S. Herbert) that several Regiments of the Queen had marched up the country in India unaccompanied by Medical Officers, and that great difficulty was experienced in finding candidates for the Medical Department of the Army. The Select Committee to which he had referred had strongly recommended that increased pay and other advantages should be held out to those officers, but though two years had elapsed since that recommendation was made, it had not yet been carried into effect.

GENERAL PEEL replied that, just previously to the Report of the Committee of 1856 being presented, Lord Panmure had submitted to the Treasury a draft Warrant laying down an increased scale of pay for the Medical Officers of the Army. The Treasury, however, refused to sanction the Warrant, and a subsequent effort on the part of Lord Panmure for the same object was equally unsuccessful in the same quarter. Under these circumstances, although the Select Committee had reported on the subject, Lord Panmure did not

think it expedient to renew his application to the Treasury again after so recent a refusal. The Report presented in March last as the result of the inquiry in which the right hon. Member for South Wiltshire took part, and suggesting a scale of pay for medical officers similar to that which had been previously rejected, was now undergoing consideration in the War Department, and a warrant had been drawn up in order to be submitted to the Treasury, from whom he hoped it would meet with a more favourable reception.

POLICE ORDINANCE AT CAIRO, QUESTION.

MR. WISE said, he wished to ask the Under Secretary of State for Foreign Affairs, whether Her Majesty's Government will lay upon the table of the House Copies of the New Police Ordinance issued by the Viceroy of Egypt, and of a Petition recently presented to the Queen from the British inhabitants of Cairo, complaining of the withdrawal of most important privileges enjoyed for many years by our countrymen in the Turkish dominions; and whether Her Majesty's Government consider these new regulations to be in accordance with the treaties now existing between the Queen of England and the Sultan.

MR. SEYMOUR FITZGERALD said, that at the close of last year a representation was made to the Egyptian Government, in consequence of the insecurity of life and property at Cairo, that it was advisable that new Police Regulations should be issued. This suggestion was made by the European Consuls resident at Cairo, and accordingly in the month of March last new Police Regulations, which had been previously submitted to the European Consuls, were issued. Some dissatisfaction had been expressed by the European community; and, in consequence of the representations made to him, the noble Lord at the head of the Foreign Department submitted these regulations to the law officers of the Crown, who advised him that in some respects they were likely to be oppressive, and that they trenched upon some of the privileges which had hitherto been enjoyed by European residents. In consequence of this opinion our Consul had been instructed to use all means open to him in order to obtain the modification, and, if necessary, the abrogation of those portions of the regulations which were considered offensive. There would be no objection to lay upon the table of the House papers which would give the hon. Gentleman the information which he desired.

THE COUNCIL OF INDIA.—QUESTION.

MR. CRAWFORD said, he would beg to ask the President of the Board of Control whether it is intended that the Council of India shall act by one of its officers as the official agent to the Administrators General in India?

LORD STANLEY said, it was intended that the Council of India, or rather the Secretary of State in Council, should suggest, as far as convenient, those measures which at present emanated from the Board of Control, or the Board of Directors. He understood the business to which the hon. Gentleman referred was now carried on under the Court of Directors. He was not aware that any immediate change would take place. Of course, if any abuse or any differences should exist in carrying on the business of the country it would be open to the Government to transfer it elsewhere. At present, however, it was not intended to make any change.

SLAVE TRADE—RIGHT OF SEARCH. QUESTION.

VISCOUNT DUNCAN said, he begged to ask the hon. Member for Gateshead whether he intended to bring on his Motion respecting the discontinuance of the Right of Search on going into Committee of Supply to-morrow?

MR. HUTT said, it was his intention to submit his proposition for the consideration of the House on the Motion for going into Committee of Supply to-morrow. He was aware that the question involved in No. 4 of the supplies which was first to come on did not refer to the Slave Trade, but as the Committee would proceed from No. 4 to No. 5, being the one with which his Motion was connected, he would submit his question at once on going into Supply.

THE CHANCELLOR OF THE EXCHEQUER said, he did not wish to interfere with any arrangement made by the hon. Gentleman; but if it would be equally convenient to him to bring his Motion on on Monday, it would greatly facilitate the progress of public business. His right hon. Friend the First Lord of the Admiralty, he was afraid, would be absent from the House to-morrow. Between the present time and Monday the Government were in anticipation of receiving some communication from the United States which might bear upon

this question. Of course, he should not interfere with the hon. Gentleman bringing forward his question on Monday, if he should consent to postpone it to that time.

MR. HUTT said, under such circumstances he would not hesitate in acceding to the suggestion of the right hon. Gentleman. He trusted, however, the right hon. Gentleman would afford him every facility for introducing his proposition to the House on Monday.

THE CHANCELLOR OF THE EXCHEQUER: It may come on first in Committee of Supply on Monday evening.

SUPERANNUATION TO DOCKYARD OFFICERS.

QUESTION.

MR. WILSON said, he would beg to ask the Chancellor the Exchequer whether, in the terms of the Superannuation Bill, as now before the House, the Officers of the Dockyards are intended to be embraced in its provisions; and, if so, whether the entire period of their service will be included in computing their pensions, as recommended by the Royal Commission; and, also, whether it is intended to include the permanent day labourers.

THE CHANCELLOR OF THE EXCHEQUER said, if the hon. Gentleman would refer to the Act he would find by the second clause that it did not apply to those who were appointed by Order in Council or by Royal Warrant, Now, the dockyard labourers held their appointment by an Order in Council, and therefore the Act did not apply to them. The same observation would also apply to the day-labourers; therefore the Act did not apply to those to whom the hon. Gentleman had referred. In regard to the general question whether, if those classes be brought within the provisions of the Superannuation Act, it is the intention to allow their continuous service to be estimated, that, he would remind the hon. Gentleman, would depend altogether upon the Board of Admiralty; but, as far as the Treasury was concerned, their opinion was decidedly favourable to that arrangement. If then they were brought under the Act in question, which by rescinding the Order in Council might take place, he should wish the continuous service to be acknowledged, of course upon the condition of making the operation of the Act general as regarded all parties. It was not his intention, however, to proceed with the Superannuation Bill that night.

HUDSON'S BAY COMPANY.

QUESTION.

MR. ROEBUCK said, seeing that the New Caledonia Bill was down for Second Reading, a subject which included that of the right of the Hudson's Bay Company to their present territory, but as it would be inconvenient for him then to bring forward his Motion in reference to it, he wished to know whether Government would grant him a day for doing so.

THE CHANCELLOR OF THE EXCHEQUER said, the proposition he was prepared to make was this. If the hon. Member for Gateshead (Mr. Hutt) and the hon. Member for London (Mr. Crawford) would consent not to press their Motions on going into Committee of Supply on Monday, he would fix the first convenient day for those two hon. Members to bring forward the questions of which they had given notice; and he would have no objection also to place the name of the hon. and learned Member for Sheffield number three on the list, when the hon. and learned Gentleman would no doubt have the opportunity he so much desired.

MR. HUTT said, that he had postponed his Motion from to-morrow on the understanding that he should have an opportunity of bringing it on on Monday. He hoped that the right hon. Gentleman would adhere to that arrangement.

THE CHANCELLOR OF THE EXCHEQUER bowed his assent.

GOVERNMENT OF INDIA (No. 3) BILL.

THIRD READING.

Order for Third Reading read.

MR. HANKEY said, he rose to ask the President of the Board of Control what would be the position of the East India Company as a chartered body after this measure should have passed. He believed the Company would still be possessed of the same charter under which they had always acted, and he understood, also, that in handing over the property of the Company to the Crown the rights of the Proprietors of India Stock had been specially reserved. What he wanted to know was, would the proprietary continue to have the power of electing a Board of Directors as they had hitherto done, and what would be their means of obtaining redress, should they require any, as a chartered body? He would suggest that

when the Bill went to the House of Lords a clause should be introduced putting an end entirely to the charter of the Company, and so avoiding all those difficult questions which might otherwise arise in future. It was not desirable that a great association like the East India Company should drag on a nominal existence, without any real power or vitality.

SIR ERSKINE PERRY said, that he was unwilling to let the third reading of the Bill pass without saying a few words upon it. The three first clauses contained a principle of such importance, and one pregnant with so much probable future advantage to India, that they had justly received the support of those who sat on his own side of the House. In six of the twelve divisions which had taken place on the Bill in Committee the bulk of the Liberal party had voted with the Government. Such had not been the case, however, with regard to the constitution of the Council. The President of the Board of the Control was entitled to every credit for the candour and ability he had displayed in carrying the Bill through the House, but he could not help regretting that the noble Lord should have foregone the greatest opportunity which had ever occurred to a young statesman since the days of William Pitt of coupling his name with an important and permanent measure of legislation. He thought that the noble Lord had undervalued his own influence in not attempting to carry out what must have been his own deliberate opinions, for he was sure that the noble Lord, who possessed the confidence of the Liberal party, and of the middle and working classes of the country, for the attention which he had paid to social subjects, could have carried any measure which commended itself to his sound judgment. The Council of India should consist of the ablest and most experienced men who could be found, but the provision which had been made for the home government of India was nothing more that a *rifacciamento* of the Court of Directors, which reappeared almost in a more objectionable form than before. He had always been opposed to the Court of Directors, thinking that persons selected from men of business and men in the ordinary walks of life were not those best fitted to form a consultative Council for India, the necessity for which he quite admitted. Nor did he think that that duty would not be satisfactorily discharged by the Council appointed under the present Bill. For candidly stating his objections to this portion of the Bill he had drawn down upon himself the rebuke of an important Member of the House—a rebuke not only uncalled for, but unjust, because untrue. Still, in his opinion, the government of India was an elaborate question of statesmanship, much more complicated than European government; so complicated that he feared they never would be able to form a good government for India. Moreover, history afforded no instance of a good government being framed for a distant dependency by a handful of foreigners. At the same time, he admitted that probably India would remain for generations under our rule, and that it was, therefore, our duty to frame the best provisional government we could for her. But instead of obtaining the services of men who were required to devote their whole time and energy to the duty of the Council, it appeared to be the intention of the Government to select the Councillors from the ordinary walks of life; and, instead of calling upon them to devote their whole time to the duties of their office, merely to call upon them to devote so much time as might be necessary. In giving his vote for the third reading of the Bill, he did so under the solemn conviction that it would not last more than four or five years, and that in that time the Council would probably be found unworkable. There was only one other point to which he wished to refer. It was singular that the Bill did not contain a single allusion to the native interests of India, which he thought was an omission greatly to be deplored, as in every previous Act the people of India had been assured that their religion and customs would not be disturbed.

MR. GREGSON—who had previously presented a petition on the subject from Singapore—said, that he had proposed on a former occasion that Singapore and other neighbouring settlements should be placed in immediate connection with the Indian Council. He believed, however, that it would be equally satisfactory to these settlements if they were placed in immediate connection with the Colonial Office, and he hoped that the noble Lord would give the subject his attention during the recess. It was a source of satisfaction to him that it had fallen to the lot of the noble Lord (Lord Stanley) to legislate for India, for he had visited India, and knew something about the population over which he was called to rule. The three great points to

which the attention of the Indian Government should be directed, as the seeds of the future prosperity of that empire, were commerce, civilization, and Christianity. He believed the first two would lead to the third, without any extraordinary pressure or exertion. He had lived amongst the people of India for many years, and believed them to be intelligent, docile, and honest. For many years he had been surrounded by Native servants, and had never lost even so much as a pocket handkerchief.

VISCOUNT PALMERSTON said, that it had fallen to his lot to object to many parts of the Bill, particularly in connection with the constitution of the Council. He thought it, therefore, only right to say, that, retaining his objections to that particular part of the Bill, yet, as the measure embodied principles of infinite value and importance, he gave to its third reading not a grudging, but a cordial and hearty assent.

THE SOLICITOR GENERAL said, that in reply to the question asked by the hon. Member for Peterborough (Mr. Hankey) he had to state that the East India Company had hitherto filled two different capacities, which were perfectly distinct in their characters. In one view the East India Company was a company possessing a joint-stock, entitled to a dividend guaranteed to them, and also in a certain degree to require a redemption of that dividend, and having also a security fund for the payment of the guaranteed dividend ; in the other character the Company was the governing body of India, subject, of course, to the control of the Indian Commissioners. This Bill proposed to deal with the East India Company only in the second of its characters. It took from it its governing powers over India, and vested them in Her Majesty, but left untouched their whole rights as to stock, dividends, the power of requiring redemption of the dividend, and the security fund for the payment of the dividend. And as the stock must be protected, as the rights for the security of the stock must be protected, as the dividend must be paid, and as the dividend must be paid by somebody, the scheme of the Bill had been to preserve the East India Company in its legitimate functions of a body with a capital stock, and for the payment of a dividend. The money would be put into the hands of the Company for the payment of that dividend, and the Company would be preserved for the protection of the rights of the proprietors with respect to stock and dividend.

MR. ROEBUCK said, that as they now had a specimen of the united ingenuity of the noble Lord (Lord Stanley) and of that House in the matter of legislation for India, he thought it but fair to himself to record his opinion of this great effort of legislation. He agreed with his hon. Friend the Member for Devonport (Sir E. Perry) that a greater opportunity was never offered to any man upon any occasion than that which had just been offered to the noble Lord, but he must be permitted to add that his power, united with that of the House, had produced a scheme of Government which to him appeared wholly insufficient, and which he believed future experience would prove to have been totally unequal to the circumstances ; indeed, he felt satisfied that in a few years they would be called upon to patch up this rickety progeny of the noble Lord's. The task which England had to perform in respect to India was one such as no country ever had imposed upon it before : at a distance of many thousand miles a small body of enlightened men were called upon to govern a people wholly different from themselves in religion, in manners in customs, even in thought and in feeling, and if ever that House was tasked to furnish a good instrument of legislation it was on that occasion. And what had they done ? After something more than a century's experience, after trying many schemes of Government, we had come to legislate for India. The great objection which had been taken to the existing Government was its double character. It had been said that that Government was not broad and plain and open in its working, but that so far as the Minister was concerned it was hidden and controlled ; that we had besides a Board of Directors of the East India Company, who were in a position of no responsibility as they should be, that they were an obstruction rather than an advantage, and that by this double Government delay and every possible mischief were introduced into the Government of India. Well, they had done away with that Government, and what had they put in its place ? In a few words he would institute a comparison between the Government provided by the Bill now about to be read a third time and the existing Indian Government. The first part of the existing Government of India was the President of the Board of Control, who by

Mr. Pitt's Bill was constituted the really paramount authority in the Government of India, for he had the power of doing anything and everything, subject to the subsequent sanction of that House. What had the Bill done as regarded that functionary? It had changed his name, and proposed to call him a Secretary of State for India; and that was the only change it effected so far. What had it next done with regard to the Council who surrounded him? In the place of the Court of Directors the Bill appointed a Council; but it should be recollected that the Court of Directors were to a certain degree responsible; they were chosen by a body, not well selected, certainly, but still a popular body. What had the House done with regard to them? They had put in their place a body called the Council for India, eight of the Members of which were to be chosen by the Minister amongst persons who had been in India, and the remaining seven were to choose themselves. They were all to be chosen for life, so that in place of the Court of Directors, who were now responsible to the proprietors of the East India Company, there would in future be a body of fifteen persons responsible to nobody. Such was the great alteration which the ingenuity of the noble Lord and that House produced. He would defy the ingenuity of man to compose a plan for the Government of a distant dependency worse than this. It had not one quality which a Government of India ought to have. With respect to the Councillors the choice was circumscribed, and instead of looking round to find the cleverest men in the community, the selecting parties were bound to choose the best they could out of a small number. He believed that the very fact of being in India for ten years unfitted men to govern India. That statement might appear paradoxical, but he thought a moment's reflection would show that it was not so, for he felt convinced that a man might learn in England more of India than he could acquire by travelling in India. What struck the eye affected the imagination, and the attention of a man who went to India must necessarily be confined to a small part of the country, and he would not learn one-half as much as the man who studied it in this country. He would remind the House that the historian of British India, James Mill, was never in India, and that the most remarkable man now in the India House, and he might add in England, John Mill, never was in India. It might be that those two persons might be selected, but it would be very remarkable if the Government of this country selected the two best men for the Government of India. He believed, as he stated the other night, that the only clause in the Bill which would enable it to work was the one giving to the Secretary of State the power to do away entirely with the Council. They would eventually be obliged to make the Secretary of State for India the sole governing power of India, and they would have then what they might have had long ago, an efficient Government for India. He felt convinced that the Council would be a stumbling-block in their way, and that five years would not pass over the head of the noble Lord opposite (Lord Stanley) without a necessity arising for the Amendment of this Bill, and he hoped the noble Lord would live for those five years to experience the truth of his prophecy, and to amend a measure upon the preparation of which he had bestowed so much trouble and attention.

LORD JOHN RUSSELL: I do not wish this Bill to go through its last stage charged with the malediction which has been launched against it by my hon. and learned Friend the Member for Sheffield. There are some redeeming features in the Bill to which the hon. and learned Gentleman has not referred, and which I will venture to point out. My hon. and learned Friend has very truly said that under the last of Pitt's Bills the President of the Board of Control became, in fact, the supreme Governor of India; but the original intention was that the Board of Control, as its name implies, should control the Directors and Proprietors of the East India Company, who it was supposed—and upon very just grounds—were at that time inclined to carry on aggressive wars in India, with little regard to justice or true policy. The Board of Control, however, became in fact the supreme government of India. Now we take away that mask, and give to a Secretary of State for India the power of directing and controlling the affairs of that portion of the empire. I say, then, that if we have merely removed what was a delusion, and substituted that which is real for a thing of no reality, we have made an advance by exchanging the government of the Board of Control for that of a Secretary of State. My hon. and learned Friend has said that the Directors were chosen by a body of Proprietors, to whom they were

responsible ; and, undoubtedly, the Directors were appointed by the Proprietors, after a canvass which was not very seemly, and by means which would be very distasteful to men of high character and honour. I believe, however, that after the Directors were once chosen, nobody ever heard of their being called to account by the Proprietors for their proceedings, or of their being removed by the Proprietors on the ground that their constituents were dissatisfied with the course they had pursued. In the place of the Court of Directors we are now to have a Council composed of men well acquainted with Indian affairs, who will afford information to the Secretary of State with reference to any questions upon which he may require assistance or advice. I think this is a great improvement in the government of India. I can imagine that a Secretary of State might be so unwise as to transfer to the members of the Council mere routine duties, burying them beneath the load of papers that arrived from India ; setting them to work which could be as well performed by under secretaries or clerks, and not consulting them on the main points of Indian policy ; but I should conceive that any Secretary of State, who acted in such a manner, would ill discharge his duties. I think the Secretary of State may derive most valuable assistance from the Council with regard to important questions of policy, revenue, the administration of justice and war. In the next place the Council ought, in my opinion, to be independent, and my belief is that that object will be attained as the tenure of their office is during good behaviour. The Bill, then, contains these two elements of a good measure—a Secretary of State, who is supreme when he chooses to be so ; an independent Council who can give him advice. With regard to the numbers of the Council, their exclusion from seats in this House, and the maintenance of the Secret Committee, I differ from the views which are embodied in the Bill ; and I have no doubt that with respect to these and other questions we shall, before the lapse of five years, or of three years, or even, perhaps, of two years, have the Secretary of State coming down to this House and informing us that there are portions of the measure which have not answered the intentions of its framers, and which require alteration. There are other questions which are not touched by the Bill, and which if they do not require legislation on the part of this House will undoubtedly require the earnest attention of the Government. By this measure we merely regulate the home government of India, but the great questions of the tenure of land, of revenue, of the government of the army, of the services of the army, and of the administration of justice, will require careful and anxious attention, and I think that in the course of a year or two the Secretary of State and the Council will probably be prepared to introduce great measures of reform with reference to these subjects, although it may not be necessary to submit them to this House. Hon. Gentlemen are aware of the settlement of the land question in India which was effected by Lord Cornwallis, and which was at the time, and long afterwards, regarded as a measure of great wisdom and prudence. Lord Grenville declared in Parliament that he regarded that settlement as one of the most important and beneficial measures that could have been adopted by the most benevolent Government. Some time afterwards, however, public opinion veered round, strong opposition was manifested to the arrangement, and the Government sought to substitute everywhere but in the Presidency of Bengal—where they could not touch the existing settlement—a system which would destroy the power of the Zemindars, and establish an immediate connection between the Government and the peasantry. Another change of opinion has since taken place, and many persons now state that observation and experience have convinced them that unless there are considerable landowners between the rulers and the people it will be impossible to secure the welfare of the population, and to provide for their good government. These circumstances show that questions of this nature require the most careful consideration. The mode in which the revenue is at present collected in India is most unsatisfactory. No one can be satisfied with the excessive amount of land tax in some districts, or with the nature and character of the salt tax, or the opium tax. Nor is the administration of justice satisfactory. These are questions which require minute and careful investigation ; but we have not attempted to deal with them in this Bill. I think we have acted judiciously in abstaining from any such attempt, for they are subjects which require much closer examination than we could devote to them ; but, after establishing a Council in which such questions can be considered, and en-

abling the Minister of the Crown to obtain information and advice from persons of Indian experience, we may expect a solution of these difficult questions. In referring to this subject, I cannot abstain from adverting to the remarkable speech which was made the other evening by the hon. Member for Birmingham (Mr. Bright), and which did not at the time attract much observation. I think the speech of that hon. Gentleman was one of the most remarkable ever delivered in this House. I do not concur in some of the opinions which he expressed. I do not agree with him that it will be possible—at least for a long time to come, perhaps never—to abolish the important office of Governor General of India, but I do agree with him that we ought to endeavour to give large powers to the Governors of the different Presidencies in India, and that it is only by intrusting great powers to them, and enabling them to govern their Presidencies with vigour and efficiency, that we are likely to improve the government of India. I agree, generally, in the principles laid down by the hon. Gentleman, although they may not be immediately applicable. I think they are the true principles upon which the Government of India ought in future to be conducted. Whether our decisions may have been wise or not, we have, at all events, gone through this Bill with an absence of party spirit which, I believe, evinced on the part of the House a desire to come to a right determination upon the various important questions which have been brought under our consideration, and I am sure that, having framed the Bill in such a spirit, it will be most satisfactory to the House if its operation should prove beneficial to the people of India, and honourable to the Parliament of this country.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I cannot refrain from congratulating the House upon having, by the combined exertions of hon. Gentlemen on both sides, brought this Bill to its present stage, and from offering them, on the part of Her Majesty's Government, our sincere thanks for the candour and patience with which they have assisted us in the progress of the measure. There is, I believe, no one in this House who recognizes or appreciates more completely than I do the necessity and importance of party organization. Indeed, I do not know how a popular assembly so numerous as the existing House of Commons could be defended from the influence of the Crown without an organization of that nature. There are, however, occasions on which there is an universal agreement that that political discipline may most advantageously be modified or suspended, and I cannot but feel that when we are called upon to consider a question relating to the better government of India—especially under the existing circumstances of that country — the occasion is one on which we should combine our common efforts for the common good. I think that on the whole the country has every right to be satisfied with the result of our labours. I think this measure is a very great improvement upon the state of affairs it is intended to supersede, and, although it pretends to be no more than an effort to institute in this country a vigorous home government for India, it is impossible not to believe that it will have a very beneficial effect upon the government of India in India itself. That is the point to which the feelings of all England must now be directed. Having by the cordial assistance of all parties in the House of Commons succeeded in framing a measure which I trust will institute a vigorous government of India in England, let us now hope that by the wisdom of our statesmen, by the skill of our commanders, and the bravery of our troops, we may soon put an end to the great rebellion which has so long raged in that important part of Her Majesty's dominions, and that we may be able to re-establish her empire in that part of the world on those principles of truth and justice without which no empire in this or any other age can be established or permanently maintained.

Bill read 3°, and *passed.*

GOVERNMENT OF NEW CALEDONIA BILL.

SECOND READING.

Order for Second Reading read.

SIR BULWER LYTTON: Sir, the Bill which I rise to ask the House to sanction, is necessary to the maintenance of law and the preservation of life in the district in which it proposes to establish a Government, and it realizes at an earlier period than was anticipated an object which has already entered into the colonial policy of this country. The House is aware that in 1849 the Crown granted to the Hudson's Bay Company the soil of Vancouver's Island, on the condition of establishing a colony there, disposing of the land to emigrants, and

defraying its expenses; at the same time the Crown reserved a right to resume the land on the expiration of the grant of exclusive trade in 1859. But the Company enjoy in Vancouver's Island no rights of government or of judicature. The government is administered by a Governor appointed by the Crown, with a Legislative Council, and the House of Representatives chosen by the people. The judicature is administered by Courts instituted by the Crown, under the special authority of an Act of Parliament, "to provide for the administration of justice in Vancouver's Island." Next year it is the intention of the Crown to resume the soil, and the whole public connection of the Company with the island will cease. Indeed, my right hon. Friend the Member for Coventry (Mr. Ellice), in his able evidence before the Committee on the Hudson's Bay Company, says, "The sooner the public re-enter into possession, and the sooner they form establishments worthy of the island, and worthy of the country, the better." My right hon. Friend proceeds to say, "that this island is a kind of England attached to the continent of America; that it should be the principal station of our naval force in the Pacific; that it is the only good harbour to the northward of San Francisco, as far north as Sitka, the Russian settlement; that you have in Vancouver's Island the best harbour, fine timber in every situation, and coal enough for your whole navy; that the climate is wholesome, very like that of England; the coasts abound with fish of every description; in short, there is every advantage in the Island of Vancouver to make it one of the first colonies and best settlements of England." But when my right hon. Friend was asked by the Committee if he thought it desirable to attempt also at once to colonize the land on the adjacent coast he answered, "No, we should have enough to do in colonizing the island." He will not say that now. He knows that since that evidence was given circumstances have arisen which call upon us to place, as soon as possible, the adjacent territory under the safeguard of an established Government, such as this Bill will provide. And those circumstances are the discovery of goldfields, the belief that those goldfields will be eminently productive, the number of persons of foreign nations and unknown character already impelled to the place by that belief. I need say no more to show the imperative necessity of establishing a Government wherever the hope of gold—to be had for the digging—attracts all adventurers and excites all passions. At this moment there is no Imperial Government at all in the place, for the Governor of Vancouver's owns no commission on the mainland. Thus, the discovery of gold compels us to do at once, what otherwise we should very soon have done—erect into a colony a district that appears, in great part, eminently suited for civilized habitation and culture. Before I proceed further it may be interesting to the House to give a sketch of the little that is known to us, through official sources, of the territory in which these new goldfields have been discovered. The territory comprehended in the proposed Bill lies between the Rocky Mountains and the Pacific; it is bounded on the south by the American frontier line, 49 degrees of latitude, and may be considered to extend to the sources of Fraser River, in latitude 55 degrees. It is, therefore, about 420 miles long in a straight line, its average breadth about 250 to 300 miles. Taken from corner to corner its greatest length would be, however, 805 miles, and its greatest breadth 400 miles. Mr. Arrowsmith computes its area of square miles, including Queen Charlotte's Island, at somewhat more than 200,000 miles. Of its two gold-bearing rivers, one, the Fraser, rises on the northern boundary, and flowing south, falls into the sea at the south western extremity of the territory, opposite the southern end of Vancouver's Island, and within a few miles of the American boundary; the other, the Thompson River, rises in the Rocky Mountains, and flowing westward joins the Fraser about 150 miles from the coast. It is on these two rivers, and chiefly at their confluence, that the gold discoveries have been made. Hon. Gentlemen who look at the map may imagine this new colony to be at such an immeasurable distance from England as to be fatal to anything like extensive colonization from this country; but we have already received overtures from no less eminent a person than Mr. Cunard for a line of postal steamvessels for letters, goods, and passengers, by which it is calculated that a passenger starting from Liverpool may reach this colony in about thirty-five days by way of New York and Panama. With regard to the soil, there is said to be some tolerable land on the lower part of Fraser River. But the Thompson's River district is discribed as one of the finest countries in the British dominions, with a climate far superior to

that of countries in the same latitude on the other side of the mountains. Mr. Cooper, who gave valuable evidence before our Committee on this district, with which he is thoroughly acquainted, recently addressed to me a letter in which he states that :—

"Its fisheries are most valuable, its timber the finest in the world for marine purposes; it abounds with bituminous coal well fitted for the generation of steam; from Thompson's River and Colville districts to the Rocky Mountains, and from the 49th parallel, some 350 miles north, a more beautiful country does not exist. It is in every way suitable for colonization."

Therefore, apart from the goldfields, this country affords every promise of a flourishing and important colony. In Charlotte's Island, which we include in this new colony, gold was discovered in 1850, but only in small quantities. Here I may perhaps correct a popular misconception. In Vancouver's Island itself no gold has been yet discovered. The discovery of gold on the mainland was first reported to the Colonial Office by a despatch from the Governor of Vancouver's Island, dated April 16, 1856. The Governor had received a report from a clerk in the service of the Hudson's Bay Company at Fort Colville, on the Upper Columbia River. Further reports followed in October, 1856, testifying to the importance of the discovery. From experiments made in the tributaries of Fraser River there was reason to believe that the gold region was extensive; the similarity in the geological formation of the mountains in the territory to those of California induced the Governor to believe that these would prove equally auriferous. Subsequent accounts, in 1857, varied as to the quantity of gold obtained, but confirmed generally the opinion of the richness of the mines, especially above the confluence of the Fraser and Thompson Rivers. The Governor writes on the 15th of July, 1857, that gold was being discovered on the right bank of the Columbia, and the tableland between that river and Fraser's. On December 29th he ascribed the small quantity found to the want of skill and tools on the part of the natives, who opposed any white men digging. The Indians were especially hostile to the Americans, and opposed their entrance into the country. Great excitement now prevailed in Oregon and Washington Territory. An influx of adventurers might be expected in the spring, in which case collisions between the whites and the natives might be expected to occur. As far back as the first discovery in April, 1856, the Governor had suggested the system of granting digging licenses. The right hon. Gentleman the Member for Taunton (Mr. Labouchere), then Secretary of State for the Colonies, pointed out, in a reply (August 4), that it would be abortive to attempt to raise a revenue from licenses to dig for gold in that region in the absence of effective machinery of government, and left to the Governor's discretion the means of preserving order. In the exercise of that discretion he issued a proclamation (December 28th, 1857), declaring the rights of the Crown to the gold in Thompson's and Fraser's Rivers; establishing license fees of 10*s.*, which, on the 1st of January, 1858, he raised to 20*s.*; and prohibiting persons from digging without authority from the Colonial Government. But this proclamation has virtually proved a dead letter, for, in point of fact, the Governor had no legal power to issue the proclamation, or cause it to be respected, he having no commission as Governor on the mainland; his sole power has been the moral power of his energy, talents, and extraordinary influence over the natives. Indeed, the manner in which he has preserved peace between the white man and the natives is highly to his honour. In a letter from the Governor to the Hudson's Bay Company, March 22, 1858, he trusts that Her Majesty's Government would take measures to prevent crimes and protect life and property, or there would be ere long a large array of difficulties to settle. "A large number of Americans," he said, "had entered the territory; others were preparing to follow." On the 8th of May, in the present year, he states to the Colonial Office that 450 passengers, chiefly gold miners, had come from San Francisco; that they all appeared well provided with mining tools; there seemed to be no want of capital or intelligence among them; that about sixty were British subjects, about an equal number Americans, the rest were chiefly Germans, with some Frenchmen and Italians. And I have here the pleasure to observe that he states, that though there was a temporary scarcity of food and a dearth of house accommodation, they were remarkably quiet and orderly. The Governor then touches on the advantage to the trade of the island from the arrival of so large a body of people; but he adds significantly :—

"The interests of the empire may not be improved to the same extent by the accession of a

foreign population whose sympathies are decidedly anti-British. From this point of view the question assumes an alarming aspect, and leads us to doubt the policy of permitting foreigners to enter the British territory *ad libitum* without taking the oath of allegiance, or otherwise giving security to the Government of the country."

He states that—

"The principal diggings at Fraser's and Thompson's Rivers at present will continue flooded for many months, and there is a great scarcity of food in the gold districts; that the ill-provided adventurers who have gone there will exhaust their stock of provisions, and will probably retire from the country till a more favourable season; that on the dangerous rapids of the river a great number of canoes have been dashed to pieces, the cargoes swept away, many of the adventurers swept into eternity—others, nothing daunted, pressing on to the goal of their wishes."

He again, in a letter to the Hudson's Bay Company, repeats his fears:—

"How seriously the peace of the country may be endangered in the event of the diggings proving unremunerative, and the miners being reduced to poverty and destitute of the necessaries of life."

I should state that I have also seen private letters recently from San Francisco, giving an account of the extending excitement prevailing there, and of the number of Americans, of other foreigners, and of negroes preparing to start for Fraser's River. In one letter it is stated that 2,000 persons have already left, and 20,000 persons might leave before the end of the summer, if the news continued favourable; but perhaps the news of the flooding of the waters may for a time retard so copious an emigration. I think I have said enough to convince the House of the necessity of providing at once for the government of a country threatened by so many disturbing elements. My first care has been to urge upon my right hon. Friend the First Lord of the Admiralty the necessity of despatching an adequate Naval force in the harbour of Vancouver—sufficient to provide against lawless aggression, and instructions to this effect my right hon. Friend assures me he has given, and my next care is to bring in this Bill which is intended to establish lawful authority and order. Now, Sir, the Crown, of itself, could, if it thought proper, make a colony of this district. But the law officers decided, in the case of Vancouver's Island, that no Legislature can be established by the Crown, except an elective assembly and a nominative council; and, consideriug the very imperfect elements for such a constitution at such a moment, considering the ordinary character of gold-diggers, considering that our information as yet is really so scanty that we are at a loss to constitute even a council of the most limited number, I think that most hon. Gentlemen will agree that it would not be fair to the grand principle of free institutions to risk at once the experiment of self-government among settlers so wild, so miscellaneous, perhaps so transitory, and in a form of society so crude. This is not like other colonies which have gone forth from these islands, and of which something is known of the character of the colonists. Neither is it like those colonies in which the first thought of the emigrants is the acquisition of land, and the first care of the governor those allotments of land, which are the preliminary of representation. As yet the rush of the adventurerers is not for land but gold, not for a permanent settlement but for a speculative excursion. And, therefore, here the immediate object is to establish temporary law and order amidst a motley inundation of immigrant diggers, of whose antecedents we are wholly ignorant, and of whom perhaps few, if any, have any intention to become resident colonists and British subjects. But, where you cannot at once establish self-government, all sound political thinkers, all friends to that responsibility which is the element of freedom, will perhaps agree that the next best thing is to establish a Government which shall have as few checks as possible on its responsible functions, which shall possess unhampered what powers we can give it, to secure the respect for recognized authority; which shall be clearly for a limited time, and with the avowed and unmistakeable intention of yielding its sway at the earliest possible period to those free institutions for which it prepares the way, and which it will always henceforth be the colonial policy of this country to effect. I think that all complicated attempts to construct half-and-half forms of Government for such new societies are unsatisfactory. They only serve to weaken the Executive and to form an excuse for retarding the completion of popular systems. What, therefore, we propose to do by the Bill we now ask the House to read a second time is, to empower the Crown, for a limited period, till December 1862, and the end of the Session of Parliament next ensuing after that time—a period nominally of five years, though in reality of four, to make laws for the district by Orders in Council, and to establish a Legislature; such Legislature to be, in the first instance, the Governor alone; but with

power to the Crown, by itself or through the Governor, to establish a nominative Council and a representative assembly. If, therefore, before the five years expire there are the elements for a representative assembly, I cannot doubt that, whoever then may be the advisers of the Crown, a representative assembly will cheerfully be given. Sir, there will be some, no doubt, who think the term of five years too short, who think that the materials for popular self-government could not be matured at the end of that term, and that there would be many inconveniences in coming again to Parliament to renew the powers of the Act. To these objections I have given the most respectful care, and I would submit that the larger proportion of the immigrants attracted by the goldfields will probably be Americans, accustomed to self-government; that, if you desire to keep them loyal and contented, you should give them the prospect, at the earliest possible period, of that representative form of government to which, in their native country, they have been accustomed; and that if you desire a strong Government for the preservation of internal order, no Government we can make, without the aid of armies, is so strong as that where the whole society is enlisted in securing respect to the laws which it has the privilege to enact, and has no motive to rebel against the authority in which it participates. And if, which is not impossible, the goldfields should prove a delusive speculation, and the principal settlers should be the steadier class of emigrants,—perhaps our own countrymen, who will rather cultivate the other resources of the land in its coal mines, timber, fisheries, and other agricultural produce—you may have at the end of five years a quiet and orderly population, well fitted for self-government. Therefore I think we had better fix the shortest term for the experiment of a provisional Legislature. With regard to Vancouver's Island, which has already a free constitution, we do not propose to annex that island to the new colony. In fact, if the goldfields should prove to be really productive, a very large population will rapidly spread over the neighbourhood of the diggings, which it will be impossible to govern from the distance of several hundred miles at Vancouver; while, if we extend our view to the natural destinies of Vancouver as the great naval station to our only possession on the Pacific side of the whole of America—a station from which we should carry on a trade with India, China, the Indian Archipelago, Australia—a trade now carried on exclusively by the Americans from California—I think we must allow that the Government of the island would have enough to occupy its care and attention in developing the true interests and resources of that single colony. Nevertheless, difficulties in the severance of the two colonies may be found in their geographical relation to each other. According to maps the maritime access to New Caledonia can be only made facile and guarded by its command of the noble harbour of Esquivault at Vancouver's Island — natural circumstances may thus compel the fusion to which otherwise there may be sound political objections — we therefore propose to leave the question of annexation open to further experience, and the Act will empower the Crown to annex Vancouver to New Caledonia, if the Legislature of the island intimate that desire by an Address to the Crown, under such terms and conditions as may be approved. Meanwhile, as the most pressing and immediate care in this new colony will be to preserve peace between the natives and the foreigners at the gold diggings, so there is nothing in the Act which impairs the prerogative of the Crown to permit the Governor of Vancouver to administer also New Caledonia, should that be absolutely necessary, in the first instance, just as the Governor of the Cape, which has a free constitution, is also Governor of the Crown colony of British Kaffraria, holding separate commissions for each. Our object, in short, has been, under our very imperfect information, and the uncertainty, as yet, of the value of the goldfields, to insure some immediate Government, and to leave to the Crown all discretional power, according to the advice it may receive and suited to the variation of circumstances. I should add that it has been deemed necessary by the law advisers of the Crown to abolish in the proposed Act—as was done in the Act for Vancouver's Island by the advice of the Committee of Privy Council, in 1848—the jurisdiction which the courts of Canada claim over civil and criminal cases in this region. The Crown has power to appoint magistrates and constitute courts having a concurrent jurisdiction with Canadian courts up to a certain amount. The Canadian jurisdiction is a dead letter, and though it has subsisted nominally for nearly 40 years it has never been put into

execution, certainly not in the North-West territories. It is clear, however, that the concurrent jurisdiction would be attended with many practical inconveniences, which, in creating a colony, it will be necessary to remove, as we did remove them for Vancouver's Island. I have now, Sir, stated the substance of the Bill I ask leave to introduce. I have shown, I trust, the necessity of an immediate measure to secure this promising and noble territory from becoming the scene of turbulent disorder, and to place over the fierce passions which spring from the hunger of gold the restraints of established law. If the machinery we propose is simple, it is because the society to which it is to be applied is rude. But, happily, in that new world, the true sense of the common interest is rapidly conceived, and the capacities of self-government no less rapidly developed. And probably even before the end of the five years to which I propose to limit the operation of this Act, the materials for a popular representation may be found, and the future destinies of this new-born settlement boldly intrusted to the vigorous movement of liberal institutions. It may be necessary to observe that, both as regards Vancouver's Island and this more extensive territory of New Caledonia, it is not intended over these colonized districts to renew to the Hudson's Bay Company the license of exclusive trade, which expires next year. The servants of the Company will then have in those two colonies no privileges whatever apart from the rest of Her Majesty's subjects there, and therefore I was glad to hear the hon. and learned Gentleman the Member for Sheffield (Mr. Roebuck) express his opinion that the present occasion was not a fitting opportunity for raising the question of which he had given notice; it is desirable to keep any discussion upon this Bill free from the more angry elements which may be involved in the general question as to the powers of the Hudson's Bay Company, by virtue of its charter, on the different district of Rupert's Land, on the eastern side of the Rocky Mountains, a question which the hon. Member for Sheffield will have a distinct opportunity to introduce. Sir, I have wished to keep my statement of the present value and ultimate importance of this new colony clear from all the exaggerations which belong to the philosophy of conjecture. I have carefully abstained from over-colouring our imperfect knowledge as to the permanent richness of the gold discoveries. Nothing can be more cruel to immigrants and more dangerous to the peace of the settlement than to give undue favour to any extravagant expectations as to the produce of these goldfields. It is a terrible picture, that of thousands rushing to what is already called the New El Dorado, influenced by avarice and hope, and finding, not wealth, but disappointment and destitution—provisions dear and scanty, and the gold itself meagre in its produce, and guarded by flooded rivers and jealous Indians. At present, whatever may be the riches of the discovery, it is fair not to forget the fact that California exported in the first eight months from the discovery of its mine 150,000 ounces of gold dust, while the largest amount ascertained or conjectured from Fraser's River since 1856 is not more than 1,000 ounces. More rational, if less exciting, hopes of the importance of the colony rest upon its other resources, which I have described, and upon the influence of its magnificent situation on the ripening grandeur of British North America. I do believe that the day will come, and that many now present will live to see it, when, a portion at least of the lands on the other side of the Rocky Mountains being also brought into colonization and guarded by free institutions, one direct line of railway communication will unite the Pacific to the Atlantic. Be that as it may, of one thing I am sure—that though at present it is the desire of gold which attracts to this colony its eager and impetuous founders, still, if it be reserved, as I hope, to add a permanent and flourishing race to the great family of nations, it must be, not by the gold which the diggers may bring to light, but by the more gradual process of patient industry in the culture of the soil, and in the exchange of commerce. It must be by the respect for the equal laws which secure to every man the power to retain what he may honestly acquire; it must be in the exercise of those social virtues by which the fierce impulse of force is tamed into habitual energy, and avarice itself, amidst the strife of competition, finds its objects best realized by steadfast emulation and prudent thrift. I conclude, Sir, with a humble trust that the Divine Disposer of all human events may afford the safeguard of His blessing to our attempt to add another community of Christian freemen to those by which Great Britain confides the records of

her empire, not to pyramids and obelisks, but to States and Commonwealths whose history shall be written in her language.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. LABOUCHERE said, he thought there could be no difference of opinion in that House as to the propriety of taking steps to meet the wants which this Bill was intended to supply, and to establish a settled form of government in that part of British North America to which circumstances were directing the steps of large bodies of men. While he held the seals of the Colonial Office he received information of the probability of considerable gold discoveries being made, but he thought it was premature to incur expense in taking steps to found a new settlement until those discoveries should have been confirmed. The information, which had been received since, showed that there was now a stream of adventurers setting in towards that part of the world, and therefore it was indispensable that some steps should be taken to establish a settled form of law. He thought the measure proposed by the right hon. Baronet was judicious, and well calculated to effect its object. The right hon. Baronet was also perfectly correct in the interpretation he had put on the charter for exclusive trading granted to the Hudson's Bay Company. It was a common but mistaken belief that that charter precluded the Crown from taking any portion of the territories ceded to the Company for colonization or settlement. The fact was, that in every license for exclusive trading the Crown had reserved to itself the power of resuming at pleasure any portion of the territory. He would not enter upon the question of the propriety or impropriety of renewing the license of the Hudson's Bay Company, as another opportunity would be afforded for discussing that matter, and the only question now before the House was how they could best assist the Government to establish colonial institutions in that country. Although he was as attached as any one could be to free institutions, yet, considering the nature of the population that would be gathered together, he agreed with the right hon. Baronet that it was best to provide a strong and settled government with established laws at first. There was one circumstance which constituted the main danger of disorder, and that was the strong aversion which the Indians entertained towards the Americans. It was a remarkable fact, that, while on the northern side of the frontier, in the British possessions, there was perfect harmony and order between the white and the red men, there had been on the other side of the frontier scenes of carnage and bloodshed which had generated a deadly hostility on the part of the Indians towards the Americans. Governor Douglas, in the papers before the House, had referred to the feeling as likely to create difficulty. Under those circumstances he thought the House would agree that it was most important there should be a strong Executive to control the Indians and to prevent the white settlers from molesting them. The right hon. Gentleman had adverted to the soil and climate of the country, the excellence of which it was impossible to deny, and he (Mr. Labouchere) believed that in the course of time Vancouver's Island and the adjacent territories were destined to be the homes, of a large, industrious, and flourishing population. He might mention that before he left office notice was given to the Hudson's Bay Company that when the term of their present license expired the Crown would resume complete control over Vancouver's Island, and he was glad to find the right hon. Baronet had taken the same view of the necessities of the case. He could not conclude without paying a humble tribute to the excellent qualities of Governor Douglas. Throughout that correspondence which he had had with that gentleman he had been much struck with his good sense, ability, and sagacity, and he could not but think that we were very fortunate in having such a public servant to watch over our interests in Vancouver's Island. The right hon. Baronet had very properly abstained from pronouncing any positive opinion as to the amount of gold which was likely to be found in that colony. The information hitherto had been very deficient on that point; but scientific persons, who were well qualified to give an opinion, had stated to him (Mr. Labouchere) that the geological formation of the country was extremely similar to that of California, and that they saw no reason why gold should not be found in very great quantities. Under these circumstances, it was certainly our duty to take such measures as the large population likely to congregate

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there rendered necessary. He did not know why the name of New Caledonia had been selected for this colony. He had seen several gentlemen connected with the colony and none of them appeared to know it by that name. There was a large island in the neighbourhood of Australia belonging to France which bore that name already, and he thought it possible that some inconvenience and confusion might result from two colonies having the same name. That however he would content himself by leaving to the judgment of the right hon. Baronet. He believed that the provisions of the Bill were well drawn, and he should give his hearty support to the second reading.

MR. ROEBUCK said, he supposed that there would be no opposition to a Bill, which would lead to the settlement of the whole line of the Atlantic frontier, and tend to create a counterpoise to the power of the United States in those regions. He would call to the mind of the right hon. Baronet that by this Bill he obtained the power of making such laws for these colonies as the Queen thought fit. If he sent out a Governor without a body of laws prepared, he would not be taking a right step towards the settlement of the colony. In the formation of a colony it was of importance that persons on going into that colony should find themselves surrounded by law and order. The first thing to be done was to survey the territory, and then to have a code of laws established at once, so that any settler on going to the colony, would find any purchase he might make surrounded by the law. There ought, then, to be an Executive with ample power to administer the law. The first thing should be to send a body of men to survey the country, then to establish a body of laws, and there ought to be a Governor armed with authority physically to support those laws. You could not send out a Governor without soldiers. He (the right hon. Baronet) looked with wonderment at his (Mr. Roebuck's) saying this; but the population of this colony was wild and vagabond, the scum of every country; much of it coming from California, where they had been living under Lynch law, and if they got a large body of this sort of population, and planted a Governor in the midst of them without the means of enforcing the law, the right hon. Gentleman might as well not have brought in this Bill. The right hon. Gentleman must send out a Governor and an armed force with him, or there would be no preserving the peace of the colony. He knew that it was unpopular language which he was using, but it was the truth. In ordinary colonies, as in the instance of New Zealand, you sent out a population accustomed to law and order, and which could govern themselves, and out of which you could create a militia. But if out of a population coming from California you created a militia, you created a force against yourself, and one which would put down order instead of preserving it. The right hon. Baronet was also wise in limiting the operation of the Bill to four years; for that time, if properly employed, would so accustom the population to law and order that you might safely leave the colonists to govern themselves. Allusion had been made to California, but that was a peculiar instance. It was far from the United States; it was full of gold, and the attraction of the gold discoveries brought to it vagabonds from all parts of the world, even from China, but especially from America; while the British Islands also supplied some of the rascally population. The result was, however, that peace and order reigned in California to an extent that was marvellously early, considering the character of the population. The Executive was not powerful, and the consequence was the establishment of Lynch law. Now Lynch law was much misunderstood. It was the only law in that country, and it was a really beneficial institution (laughter). Hon. Gentlemen might take that as a joke, but he was not in the habit of making jokes —at all events good jokes on any subject. But he could say that Lynch law was a sort of wild justice, which the nature of the case compelled the population to adopt. They adopted Lynch law, and law and order reigned in California. He did not, however, wish to see that law established in our colony, though it was a good law under certain circumstances, and if the right hon. Baronet wished that law and order should be established in those colonies, he must introduce the civil law, which could only be maintained by a strong body of soldiers—supported by this country. The right hon. Gentleman the Member for Taunton (Mr. Labouchere) had said something on the subject of the native Indians. He (Mr. Roebuck) would warn the right hon. Baronet against any mock sentimentality on that point. He was about to establish a colony before which the Indian would disappear. The successful civilization of the

white man, as a necessary consequence, killed out the brown man, and depend upon it the red man would have to disappear before it in this instance ; and the same feeling would exist amongst the Indians against all the colonists as now existed against the Americans. The Americans had been successful colonisers, and there was universal hatred of them amongst the Indians. In Canada, Lower and Upper, there was hardly an Indian left, because these colonies had been peopled by a civilized white population. He knew something of Canada, and he could state from personal knowledge that in that country the Indians were like the wandering gypsies of other countries. They were disappearing fast from the face of nature. One might occasionally see a poor wretched being, clothed in a dilapidated blanket, creeping along, degraded and miserable, and that was the Indian of Canada. That was what we were going to do in New Caledonia. We were about to introduce civilization there. Before that civilization the Indians must disappear, and the more rapidly the better. This might seem harsh and cruel language ; but it was the language of truth. The absorption of the red man was an inevitable consequence. It was not man's fault that it was so ; but wherever civilization advanced the red man retired. He had abstained from introducing any topic connected with the Hudson's Bay Company into the discussion, and he had done so on the understanding that he was to have a day on which that question could be debated by the House. To show that it was imperatively necessary that that subject should be considered without delay, he would remind the House that in May, 1859, the license by which the Hudson's Bay Company now held certain territory east of the Rocky Mountains expired, that it was necessary therefore to provide for the future, and that they could only do so efficiently upon a thorough understanding of the case. The House was not yet thoroughly in possession of all the facts, and a night's discussion was needed for that purpose. Although he contemplated depriving the Hudson's Bay Company of a certain portion of their territory, yet the right hon. Member for Coventry (Mr. Ellice) might rest assured that he purposed to do them no injustice. He was prepared to give them all they ought to have, but he believed that they possessed their powers under a misconception of an illegal charter ; nevertheless, he was prepared to deal liberally with them. He repeated, he hoped the House would understand that he had abstained from entering on all topics of this kind in the belief that he would have a full opportunity of stating his opinion with regard to the position of the Hudson's Bay Company with reference to the territory east of the Rocky Mountains ; and as the question was a great and imperial one, he would entreat the Government not to treat it lightly, but from a statesman-like point of view, as involving British interests in the region between the Atlantic and the Pacific. By so doing they might create a counterpoise on that continent to a power which was rising into overwhelming importance there. They ought not to shut their eyes to the threatening aspects which beset the condition of that country, and they ought to look on the question as one intimately concerning the interests and honour of this country.

MR. A. MILLS said, he entirely concurred in the remarks which had fallen from the right hon. Gentleman the Member for Taunton (Mr. Labouchere) as to the wisdom of those clauses of the Bill which reserved to the discretion of the Government the period when representative institutions should be introduced into the new body. The right hon. Gentleman had also alluded to the title of the colony. Now, when he (Mr. Mills) first saw the Bill, he certainly imagined that they were going to legislate for the French possessions of the same name in the Pacific, being ignorant of the fact that there was any other new Caledodian in the world ; and he thought it might possibly create some surprise in France when they found the British Parliament legislating for a French colony. It was very desirable, then, that confusion should be avoided, if possible, in describing the colony ; for he remembered once hearing an anecdote of a governor, who having been appointed to a colony, quitted this country, and after a lapse of a certain time returned, and said he was not able to find it.

MR. WYLD said, he understood the general feeling of the House to be that the discussion should be confined to the object of the present Bill, and that they should refrain from entering on the subject of the Hudson's Bay territory ; but he would beg to remind the right hon. Baronet that that great question required his immediate attention. Not only would there be emigration to these colonies from Cali-

fornia, but it would flow in from Canada, as these territories were only forty-seven days overland from Montreal. That emigration could not take that route without interfering with the territory of the Hudson's Bay Company. The hon. and learned Member for Sheffield (Mr. Roebuck) had talked of employing a large military force in these colonies; but he would recall to his recollection what had happened in New South Wales when it was found impossible to keep troops there on account of the desertion of the men. The right hon. Gentleman (Mr. Labouchere) had complained of the designation of the colony, but if he referred to *Cox's Tour to the Rocky Mountains*, in 1831, he would find that at that time even the country was well known as New Caledonia. In conclusion, he cordially approved of the Bill, and would congratulate the right hon. Baronet on this good commencement of his Colonial administration. He would at the same time point out the desirability of making an alteration in the existing boundary, which had been found to be an inconvenient one. A degree of latitude had been suggested for that purpose, but he thought it better that the course of the river should be adopted.

MR. ELLICE (Coventry) said, that he entertained no objection to the Bill; on the contrary, he thought it would answer well the purpose for which it was intended. He had no objection to any part of the Bill which gave powers to the Governor. With all his predilections for free institutions, he should not have objected to have extended the period fixed in the Bill for establishing them. He would beg the House, however, not to be led away by any flattering notion of the facilities for colonizing those territories. There were difficulties connected with it which did not exist in the cases of California and Australia. In the first place, not a spade had been struck into the soil on the Frazer River. The country was difficult of access; it contained no provisions, and as the gold mines were situated at the confluence of the Frazer and Thompson Rivers, they were 350 miles from the coast, and the emigrant population would have not only to find the means of transit, but must carry provisions with them for their support by the way, and when they arrived there as well. This country was different from the other gold countries. California was a settled country, rich in corn and other provisions; and in Australia our colonists had prepared the way for emigrants. He agreed with the hon. and learned Member for Sheffield (Mr. Roebuck), that the Government ought not to establish a colony without having adequate means at hand to keep the peace and protect life and property. They must administer justice. They could not expect that there would be no crime, and how could justice be administered without the Executive being in possession of such a force as was necessary for that purpose? Those were questions of difficulty and importance, and he hoped the House would not be led away by the notion that we were about to establish a colony at the mouth of the Frazer River which could at once support itself. The plan shadowed out by the right hon. Baronet was probably the best that could be adopted at present, and he believed the man most fitted to carry it out was Governor Douglas. The native Indians in Vancouver's Island and the adjacent coast were numerous and tolerably well armed, and they had attacked trading ships on several occasions. Governor Douglas, by his good management, had, however, maintained his colony without any quarrel or dispute with them. But there could be no such management in the interior when the emigrants first went to the gold regions, and it was necessary to make such provision in that respect. He argued that the matter could be left in no better hands than those of Governor Douglas. The advice of the hon. and learned Member for Sheffield, that the instructions to the Governor should be accompanied by certain rules and ordinances, which might be thought necessary by the Government at home to enable him to carry on his administration, was well worth the consideration of the Government. He thought it was very expedient that the Government should in all matters give the most specific details to the Governor, who would have a responsibility cast upon him which would require the support of the Government at home. He ought to be instructed on what terms his proclamation should be issued, and what protection he should hold out to persons going into the interior. With respect to the unfortunate Hudson's Bay Company, he could assure hon. Members that whatever policy was adopted by the House would be accepted by them. No lawyer doubted that the grant of territory to the Company by the Crown was valid. The license to trade was given to the Company to enable them to maintain peace,

They desired no renewal of the license, and it might be withdrawn to-morrow without affecting their position. At the best, it was but a miserable concern, having half a million of capital, on which they divided 10 per cent. They desired only to be treated as the East India Company, and, provided the interests of their shareholders were guarded, they would be only too happy to give their best assistance to carry into effect any policy which might be thought for the general benefit of their territories. His right hon. Friend deemed it practicable to make some arrangement to enable the Company to establish colonies on the Red River, and if he did so he would find none so anxious to promote that object as the Hudson's Bay Company.

MR. CHRISTY said, he wished to congratulate the right hon. Baronet (Sir B. Lytton) on having introduced a Bill which was the first step towards putting an end to the monopoly enjoyed by the Hudson's Bay Company. The territory which the right hon. Baronet now proposed to form into a colony was the subject of discussion in this House ten years ago, when he (Mr. Christy) had the honour to call attention to the impolicy and inexpediency of handing over to that powerful company an island of the importance of Vancouver's Island. On that occasion he was supported by many of the most influential Members of the House, and a very narrow division was taken upon the question. Since that the late Government had had the courage to propose a Committee, which sat last year, to take into consideration the whole subject preparatory to again granting, as he then feared, the exclusive right of trading over this vast territory to the Hudson's Bay Company. But the Bill now before the House, he presumed, would settle that question. That Bill, indeed, was a conclusive commentary on the impolicy of granting such a monopoly, and he believed they might thank the gold discoveries for having interposed and brought this important territory under the direct authority of the Crown. He understood that the exclusive right of the Hudson's Bay Company to trade over the territory would now cease; but he begged to observe that, although Governor Douglas might be exceedingly skilful in managing the Indians, he was in reality the chief factor of the Company, and had the management of the whole of their trading operations; and that Mr. Cowper, in his evidence before the Committee, had stated that, instead of governing Vancouver's Island with a view to induce emigrants to settle there, the policy pursued had had the effect of driving emigrants away. He hoped, therefore, that if Governor Douglas were retained in his office under the authority of the Crown, the Colonial Secretary would send him the most specific instructions on this head, and that he should not continue to encourage competition on the part of the Company's officers with the settlers and colonists who might emigrate there. It appeared to be a matter of agreement that the discussion on the main question was to be taken on the Motion of the hon. and learned Gentleman (Mr. Roebuck). If there was to be any discussion it was important that it should take place in the present Session, because the exclusive right to the trade expired in 1859, and it was very important that persons who took a deep interest in the country, as well as the people of Canada, should know what were the intentions of the Government, and what was the feeling of the House as to the renewal of the Company's charter for any lengthened period. With respect to the measure before the House, he certainly thought that in its main features it was a good one. He had some objections, however, to the geographical arrangement proposed, and on a future stage he should move an Amendment with regard to the boundaries of the colony, which he hoped would commend itself to the approval of the Government. He gathered from those men who had been in the territory that the gold which was found in the Frazer River was merely the *debris* of the gold that existed in the Rocky Mountains, and he therefore thought it desirable that the boundaries of the new colony should be extended further north—up to Finlay's River, and to the main chain of the Rocky Mountains that ran east and west. He was far from thinking that it would not be a judicious arrangement to confine the Hudson's Bay Company to those northern districts which were productive of profit to them. These districts produced fur-bearing animals, and were little suited to settlement and colonization. As the right hon. Baronet had alluded to the construction of a railway, he hoped it would be within his contemplation to propose to Parliament some plan which would have for its object the formation of another colony in the district of the Red River. Unless the Government directed its attention to the subject, the

country would be filled with American settlers, and questions of boundary would arise, which might bring about a repetition of previous difficulties with the United States. He could not help complimenting the Government upon having carried out the views recommended by the Committee which examined this subject last year, and he had to complain that the right hon. Gentleman who was at the head of the Colonies under the late Administration never informed that Committee of the discovery of gold in this district; though it now appeared, from papers on the table, that the Government was in possession of this information two years ago. They were now told that the amount of gold found there was overrated. That might be so; but, at all events, the subject had very properly attracted the attention of the Government, who now proposed to found a colony in consequence; and he quite agreed with the hon. and learned Member for Sheffield, that this colony could not be founded without sending out an adequate military force.

VISCOUNT SANDON said, that having been a Member of the Committee referred to, he wished to remark that when the license was granted to the Hudson's Bay Company the Government fixed the price of land at £1 per acre. It appeared from the evidence adduced before the Committee that that high price had prevented colonization from being carried on to any great extent. Perhaps the right hon. Baronet (Sir B. Lytton) would take this subject into his consideration when he was establishing a Government for the new colony. It was important that land should be more easily obtainable, so that out of the shifting population who might be attracted to the colony a deposit of good settlers should be left.

MR. LOWE said, he thought that the right hon. Baronet had done quite right to introduce his Bill now. To form a colony without a population was a useless expense, and to allow a colony in which a population had grown up to remain without a Government led to anarchy, misrule, and bloodshed. He was not very sanguine of the success of the new colony (although the right hon. Baronet had taken the right course with regard to its government), because it was certain that the first thing that would happen would be a terrible collision between the whites and the Indians, which it would not be in the power of any Minister to advert. Now, would it be sufficient to send a frigate there, as some had proposed. The place, although very beautiful, was most inaccessible, and it would be necessary to have a larger force for the purpose of enforcing order upon the lawless spirits who would flock to the colony than could be spared from any frigate. He hoped, also, the right hon. Baronet would take the advice of the noble Lord (Viscount Sandon), and at once fix such a price upon the land as would stimulate population. It was the unanimous testimony of all the witnesses who had been examined, that nothing had tended so much to obstruct the settlement of Vancouver's Island as the high price of land. While land could be obtained in Oregon for a dollar and a quarter per acre, in Vancouver's Island the fixed price was £1. Land ought to be obtained in the new colony upon terms at least as favourable as in the neighbouring country. This was one of the settled colonies in which the general principles of the law of England, has laid down in the well known chapter of *Blackstone*, would become the law of the colony. But these general principles were not sufficient for the basis of the law and constitution of the colony. Her Majesty was to be empowered by order in Council to make laws for the government of the colony, or to delegate the power to the Governor for the time being. Would it not be better to follow the precedent adopted with respect to other colonies, and give the colony the fundamental laws under which we lived, merely reserving to Her Majesty the power of passing supplementary laws as they might be found necessary? The provision that so much of the law of England as could be applied to the new colony should be enacted would be perfectly understood by the colonial lawyers, and upon this the Government might erect the requisite superstructure. It would be proper that the boon of the law of England should come to the colony through the Act of Parliament to which it owed its existence rather than by any laws passed by the Governor for the time being? He had submitted these suggestions fully under the conviction that if they were not adopted by the right hon. Gentleman it would be because he had some good reason for not adopting them. In conclusion, it did seem to him a pity that when they had one Caledonia already in Australia, another on an island off the coast of New Holland, and on the east coast of America the colony of Nova Scotia, which, he supposed, meant the same thing,

that there should be so much poverty in their vocabulary that they were obliged to adopt a name that was identical with that of a French colony in the Pacific. He suggested that the right hon. Baronet should hit upon some other name that was not quite so much used up.

MR. WHITE also objected to the name, and suggested that the right hon. Baronet should follow the fashion which had of late years been set by America of adopting the native name. He thought they were bound to perpetuate the aboriginal names in all those districts as much as possible. He would strongly urge upon the right hon. Gentleman, also, the propriety of at once fixing the land tenure, so that every colonist might know from the first what he had to expect. He could speak from experience on this point, for he happened to have been one of the earliest settlers in the colony of Hong Kong, and such was the discontent and heartburning arising from the uncertainty on this matter, that, if the colonists had been near America, they would certainly have prayed to the United States for annexation. He was happy to add that all difficulties now were satisfactorily adjusted; but he begged the House to consider what would be the effect of such disputes when the colony was only divided by a stream from the United States. He hoped, therefore, the Government would give all the settlers there a right of pre-emption to the lands they occupied. He would remind the House that the foundation of a new colony was a grave matter. There were many financial reformers who looked upon every new colony as a new cause of war, and in this case he believed the utmost delicacy and care would be required to prevent this colony from causing jealousies with our neighbours. He was rather surprised that the right hon. Gentleman said so little about Vancouver's Island. He believed the importance of that island could not be overrated. He had heard many Americans say that they would willingly give California in exchange for it; and, looking to its position in the Pacific, its possession of coal, and the importance of that article to the navigation of those seas, giving its possessors a dominant influence over the future of China and Japan, he fully agreed in the importance they attached to it. As to this new colony, if he thought it would be the cause of future disputes with the United States, he would rather be inclined to adopt a proposal which he believed the Americans would be willing to make—namely, sell it to them outright. He knew such a proposal was very repugnant to British feeling, as descending from that high position which he hoped this country would long maintain. He had only further to urge upon the right hon. Gentleman to make this colony as soon as possible self-supporting, and to adapt its institutions to such a scale of expenditure as the colonists would be willing to pay. For the rest he heartily joined in the aspirations which the right hon. Baronet had expressed for the prosperity of this colony; and such was his confidence in his intentions and his solicitude for its welfare, that if no other name were found for the colony, he hoped gratitude would inspire the colonists themselves to call it the colony of Lytton Bulwer.

MR. CROSSLEY said, he also would urge upon the right hon. Gentleman the inconvenience attending the multiplicity of names. He could mention as a proof of it that a letter posted at Plymouth addressed to his firm in Halifax, and containing a number of bank notes, but without a penny stamp, was sent over to Halifax, in Nova Scotia, though he was happy to say that the letter afterwards came back unopened, and the notes safe. Now if there was so much inconvenience with the names of towns, how much greater would the inconvenience be with the names of large tracts of country. He joined in the hope that this colony would soon become self-sustaining. But at the same time, it must not be forgotten that the Governor must be supported by an armed force. He hoped, also, that the Government would not fix the price of the land higher than it was in the neighbouring states, where the average price was a dollar and a quarter per acre.

MR. C. W. FITZWILLIAM said, he agreed that the price of land ought not to be too high; but he must say, that he had been in Vancouver's Island, and he did not think it was the price of the land so much which retarded the progress of the colony as the baneful influence of the Hudson's Bay Company, who systematically used their influence to drive private traders out of their territories. If a private trader attempted to open a trade with the natives, orders were immediately sent out to the Governor, who was also the chief factor of the Company, to outbid the trader in his dealings, and so drive him out of the country. A curious instance of this occurred while he was in that district. A gentle-

man sent a quantity of cranberries to California, where the fruit was highly prized; but no sooner was this known than the Governor of the district caused all the cranberries of the district to be collected and sent over to California, where they were to be sold at such a price as would drive the private trader out of the market. He agreed with those who thought there should be a survey of the country,—not such a survey as would be deemed necessary in England, but one that would be useful for practical purposes in the existing state of the colony. The right hon. Gentleman the Member for Coventry told the House that there were no settlers and no cultivation where the gold was discovered, and from thence he augured all sorts of evil to the colony. But he did not think the colony would be worse than others in this respect. There was no cultivation where the gold was discovered, either in California or in Australia; and in this colony labour would not be placed at a greater disadvantage than in either of those. The right hon. Gentleman had also spoken in high terms of the value of Mr. Douglas as Governor. Now Mr. Douglas might be the ablest Governor that ever was created; but still he was not fitted in his present capacity for the duties proposed to be entrusted to him, seeing that the post he now held was that of chief agent to the Hudson's Bay Company. For his own part he knew a little of Governor Douglas, and he should say he was a very incompetent man for the post. He had never been accustomed to deal with white men; all his dealings were with Indians, and his idea of law was that might was right. Now that would not do in the new colony. It would not do with Englishmen, far less with many of the men whom they might expect from the western States of America, because they had made the western States too hot to hold them. These men must be treated gently; their hair must not be stroked the wrong way, or else they would give a new reading of the maxim that might was right, for they would certainly show that their power was stronger than any which the Governor might immediately bring to bear against them.

Bill read 2°, and *committed* for *Monday* next.

POLICE FORCE (IRELAND) BILL.
SECOND READING.

Order for Second Reading read.

LORD NAAS: Sir, in rising to move the second reading of the Dublin Police Force (Ireland) Bill, I am anxious to take the earliest opportunity, which the forms of the House will allow me, to correct various misapprehensions and misstatements which have been made in regard to the objects and principles of this Bill. I observe that among a large proportion of the population of Dublin this Bill has undergone considerable discussion. It has been discussed both in the corporation and at a public meeting of the inhabitants held a few evenings ago. The objections brought against the Bill at both of these meetings are utterly untenable and entirely without foundation; and if the House will give me their attention for a few minutes I shall show that these objections are founded on a misunderstanding of the Bill. Now, it has been objected to for many reasons. It has been said that this Bill will not remove or diminish the taxation of the rate-payers of Ireland; and in the observations I have to address to the House I shall divide my explanations entirely into the operations of the Bill as it affects Dublin, for I believe that in the western parts of the country, both in Belfast and in other parts of Ireland,—the proposed Bill is very well received and universally approved of; but in Dublin it had been said that this Bill will not in reality diminish the local burdens. It has also been said that the proposed new police force will be insufficient for the preservation of the peace in the present increased population of the town. It has been further asserted that the constabulary force will suffer from this amalgamation; and that unless the City of Dublin should be placed precisely in the same position in this respect as the counties of Ireland, the constabulary would suffer; and, lastly, it has been attempted to impute sectarian motives to the promoters of this Bill. Now, upon all these points, misconceptions, and misstatements, I am in a position to satisfy the House that these objections do not in reality exist. I will first address myself to the financial part of the proposition. I observe that even after the statements that I made to the House the other night, when I thought I showed satisfactorily to the House that a very considerable diminution of expense would occur in connection with the local burdens, it has still been stated that nothing of the kind will be effected. I will, therefore, now ask the House for a few minutes to give me its attention while I state, as briefly as I can, what will really be the financial effect of the measure I propose. The present expense of the

force of the Dublin metropolitan police, in the shape of material and men, rent, taxes, clothing, and forage for horses, exclusive of Commissioners' salaries, amounts to £65,123 per annum. Now, I can show, if I go into detail, that the expense of the new force will be £45,377 per annum, so that there will be a difference in these two items of £19,746. But the whole charge for the metropolitan Dublin police, including police-courts and other departments, has been stated in detail, in an estimate on the table of the House, to amount this year altogether to £77,000, whereas, under the new system, when it comes altogether into operation, the charge will be £57,126; so that the difference in the charge of the entire police establishment will be £19,874. I will show the House, however, without wearying it with details, that this expenditure will not be exceeded. The items appertaining to the old force are taken from the documents before Parliament. The items appertaining to the new force have been collected in the most accurate manner by the heads of the constabulary department. The expenditure under the new system will amount to £57,126, and is made up of the following items:—

Men and Material . . .	£45,377
Police Courts . . .	7,942
Police Departments . . .	2,330
Recorder's Salary . . .	1,477
	£57,126

Now, the income that I expect will be necessary for the maintenance of this force, when the whole of the new system comes into operation, will be derived from the following sources:—

Local Income	£14,800
Parliamentary Grant . .	36,500
Police Rate	7,000
	£58,300

This would be for the whole force. I can give the number of men that will be furnished for the preservation of the peace in Dublin, for this expenditure, which would be something under 800, and I believe that the estimate will be amply sufficient. I am free to admit that it may be some time before the Dublin metropolitan police districts will obtain the whole benefit of this reduction in their local taxation; but during the first year it is possible that there will be no great decrease, and certainly nothing approaching to an increase. It will give one Assistant Inspector General, the City Inspector, one sub-Inspector, sixty-nine constables of the first-class, 25 of the second, 100 of the third, 50 acting constables, and 652 sub-constables, making a total force under 800. Some statements have been made in Dublin, and it has been attempted to be proved, that the amount of pensions it would be necessary to grant by way of retiring allowances, and in the shape of state pensions, would be £13,000 a year, but I cannot make out upon what ground that can be substantiated, for upon a careful calculation of the whole sum necessary for retiring allowances consequent upon the amalgamation of the two forces, I find that at the outside it cannot amount to more than £4,600 per annum, and I believe it will be considerably less. To show how I arrive at that I may state that it is not the intention of Her Majesty's Government to disband any one single man at present in the Dublin metropolitan police force, or reduce his pay. Some of the officers will be reduced at once, and it will be necessary to retire a certain number of officers, but it is not proposed to dismiss a single man, and it will not be necessary to retire so large a number as was originally expected. There are 69 officers in the upper ranks of the Dublin metropolitan police force, at salaries of £6,810; and, supposing it necessary to reduce all at two-thirds salary—a very high scale indeed—it would only amount to £4,600 under any circumstances whatever. My present impression is, that it will be much nearer £3,000. There will be no increase in the general charge, for it is to be observed that the members of the Dublin metropolitan police force, owing to the severity of their duties, leave the force very much, and recruiting goes on to a greater extent than was proposed. In a force amounting altogether to something like 950 men, the House will be surprised to hear that to keep up that force it was necessary in 1855 to recruit 259; in 1856, 195; and 1857, 180 men. This fact shows how unnecessary it is to take any harsh step in order to reduce the number of the men; because the mere suspension of recruiting for a single twelvemonth would suffice to bring down the force to the standard requisite for the preservation of the peace of the city. Therefore, even assuming that the retiring pensions cost as much as £4,600, this will be more than compensated for by the saving of £6,000 a year that will be effected by a reduction of 200 men. It has been said that the Government intend to force the men to change into the constabulary whether they like it or not. That is entirely a mistake. They

simply mean to give the men the option of taking service in the constabulary force; but though the duty was lighter, and the service was country service, yet the pay being considerably lower it is not expected that many of the Dublin police will accept that offer. The Government have therefore excluded that element altogether from their consideration. In accordance with these views a notice has been addressed to the Dublin Metropolitan Police by the Government, explaining to the men the real nature of the proposed change, in order to guard against any misrepresentation of its objects. That document I will read to the House.

"NOTICE.

"There being reason to apprehend that the Bill now before Parliament for the consolidation of the constabulary and metropolitan police is not correctly understood by the latter force, his Excellency deems it necessary to make known the principal changes which are proposed by the Bill:—

"1. That the metropolitan branch of the force will be under one chief officer, and an assistant, instead of under two Commissioners.

"2. That, except some few senior members of the establishment, it is not intended to discharge any of the existing force, but to retain them with their present rank and pay while serving in the metropolitan district.

"3. That it is not intended to remove compulsorily any of the present metropolitan force to other places. If at any time any of them wish to go to country duty it will be open to them to do so, but they will there receive only the ordinary pay of the constabulary, and such long service pay as they may be entitled to by their former service as well in the police as in the constabulary.

"Dublin Castle, July, 1858."

This is the rule we intend to adhere to in the amalgamation of the two forces, and I defy any one to prove that any practical injustice can, under that rule, be adopted towards any member of the force. But to make it perfectly clear and certain that a diminution in the local rates will arise, we propose to introduce a clause in the Bill which will at once reduce the power that now exists of levying 8*d.* in the pound to 6*d.* in the pound, which I believe will be the best guarantee to the ratepayers of Dublin of our intentions, and which will give us an ample fund, even during next year, for carrying out this plan. I do not mean to say that 6*d.* will be necessary in future years, for I believe that when the plan comes fully into operation the sum required will be more like 3½*d.* or 4*d.* in the pound. I believe if this scheme were properly understood it would be considered as a great boon by a larger proportion of the force. There would be no injustice done to the force. No man will be deprived of one shilling pay or pension or be turned out as long as he was able to serve, and if they like to join the constabulary they can. I believe that the offer we give the men of country service will be accepted as a great boon. A great deal has been said about the low sanitary state of the army; and though the House had been surprised at the high rate of mortality among the Guards, they will be still more surprised when they hear the state of the Dublin metropolitan police, which contains in its ranks as fine a set of men, physically speaking, as are to be found in the service in the world. The following was the testimony of the medical officer on the subject.

"Seven years and eight months make a period of police service, after which the constitutions of the stoutest members of the force will begin to exhibit symptoms of decay; and in their report for the following year the medical officers, in referring to the non-increase of the average service of that year, state 'that it is confirmatory of their opinion as to the deteriorating effect of seven years and eight months' police service on the constitutions of the stoutest men.'"

I think therefore, that men subject to duties which occasion so early a deterioration of the strength of very strong men, will appreciate the advantages of country service held out by the Bill. It has been said that the numerical power of the proposed new force will be insufficient; but there are a far greater number of police now employed in Dublin than in any large towns, such as Liverpool and Bristol, where great vigilance is required for the protection of property. For ordinary purposes there is a force of 650 men provided by the Bill, and you have an additional reserve of between 400 and 500, making a total of 1,100 men, in the event of tumult, riot, or popular disturbance arising in Dublin; so that there is no sort of ground to assert that this new force will be insufficient, either for the ordinary duties that devolve on it, or in the event of riot and disturbance. On the general question of the amalgamation of the two forces I think I am bound to inform the House of the opinion of a man of the first authority in Ireland. I may say throughout the whole consideration of this scheme, from beginning to end, we have had the advantage of the advice and assistance of Sir Duncan M'Gregor, who is the best possible authority on a subject of this kind in the City of Dublin. He has given us the advantage of his experience of nearly twenty-five years, and although he was rather adverse to the proposition,

at first he is now an ardent supporter of it. In a letter on this subject he says:—

"Constabulary Office, Dublin Castle,
June 21, 1858.

"Dear Lord Naas,—Understanding that your Lordship wishes me to express my opinion of the Towns' Police Bill, which has been introduced into Parliament, I beg to offer the following observations. I confess that when your Lordship first informed me of your plan, the idea was so new to me that I hesitated to approve of it.

"But the more I have reflected on the subject the more have I become persuaded that the scheme will not only work well, but that it possesses several advantages over the present system, and that it will involve much fewer changes than may at first sight be apprehended.

"In enumerating the advantages, as they appeared to me, of the proposed Act, I confine myself to details.

"1. It will secure a very large saving to the ratepayers of Dublin and Belfast—in the last case immediate, and in the former partly immediate and partly prospective.

"2. Fully believing that co-equal authority vested in any two persons, however gifted, cannot fail, sooner or later, to prove detrimental to the harmony and discipline of any organized body of men, I am confident that great benefit will arise from placing the Dublin police under one responsible head.

"The amalgamation of the two forces will, I think, diminish the number of resignations, superannuations, and dismissals among the men serving in the city. For at present, if a metropolitan policeman falls into ill health, or bad habits, the only way, I presume, in which he can be disposed of, is either, in the one case, by discharging him on pension or gratuity, or releasing him, it may be for a length of time, from the performance of duty; and in the other, by dismissing or otherwise severely punishing him. Under the intended arrangement, men whose health may be temporarily impaired could be transferred to easy stations in the country, as is now practised in other towns with benefit to the general service; and young men of unsteady habits might frequently be reclaimed by being removed to a quiet country station, away from the influences of the evil companions and temptations to which they are exposed in a large town.

"4. Beside such cases, I have reason to believe that the incessant labour of a city police, and the monotonous nature of their duties, become in the course of time most irksome to the great mass of the force. The proposed scheme would enable the inspector general to remedy this evil; and by occasional, or even frequent, interchanges between the men in the town and those in the country, to diffuse contentment throughout the force.

"5. In cases of emergency occurring in Dublin, the new plan would allow the inspector general to send promptly, and without investing him with the special authority now required for such duty, a portion of the reserve in the Phœnix Park in aid of the metropolitan force; and instead of acting independently, as at present, the whole would be placed under the orders of an officer, fully recognized both by the rural and city portions of the force.

"6. By making the constabulary cavalry at the depot available for such duties as might be required in the city, the necessity of maintaining the mounted Dublin police would be superseded, and an additional saving of expense thereby effected.

"7. The foregoing observations on the Dublin police apply with incalculably greater force to the municipal police at Belfast. For, while the former are, confessedly, in the highest state of discipline and efficiency the latter are, I fear, so little trusted, that on occasions of disturbance the constabulary would prefer dispensing altogether with their assistance.

"But I conceive that the success of the intended arrangement will chiefly depend on the character of the officer who may be selected as the head of the city force. For though it will be for the inspector general to prescribe certain general principles and regulations for their guidance, it will be quite impossible for him, with his other onerous duties, to attend to the innumerable details of the Dublin police."

"I remain, my dear Lord, very faithfully yours,
"D. M'Gregor."

That is the candid opinion of one whose authority is unrivalled on questions of this kind. He has given the fullest amount of consideration to the question, and the result is that he had come to a favourable opinion. It had been said at a meeting in Dublin that that city ought to be placed on the same footing as the rest of Ireland in this matter. Now I beg leave to say that this is done by this Bill. The principle governing the distribution of the constabulary in Ireland was that each county should receive free of expense a certain *quota* of men. That the Bill proposes to give to Dublin; but if in any county exceptional circumstances should arise to demand it, the Lord Lieutenant is empowered to send additional men to such county, in which case the county is required to pay a moiety of the expense. That is the mode in which we propose to deal with the Dublin Metropolitan police force. We propose to have the Parliamentary *quota* of 400 men and 250 additional constables, so that, in reality, we adhere precisely and completely to the precedent set in the General Constabulary Act. I now pass to another objection made to this measure, which is, I think, even more untenable than any to which I have yet adverted. The Government have been accused of having framed the Bill for a sectarian object; and that, I own, is a charge at which I have felt not a little astonished. As far as I am concerned, I believe that after having been for many years engaged in public life, I have never said or done anything that could render me amenable to such a charge. I have invariably abstained from taking part in sectarian discussions, both because they are most distasteful to my own feelings and because I think they are calcu-

lated to do much injury, while they can never effect any real good. I cannot, therefore, believe that I am fairly open to this charge, and as regards the Members of the Government generally I may observe that if we wished to establish a sectarian force in Dublin we should have taken a very different course from that which we have pursued. We should have adopted the plan which was, I believe, entertained, but was never brought to maturity by the late Government—namely, that of re-organising the Dublin metropolitan police force. We could then have made it an exclusively Protestant force. But we have followed an exactly opposite policy. We propose now to amalgamate the Dublin metropolitan police with a body against which no accusation of sectarianism had ever been advanced. The Protestants form almost one-third of the whole Irish constabulary force. That is, I think, a very fair proportion under the circumstances of the country, and to that proportion we mean to adhere in our future arrangements with respect to the force in Dublin. I believe that force, as it is at present constituted, may fairly be charged with bearing a sectarian character. In the metropolitan police force, however, the proportion is entirely different. I do not attempt to account for the facts of the case; that is a subject about which there may be differences of opinion; but there can be no doubt of the fact that the Dublin force is to a great extent—to an extent which I think improper—Roman Catholic. I find that in the statement I made upon that subject on a former evening I was led into a slight error, in consequence of the incompleteness of the information with which I was furnished. I then said that out of 836 constables in the force there were only between 60 and 70 Protestants; but I have since ascertained that at that period last year to which I was referring the whole number of constables, excluding officers, was 856, and that out of that number 95 were Protestants. I do not believe that is a proportion which the House will think it desirable to maintain. It must be borne in mind that in a country like Ireland, where so much bitter sectarian feeling still prevails, it is a matter of considerable importance that the police, who are brought into constant contact with the whole population, should be free from any sectarian taint or suspicion. It is manifestly possible to attain that object, because it has been actually attained in the case of the general Irish Constabulary force. We now want to diminish the great disproportion between Protestants and Roman Catholics which has hitherto prevailed in the Dublin police force, just as we want to diminish a disproportion of an exactly opposite character in the police force of Belfast. I shall now proceed to state the exact proportions at present prevailing between the numbers of the professors of the two religions in the different branches into which the Dublin force is divided. I find that out of five superintendents there are three Protestants and two Roman Catholics; but that is the only portion of the service in which the number of Protestants preponderates. Among twenty-six inspectors seven are Protestants and nineteen Roman Catholics; among thirty-eight acting inspectors three are Protestants and thirty-five are Roman Catholics; among sixty-six sergeants thirteen are Protestants and fifty-three are Roman Catholics; among a hundred acting sergeants —the body immediately charged with the supervision of the men—nine are Protestants and ninety-one are Roman Catholics; and among 836 constables 109 are Protestants and 727 are Roman Catholics. These figures are taken from a return furnished on the 4th inst. by the Dublin Metropolitan Police Office. Now, I believe that, no matter how excellent may be the discipline of the force, it will be found impossible that it can acquire the general confidence of the inhabitants of Dublin as long as this disproportion between the followers of the two religions prevails. I am persuaded that, however efficient it may be now, it would be ten times more efficient if this taint of sectarianism were removed; and I also think that the only way to accomplish that object is to adopt the plan which we propose for the amalgamation of the Dublin force with a well-known body like the constabulary, against which the shadow of such an accusation has never been preferred. I have not, however, yet stated the whole of the case as regards the constitution of the Dublin force. It is found that the proportion of Roman Catholics to Protestants is so great in that body that Protestants are averse to join its ranks. I believe that the Commissioners are really desirous of diminishing that evil; but it was impossible to persuade Protestants, who, like the rest of the people of Ireland, had strong religious feelings, to join a force in which the Roman Catholic element was known so greatly to prevail. That is a

state of feeling of the existence of which every one who knows much of Dublin must be well aware. I will now briefly refer to the mode in which the Bill has been received in Ireland. It has been opposed by certain members of the Dublin Corporation, for many of whom I entertain a sincere respect, and I wish here particularly to allude to Mr. Alderman Campbell, who has taken up a hostile position to the Bill, but who appears in his statement to have confined his objections to considerations of economy, of which I think I have already disposed. With regard to others, who wished to make this a party and religious question, I have only to state that I can have no hope of altering their opinions. I believe that they wish to maintain the Dublin police force in its present form, because it is of an almost exclusively sectarian character. But arguments of that kind will not, I am sure, be employed in this House, and I feel that I need not allude any further to them upon this occasion. The Bill has been received with general approbation throughout the whole of Ireland. In Belfast, where it is proposed to do away with an exclusively Protestant police, the measure has met with no opposition whatever. In that town the disproportion of Roman Catholics to Protestants is even greater than the disproportion of Protestants to Roman Catholics in Dublin ; for out of 150 constables in Belfast, only six or seven are Roman Catholics. No objection, I repeat, has been made to the measure in Belfast, and I had anticipated that it would have been received in an equally favourable spirit in Dublin. In Clonmel and other towns it has met with general support ; and it will, no doubt, be a considerable advantage to the inhabitants of those towns that they should have the valuable assistance of the constabulary in the preservation of peace and order, on their undertaking to pay one-half of the cost of the force. I trust I have now disposed of all the arguments that have been advanced against the Bill ; and I recommend it without the slightest hesitation to the favourable consideration of the House. I believe that it has been framed on sound principles ; and I am sure that it has been framed in an honest and an impartial spirit.

Motion made and Question proposed, "That the Bill be now read a second time."

Mr. P. O'BRIEN said, he rose to move that the Bill should be read a second time that day three months. He felt justified in taking that step, as the Irish press and the citizens of Dublin had emphatically condemned it. He confessed he heard with great surprise the statement of the noble Lord to the effect that the Bill was an improvement in a political as well as a financial point of view. According to his calculations it would involve an outlay in the way of compensation and retiring allowances far exceeding the noble Lord's estimate. Its principle effect would be to saddle the ratepayers of Dublin with a charge of something like £12,000 or £13,000, while doing great injustice to the members of the existing force, who had entered the service upon the express understanding that promotion would be governed exclusively by merit. Under the Bill now proposed, sixty-three persons would be entitled to compensation to the amount of upwards of £6,000, although these persons were fully competent for the discharge of their duties. There were also eighty-seven sergeants, who would be retired at a cost of £4,220 a year. He hoped that a Bill entailing such an exorbitant expenditure would not be entertained at this late period of the Session. He passed by the religious question, not believing that their religious opinions would ever influence the police in the dischargel of their duty. He would merely say that Colonel Browne had done his best to introduce Protestants into the Dublin police. He regretted to find that while the new Government was professing most liberal opinions in that House, in Ireland they were acting on the old Orange principles, and seeking for additional means to enforce those principles. Since 1838 the conduct of the Dublin police, 1,200 in number had been most irreproachable ; and yet this one-sided measure was brought forward at the fag-end of the Session as a sop to an intolerant faction. Even the inhabitants of Kingston, who were ultra-Conservative, condemened the Bill in the most unqualified manner. Reference had been made to the police going to church ; the circumstance reminded him of a story that was told in Dublin of a right hon. Gentleman opposite (Mr. Whiteside) having visited a Catholic church in Dublin in the toga of a Roman warrior — and, notwithstanding his commanding presence and noble visage, he might have escaped detection but, for the circumstance of his blessing himself with his left hand instead of his right.

Amendment proposed, to leave out the

word "now," and at the end of the Question to add the words "upon this day three months."

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 125; Noes 66: Majority 59.

Main Question put, and *agreed to.*

Bill read 2°.

Motion made and Question proposed, "That the Bill be committed."

MR. COGAN said, that he was disposed to move a negative to that question. They had just had an instance of what he supposed the hon. Gentleman on the Ministerial side considered very able party tactics, but what he must designate as sharp practice. On an important question of this sort, which it was known was likely to elicit considerable discussion, the ordinary course of proceeding was, that after an hon. Member on one side of the House had stated his objections to the Bill, some hon. Member on the other side should rise and endeavour to defend its provisions; but the hon. Gentleman on the Ministerial side had not thought proper to pursue that course, and the question was then put before the Members on the Opposition side of the House had an opportunity of expressing their opinions with respect to the Bill. He certainly had intended to oppose the second reading, and had moved for important Returns, intending to show that the financial advantages to be afforded by this Bill to the citizens of Dublin in a decrease of expenditure were incorrectly stated, and he also disputed the noble Lord's facts as to the relative proportion of Protestants and Roman Catholics in the force. As the Returns for which he had moved had not been produced, the House was not in possession of authentic documents which justified legislation on this subject. It had been asserted by some gentlemen in Dublin that the Bill would entail an increased expenditure on the citizens of Dublin of £13,000 a year. The Bill had elicited the strongest opposition from all classes in Dublin. [MR. VANCE: No!] A number of Conservatives in Dublin had unanimously disapproved of the measure, but afterwards, on maturer consideration, and having, no doubt, received advice from the friends of the noble Lord, had, with one exception, become converts to the views of the noble Lord. He regretted that the noble Lord should have alleged, as the chief ground for effecting a change in the Dublin police, that the majority of that force were Roman Catholics. The noble Lord had admitted, that in the Belfast police force there was a preponderance of Protestants; but what analogy was there between the two cases? No attempt had been made to show that the Dublin police were not an admirable municipal force, who discharged their duties most efficiently; but a Royal Commission had reported that the Belfast police were very inefficient, and, as Orangemen, were not fair and impartial guardians of the public peace. He felt it his duty to oppose the committal of the Bill.

MR. BOWYER said, that he did not believe that the Government intended to make amends for their liberal conduct in that House by their conduct in regard to Ireland. He believed the Members of the Government to be men of honour and gentlemen, and that they would in every respect act as became gentlemen and men of honour. Giving them credit for desiring to deal impartially towards Roman Catholics and Protestants, he nevertheless thought that the Bill before them was an inconsistency and a mistake, and that the sooner it was withdrawn the better. If it was proposed in England to deprive the local authorities of their control over the police, and to vest it in the Executive Government, the attempt would be resisted upon constitutional grounds, and as a breach of the principle which intrusted the people with the management of their own local affairs. But the effect of this Bill would be to transfer the control of the police in Dublin from the local authorities to the Executive Government. The noble Lord had said that the great majority of the Dublin police force consisted of Roman Catholics, but it was natural that such should be the case, when it was remembered that the vast majority of the class of people in Ireland from whom that force was recruited were members of the Roman Catholic Church. The noble Lord had not shown that the Dublin police were an inefficient force, that they had violated their duties, or that the local authorities by whom they were controlled had exercised their powers improperly. If the noble Lord could have shown any of these things, the House would have had reason to accept his Bill, but under present circumstances they ought to reject it as an ill-timed attempt to revive old sectarian principles.

MR. P. O'BRIEN said, he must repeat his determination to oppose the Bill. The

corporation of Dublin had declared their objections to the measure; and the city of Dublin, with its 250,000 inhabitants, had, in public meeting assembled, prayed the House not to legislate with such haste in regard to a question of so much importance as that involved in the present Bill. He could tell the Government that, however anxious they might all be to return to their respective homes, he and the party with which he acted were determined to remain, if necessary, until the last day of August, in order to oppose the passing of this Bill. They would, next day, place on the paper four columns of Amendments, each of which would be fought to the last.

MR. GROGAN said, he could not allow the hon. Gentleman to speak in the name of the people of Dublin on the present occasion. He (Mr. Grogan) represented the city of Dublin since 1841, and was in the House long before the hon. Member for the King's County. He felt, then, he was better entitled than that hon. Gentleman to speak of the feelings of the people of Dublin; and in the name of that city he prayed the House to pass this Bill. He hoped that the Government would devote the morning sittings, as well as the evening ones, if necessary, to get through this Bill with its 150 clauses. He would not then go into the complaints that were made against the existing police force of Dublin. The disproportion of Protestants, as compared with Roman Catholics that were in that force, furnished the noble Lord with an argument quite sufficient to justify his present measure.

MR. J. D. FITZGERALD said, he wished to remind the House, that they were now discussing what they did not discuss before, the second reading of the Bill —a question which now arose on the motion for going into Committee. The late Government had no doubt introduced two Bills upon the subject, but they never intended to destroy the present police force, but only to alter the government of that force. They thought that the divided authority between the two Commissioners did not work well, and they proposed to substitute for such a system but the one authority, and to consolidate and amend the police force generally. The Bill they proposed in 1857 met with the most determined opposition from the representatives of Dublin, the noble Lord the Secretary for Ireland and the present Attorney General for Ireland. That Bill, though introduced on the 9th of June, was opposed on the ground that it was too late in the Session then to discuss so important a measure. They were now approaching the morning of the 9th of July, and it was declared by the Government that they were determined to pass the measure. In 1857, the right hon. and learned Gentleman, the present Attorney General for Ireland, in opposing the Bill of the late Government, said it ought to be referred to a Select Committee, inasmuch as he considered it unmerciful to ask the House at such a period of the Session to consider a Bill with 180 clauses. Now, the noble Lord the Secretary for Ireland had divided into two Bills the Police Bill of 1857, and although he had argued in favour of the former measure, the Government now declined to meet them with sound argument, but rather with what might be called brute force—[*Cries of* "Oh!"]. He did not mean to use that word disrespectfully towards the right hon. Gentlemen opposite, but only as a popular expression. In 1835, a Police Bill for Dublin had passed this House, but when it went into the House of Lords, the late Duke of Wellington opposed it, on the ground that the corporation of Dublin at that time had petitioned against it, and that it was then too late in the Session to consider it. With regard to the present measure, four-fifths of it applied to the Dublin metropolitan police district, comprising not only the city of Dublin, but a district outside representing forty square miles. In that district was an admirably organized police force, and his first objection to the Bill was, that it substituted for that force the constabulary. Now, the constabulary was an admirable body of men, but it was quite unsuited for metropolitan service. It was not a detective, but a military force; as a body of infantry it would match with any in the world, and would have done good service in the Crimea; but experience proved that, though it was well fitted to suppress disturbances and maintain the public peace, it was not calculated to enforce police laws in Dublin. In substituting for the metropolitan police force the constabulary, the noble lord was, he should maintain, calling upon the House to take a most dangerous step. What, he would ask, were the grounds upon which hon. Members were invited to adopt that course? He (Mr. FitzGerald) found that the citizens of Dublin protested against any measure having that object, and that the inhabitants of Kingstown were opposed to it. The Bill of the noble Lord might, in-

deed, in his opinion, be very properly described as a measure introduced to the notice of Parliament at the instigation of the Members for the City of Dublin. But the noble Lord based his arguments in support of the Bill, in the first place, upon financial grounds; and secondly, upon the peculiar constitution of the police force in Dublin. In dealing with the financial view of the question, the noble Lord had represented the entire cost of the police force for Dublin and its suburbs to be £77,000 a year. [Lord NAAS: According to the estimate of last year.] He had got before him the estimate of the six preceding years, and he found the average cost to be only £72,000 a year, and not £77,000. The noble Lord then showed that the Dublin force was to be reduced in number. But that might be done if necessary without sweeping it away. But for his own part, looking to the fact that they had to take charge of a large suburban district, of forty miles square, he entertained serious doubts whether any such reduction could safely be made. The noble Lord's argument in favour of the reduction of the police force was inconsistent with itself. He told them, on the one hand, that the force might be reduced from 1000 to 600, while at the same time he said that the duties of the force were so heavy that the men broke down after seven years' service. The noble Lord had told them that the amount of the retiring compensation to be paid to the discharged members of this force would only be £4,500 a year; but there were now men in that force who were entitled to retire, and to claim £13,500 retiring pension. These men would all retire, for they would not serve in the constabulary, and this £13,500 would be charged on the City of Dublin, besides which the difference in the pay of the constabulary as compared with that of the present police would amount to a further charge of £8,117 upon that city. All this might be very wrong; all these calculations might be very baseless; but it showed the injustice of attempting to carry this Bill without further inquiry at this late period of the Session. But he would now deal with the question in another point of view. One of the noble Lord's reasons for the introduction of this measure was the large proportion of men of one religion in the police forces of Dublin and Belfast, and which, in a country of mixed creeds, he said was a great evil. He quite agreed in that, and if he could believe that by any contrivance the Dublin police force had had a sectarian character given to it, and that that would be removed by this Bill, he would go with the noble Lord in striving to get rid of it. But of the two Commissioners at the head of the Dublin force, the one who had the entire management of the recruiting department was Colonel Browne, a member of the Established Church. That gentleman accounted for the preponderance of Roman Catholics in the Dublin police, by the preponderance of that religion in the class from which that force was necessarily recruited in the districts round Dublin. So much had Colonel Browne endeavoured to remove a sectarian character from the force that, having Protestant officers, he had sent them to the north of Ireland to recruit. But the result was that these men, on account of their intelligence, were withdrawn to clerkships and other employments, and in this way the attempt to give a less preponderating Roman Catholic character to the force had failed. Could it indeed be fairly made a ground of objection to a police force that it partook lately of the religion of the country to which they belonged? He believed the noble Lord admitted the loyalty and the efficiency of the force. It had been efficient and loyal to the Government, and that in times of great peril. In 1848, when the French Revolution had made all things insecure, the peace of Dublin was entrusted to this force alone, and they kept it. The force had been complimented by the Government for its conduct on the attempt to rescue Mr. Mitchell, and again in 1848; and he had in his hand a series of letters from the public authorities expressing their satisfaction with the manner in which the police had performed their duties. The Earl of Clarendon, the then Lord Lieutenant, expressed his great satisfaction at their services. The Duke of Cambridge, the Earl of St. Germans, and other high authorities had borne testimony to the same effect. Another convincing proof of the efficiency of the police was the fact that since 1836 there had been a diminution of crime in the metropolitan districts to the extent of nearly two-thirds. Why, then, was such a force to be entirely swept away? If the force was too large, let it be reduced; if it was too expensive, let the expense be diminished; but why was it to be altogether abolished? Was it because they were efficient—because they had preserved the peace in times of peril? No; the only ground put forth

was, that it was a Roman Catholic force. Now, he wished to call the attention of the House to the constabulary force which it was proposed to substitute in place of this police force. That force, at the close of the year 1854 consisted of 12,500 men, of whom 9,000 were Roman Catholics, and 3,500 Protestants of all denominations. The head of that force, the two deputy inspectors, the two assistant inspectors, and thirty-four out of thirty-five county inspectors, were all Protestants, besides a large proportion of ordinary inspectors and head constables. Now, if he came forward and asked the House to dissolve this force because, while the great body were Roman Catholics, it was officered by members of the Established Church, he wondered how that proposition could be received. It was true the noble Lord had done his best to relieve this debate of a sectarian character, but would the House agree so to divest it of all sectarian character when he read them an extract he had just received by telegraph from the Government organ published in Dublin to-day ["Oh, oh!"]. Yes, the paper in question was avowedly the Government organ; its editor and proprietor was Mr. John Robertson, a near relation of the right hon. Gentleman, and his brother, Mr. James Robertson, was the law adviser at the Castle. That paper stated that in the event of a war with France and an invasion of Ireland, Dublin would have nothing to expect from her Ultramontane police trained up in anti-English and disloyal principles. He pronounced these aspersions to be a foul calumny on the force, which in times of peril had preserved the peace of Dublin without having had recourse to military aid. If the noble Lord would consent to strike Dublin out of the Bill he would support the rest of its provisions; but he never would consent to cashier a force which had done good service, for no other offence than that it was Roman Catholic; and he would press upon English Members the importance of this question in a constitutional point of view, and ask them whether it was a desirable thing that they should disband a well-trained and highly-efficient metropolitan police force for the sake of introducing a military constabulary? He would, therefore, give his cordial support to the Amendment of the hon. Member for Kildare.

MR. WHITESIDE said, that this Bill was very short and very simple, and it was one against which he did not believe an argument could be urged by any candid mind, He would state to the House how the matter stood. The constabulary force had been in operation through the greater portion of Ireland, with the exception of Dublin, for a great number of years; but the Act which constituted the force expressly excluded Dublin from the operation of the Bill. It was a force well trained, well educated, and well commanded—one, in short, which everybody commended, and its religious composition bore a fair proportion to the state of the different bodies in Ireland—that was to say, two-thirds of Roman Catholics to one-third of Protestants. At least those were the proportions of the two religions, though he believed of late years the relative proportions had been altered. Well, that being so, the question presented itself to every sensible man, why should they have under the same roof in the Castle of Dublin two sets of officials, each with large salaries, with extensive establishments, to manage two sets of police—the one the large force that was spread over the country, the other the small force that belonged to the city of Dublin. But, though the numbers of the Dublin force were small in comparison, yet the number of the officers was extraordinarily large and their pay was extravagantly high. But the absurdity of the case was this—that though there was at all times a large reserve force of the constabulary in the Phœnix Park, yet that force could not be called into the city of Dublin to compose a riot in the streets. Let them look at this question as one of finance. All the words that could be spoken by the hon. and learned Member for King's County (Mr. P. O'Brien) if the House were to listen to his entrancing eloquence till the end of August, could not change this fact—that the maximum rate under the new and proposed system would be 6*d.* in the pound, while the rate under the present system was now 7½*d.*, with a prospect that it would soon be 8*d.* On the faith of calculations which could not err, he repeated that the highest rate under the proposed system would be 6*d.*, with the expectation of seeing it shortly reduced to half that sum. There was no arguing against that. But that was not all. It was said that the men now in the force were to be treated with injustice? What was the injustice? It was provided in the Bill that any man now in the metropolitan force, who chose to enter the constabulary, might do so, and he would retain his full pay, which it was

necessary to inform the House was £10 a year higher than the pay of that respectable force which sufficed for all the rest of Ireland. Then it ought to be remembered that by this Bill the salaries of the two Commissioners, which were paid now out of the Consolidated Fund, would eventually be saved to the country—a saving which would amount to £1,600 a year. But, said the right hon. Gentleman, there was no reason for this measure. His noble Friend, he thought, had settled that question by reading to the House the opinion of Sir Duncan M'Gregor, who was the most competent man in Ireland to give an opinion—who had been for twenty-five years at the head of the constabulary—not a native of the country, but respected by all for his impartiality and his many virtues, and that gentleman declared that the thing could be done easily and done well, and that the amalgamation would be attended with a great saving of life, because, when a policeman was worn out with his severe duties in the city, he could be sent to a quiet district in the country where his health would be recruited. But was that all? Look at the results of divided responsibility. They had now two Commissioners, Mr. O'Farrell and Colonel Browne. Sometimes those gentlemen spoke to each other when they met; sometimes they did not. He believed that in general they did not: the exception was when they did. They agreed to differ on all questions that related to the management of the force. It was impossible for the best disposed man who had ever had the government of Ireland entrusted to him to rule that force in the condition in which the governing body was now placed; and that was to be detected even in the speech of the right hon. Gentleman himself. When the officers in command were constantly endeavouring to counteract each other, what was the proper course to be pursued? Why, in London the number of police Commissioners had been reduced; and it was found to be for the advantage of the force that it should be governed by one head. And the proposition here was to reduce the Commissioners, and to place the force under the management of Sir Duncan Macgregor. He (Mr. Whiteside) had stated distinctly to the House that it had been said by the very person to whom the right hon. Gentleman had referred, that Protestants had no fair play in the force; not that he meant to say that Mr. O'Farrell would not do his best to remedy any grievance. He believed, however, that the governing body must be changed, and that a heavy responsibility would rest upon those who refused to effect that change; and the object of this Bill was not to turn out honest men who were willing to work in the public service, but to change the government of the force itself. With regard to the assertion that it was a sectarian measure, what had been the argument which had been addressed to the Government by the Roman Catholics of Belfast? "We call upon you to change this force, because it is a local and almost exclusively Protestant one." Well, it became the duty of the authorities to inquire into the complaint and see if it were well founded; and they ascertained that it was well founded to this extent, that the force was almost exclusively Protestant. Consequently they felt that it was impossible to apply a different rule to a Protestant force from that which was applied to a Roman Catholic force. The principle on which they acted was, that where a force had lost the confidence and goodwill of the inhabitants it ought to be changed, and the Members for Dublin had only spoken the truth when they said that a great number of the ratepayers were very much dissatisfied with the composition of the Dublin force. No doubt they were well trained; the men were most of them respectable men, all they wanted was good government; but that good government they had not, and nobody was more conscious of it than those who were endeavouring to govern them. This question had been forced on the Government; they had not sought it; they had found in the Government offices a mass of correspondence on the subject, which never could meet the public eye, and which was sufficient to coerce any honest men to bring in a Bill of this description. He submitted the Bill to the House, then, as a reasonable and just proposition, and he was satisfied that the more it was discussed the more it would commend itself to the impartial consideration and support of the House.

MR. SERJEANT DEASY said, he rose to protest against the accusation which the Attorney General for Ireland had made against Mr. O'Farrell with regard to the treatment of Protestants.

MR. WHITESIDE: I never mentioned his name. I simply referred to a Report which had been sent in to the Government. Here are the words:—

"The great evil in our force is a thorough conviction of the Protestants that they have not fair play. Some of their suspicions are unfounded; others, I believe, are well founded."

MR. SERJEANT DEASY: From whom does that come?

MR. WHITESIDE: Colonel Browne.

MR. SERJEANT DEASY: Read the answer of Mr. O'Farrell to that statement The right hon. Gentleman has it in his possession. I give to that statement the fullest and most distinct contradiction. I can prove it by documents; and in justice to Mr. O'Farrell I ask the hon. Gentleman to read the answer given to Colonel Browne by Mr. O'Farrell. I tell the House that that letter is in his possession, and it contains a most distinct refutation of the charge. Let that refutation be produced. I protest against the unfairness of the course which, without notice, the right hon. Gentleman has adoped with reference to on absent public functionary.

MR. MAGUIRE: I beg to move the adjournment of the debate, in order to give sufficient time for the production of the paper alluded to by my hon. Friend.

MR. LIDDELL said, the Bill had been read a second time, and yet they had gone on debating the principle of the measure for two hours, and now an adjournment was moved. He wished to ask Mr. Speaker if that course was in accordance with the rules of the House.

MR. SPEAKER said, there was nothing irregular in the course which the debate had taken.

MR. WILSON said, he thought the right hon. Gentleman had been guilty of a breach of official decorum unparalleled in his recollection. He had often known gentlemen in the same office differ in opinion, and he had been perfectly aware of the want of concert between these two Commissioners; but he had never before known a Member of the Government read, in his place in Parliament, a letter from one member of a department reflecting on the official conduct of a colleague in the same department.

MR. WHITESIDE said, the right hon. Gentleman (Mr. FitzGerald) had distinctly declared that neither of the Commissioners had expressed dissatisfaction with the force, and that if they had he would have joined in reforming it. Was it a breach of official propriety to refer to an official paper, when it contained a complete answer to an assertion made in debate? He thought not. Moreover, the paper he had referred to did not attack an absent man; Colonel Browne stated that the Protestants had not fair play, but he did not say that it was owing to Mr. O'Farrell. The only fact stated was that the Protestants could not be got to enter into the force; and he did not believe any one would be censured by the House of Commons for speaking the truth.

MR. J. D. FITZGERALD explained, that what he had said was that if it were shown the force had assumed a sectarian character he would have joined in any measure to alter it. He did not think a disagreement in opinion between the Commissioners was a ground for dissolving the force. He was aware that there had been disagreements between those two officers, but he thought they were temporary. It was, however, part of the Bills of 1856, 1857, and the Bill intended to be introduced by the late Government in the present year, to vest the authority in one Commissioner, instead of two.

MR. SERJEANT DEASY said, his complaint was that the right hon. Gentleman had read the letter of one Commissioner, and suppressed the answer of the other Commissioner to it.

MR. GOGAN said, he hoped the right hon. Gentleman would lose no time in laying the correspondence on both sides before the House.

MR. VANCE said, that he thought the Motion for the adjournment was, under the circumstances, unprecedented. A full opportunity for discussion would be given in Committee. If the Motion were persisted in it would look like an organized factious opposition.

MR. M'CANN said, he must protest against the imputation of factious motives. What would the people of London think if it were proposed to abolish their police, and substitute a military force?

Debate adjourned till *To-morrow*.

SALE AND TRANSFER OF LAND (IRELAND) BILL.

CONSIDERATION.

Order for Consideration read.

MR. GRIFFITH said, he would move an Amendment to the effect that the rate of charge should be uniform.

Amendment proposed, to leave out from the word "respectively," in page 40, line 32, to the words "Provided always," in line 40.

MR. WHITESIDE regretted that the hon. Member should renew a question which had been settled.

MR. VANCE said, he should support the Amendment.

MR. G. A. HAMILTON said, the Amendment would destroy the self-supporting principle on which the Bill was based.

MR. WILSON said, he would support the Amendment, as the graduated scale was socialistic in its tendency.

Question put, "That the words proposed to be left out stand part of the Bill."

The House *divided:*—Ayes 66; Noes 54: Majority 12.

Bill to be read 3° *To-morrow.*

LEGITIMACY DECLARATION BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

MR. HADFIELD said, he thought an *ex post facto* marriage ought, as in Scotland, to legitimise a bastard.

THE ATTORNEY GENERAL said, the Lord Advocate would introduce clauses to assimilate the law of Scotland to that in England.

MR. BUTT said, he wished to know if the Attorney General meant that the English law would be altered to the Scotch rule.

THE ATTORNEY GENERAL said, he only meant that the Scotch and English courts should, in the decision of cases of legitimacy, have the same amount of jurisdiction.

MR. BUTT moved that the Chairman report progress.

House *resumed.*

Committee report progress; to sit again *To-morrow.*

MEDICAL PRACTITIONERS BILL.

CONSIDERATION.

Order for Consideration read.

MR. HADFIELD moved the following Amendment:—

"And shall be free from all Stamp Duty, in case the existing Stamp Duty shall have been already paid on the diploma, and by such Physician, from the College of Physicians to which he belongs."

Question put, "That those words be there added."

The House *divided:*—Ayes 16; Noes 40; Majority 24.

Bill to be read 3° *To-morrow.*

House adjourned at Two o'clock.

HOUSE OF LORDS,

Friday, July 9, 1858.

MINUTES.] PUBLIC BILLS.—1ª Government of India; Navigation Advances (Ireland); Titles to Land (Scotland); Lunatics (Scotland) Act Amendment.

2ª Ecclesiastical Corporations Leasing; Confirmation of Executors, &c.; Funded Debt; Nisi Prius Court, &c. (Ireland); Incumbered Estates (West Indies) Amendment.

3ª Ecclesiastical Commission; Railways Act (Ireland) Continuance; Portendic and Albreda Convention.

THE GOVERNMENT OF INDIA BILL.

FIRST READING.

Bill brought up from the Commons, and read a first time.

THE EARL OF DERBY said, if it would be convenient to noble Lords opposite he would fix Thursday next for the second reading of this Bill, and would then propose to proceed at once to consider it in Committee. He had no wish to hurry on business, but at this period of the Session probably it would be thought that Thursday next would afford sufficient time for consideration.

EARL GRANVILLE said, that so far as he was aware Thursday next would be perfectly convenient to noble Lords on that side of the House. As he understood the noble Earl, the second reading would be on Thursday, and the Committee on Friday?

THE EARL OF DERBY: Just so.

THE SLAVE TRADE.—QUESTION.

LORD TRURO said, he wished to put a question to the noble Earl the Secretary for Foreign Affairs with respect to the efforts which were at present being made by this country for the suppression of the Slave Trade. He entertained the highest admiration for the great men who had originated the anti-slavery movement in past years, and he hoped that he was saying nothing incompatible with that feeling when he expressed his belief that the days of sentimental legislation had passed away. It could never be forgotten that this country had made great sacrifices for the suppression of the Slave Trade. She had compensated the slave owners in her own Colonies and had paid other countries: it might, indeed, be said that she had bought treaties and alliances for this object. But many of those treaties had ceased to exist and others had failed to be observed, while our alliances had disappeared, and we now stood alone in our advocacy of that cause.

He would ask their Lordships whether recent occurrences in the Cuban waters had not led them to think that that question had entered upon a new phase? Under these circumstances, he would ask the noble Earl the Secretary of State for Foreign Affairs whether it was true, as it was reported, that her Majesty's Government had determined to recall the squadron from the Cuban waters with the intention of reinforcing that now blockading the coast of Africa; and if so, whether they had thought right to institute an inquiry for the purpose of ascertaining how far it was desirable to continue that blockade?

THE EARL OF MALMESBURY: Although I agree with the noble Lord who has asked this question, that sentiment may be looked upon as an ephemeral feeling, yet there are some principles in morality which are immortal, and which cannot, under any circumstances, be changed. I think that, although the circumstances attending the Slave Trade may be altered, there can be no difference in the feeling throughout this country with respect to the great importance of our continuing our efforts for its suppression. With this conviction Her Majesty's Government have, under the present circumstances—to which I do not desire now, more particularly, to refer—thought it more prudent to remove from the Cuban waters the squadron that was there stationed, but they have no intention of removing the squadron from the African coast; and I think I may add that, after all the sacrifices this country has made for the suppression of the Slave Trade it would be a most deplorable act on the part of the British Government to give up the principle on which we have hitherto acted, and to discontinue our efforts on the coast of Africa. I do not by any means think that those efforts have been ineffectual. On the contrary, I believe that they have been crowned with great success. They certainly were to no inconsiderable extent interrupted by the outbreak of the Russian war, and the consequent withdrawal of our cruisers, and the captures of slave ships were greatly diminished in number immediately after that event, compared with what they had been in the years immediately preceding. In conclusion, I have only to state that Her Majesty's Government have no intention to withdraw the squadron from the African coast, although they have given orders to diminish the squadron in the Cuban waters.

Lord Truro

DILAPIDATIONS IN GLEBE HOUSES.

VISCOUNT DUNGANNON, who had a Notice on the Paper—

"To call Attention to the inconvenient and frequently harsh and unjust Nature of the present Law with regard to the Dilapidations on Glebe Houses; and to ask whether the Archbishop of Canterbury contemplates in a future Session, introducing any Measure calculated to meet the existing evil,"

said, he would not occupy their Lordships' time at any length. He had no immediate object in view, but only wished to direct attention to the subject, that it might be considered in a future Session. Their Lordships were of course aware, that when a vacancy occurred in any benefice, either by death or promotion, an inspection took place to value the dilapidations. The result was seldom or ever satisfactory, and he believed a greater amount of bitterness and heartburning arose from this than from any other matter connected with the Church Establishment. The hardships and evils of the present system were manifold. If a clergyman, with a small income and a large family, found himself unable, after paying his expenses, and keeping up an insurance upon his life, to spend any money on his glebe-house, the result was, that after his death a demand for dilapidation was sent in, which stripped the widow and orphans of a great portion of their provision. If the successor was unwilling, from motives of charity, to press the claim, he had to make it good himself if he was removed from the benefice. In case of a rectory, the rector was liable for the repairs of the chancel, and if there was any land attached to the glebe the repairs of the farm buildings formed a considerable item in the account. Another evil of the present system was, that clergymen of large private means having small livings in agreeable localities, erected glebe-houses very suitable to their position, but totally beyond the means of their successors. He thought the Archdeacon or Bishop ought to have some control in this respect. The only suggestion as to a remedy for the existing evils he would venture to make was, that a diocesan fund should be formed to meet dilapidations, that every living should contribute a small annual proportion, and when a vacancy occurred, the architect of the diocese should report as to the repairs necessary. He would only express his anxious desire that the subject would be considered in a future Session, and he trusted some Member of the right rev. Bench would favour them with his views.

LORD ST. LEONARDS said, he believed it was desirable that some regular provision should be made for meeting those dilapidations, and thus preventing the injustice which was often committed under the existing system. He should himself be prepared to give his best assistance in providing a remedy for the evil.

THE BISHOP OF LONDON said, he regretted that the most rev. Prelate (the Archbishop of Canterbury) was not then in the House. He was sure that if he were, he would be ready to express his obligation to the noble Viscount for having brought that matter under their Lordships' consideration, as well as to the noble and learned Lord who had just addressed their Lordships, for his determination to take up the question. The subject had not escaped the attention of the members of the right rev. Bench. A short time ago a Bill had been prepared by his predecessor in the diocese of London, for the purpose of remedying that evil, and that measure had been for a short time under the consideration of the Bishops this year. The difficulties, however, which surrounded the question were very great, and such as he and his right rev. Brethren felt that they could hardly surmount without some such assistance as that which the noble and learned Lord had so kindly offered. The principle on which the Bill of Bishop Blomfield proceeded was, that there should be some machinery established by which there should be a periodical inspection of parsonage houses, and some power should be given of rendering it compulsory on the occupiers to keep them in proper repair. The subject was a very difficult one, and yet its difficulties were not insuperable, as was evident from the fact that a system had been in force for some years in Ireland, under which glebe-houses were kept in a satisfactory state. He believed that the evils of the existing system in this country had not been exaggerated by the noble Viscount.

LORD ST. LEONARDS begged to correct the right rev. Prelate, although he should be prepared to aid in effecting an improvement in the present system, he could not engage to take the question altogether into his own hands.

LORD CAMPBELL begged humbly to offer his advice and assistance in enforcing the existing law, which he believed would be found adequate for every purpose. He, of course, did not suppose that the noble Viscount proposed to relieve the incumbent altogether from the obligation of keeping his glebe-house in repair.

THE BISHOP OF CHICHESTER said, it was the duty of the rural deans to inspect the parsonage houses and to report upon their condition to the Archdeacons; but after they had so reported, he knew of no power in either the Archdeacons or Bishops to compel incumbents to put those houses in repair. It was true that the Bishops could issue monitions, and bring the unhappy incumbents into the Ecclesiastical Courts; but if a sentence were pronounced, he did not know how it could be enforced. This was a matter which deserved the earliest attention of the Legislature; and, for himself and his brethren on the bench, he might say that they hoped something would be proposed in the ensuing Session of Parliament to put the matter on a better footing, and if any measure were proposed he trusted it would be received and considered with attention.

VISCOUNT DUNGANNON said, he was glad that a measure was likely to be introduced, as it appeared the matter had already engaged the attention of the right rev. Bench.

VISCOUNT GAGE said, the real difficulty was a want of money. He would suggest that an insurance fund should be established, and that the parties to contribute to it should be those who held the great tithes of the parishes.

CHURCH RATES.

LORD ST. LEONARDS, according to notice, called attention to a petition as to Church Rates, presented on the 29th of June last, from Surbiton, and said, that in his opinion those persons who contributed to support district churches ought not to be called upon to pay church rates to the mother Church. A clause in the Bill introduced by the noble Duke on the cross benches (the Duke of Marlborough) would so far remedy the evil; but as there was some doubt on the point he thought some amendment of the clause necessary. It was a grievance that persons should be called upon to support another church in their own parish than that which they attended. It was a grievance which operated most injuriously, because it divided members of the Church into two parties. He believed that most of those who divided against the Church Rate Bill the other night desired to see some compromise on the matter, and he hoped it would receive the attention of the noble Earl at the head of the Government.

THE DUKE OF MARLBOROUGH agreed with the noble and learned Lord in the great importance of the subject, and he felt grateful to him for having brought the subject under the notice of the House. The noble and learned Lord was, however, mistaken in saying that the subject had not been alluded to in the recent debate on the subject of church rates; for he (the Duke of Marlborough) had then endeavoured to show the practical evil of the present system in obliging a man to contribute towards the repair both of the mother church and the district church. He would be rejoiced to see any ambiguity removed which there might be in the Act of Parliament, for it would be the means of removing a large amount of discontent on the subject of church rates which now existed among members of the Establishment.

LORD PORTMAN said, the noble Lord appeared to have forgotten what had taken place in a recent debate, because he (Lord Portman) had then used very strong language with reference to this very hardship. Under a clause in the Act known as Lord Blandford's Act, it was possible for the Bishop and the patron of a living to give to a district the power of rating themselves for a church rate; and the consequence was, that wherever a district church was established the mother Church was deprived of all the support of a church rate so far as that district was concerned. This was not done directly, but indirectly; and, in his opinion, involved a great injustice. He concurred with his noble and learned Friend in hoping that the noble Earl would direct his attention to the subject. It was worthy of notice, that in a recently published letter on spiritual destitution, Dr. Hook said that the revolution under the Marquess of Blandford's Act was proceeding at such a rate that it was high time that something should be done. It was, indeed, high time that this church rate question should be settled; and he was himself inclined to follow the example of the noble and gallant Earl opposite (the Earl of Lucan). The noble and gallant Earl had come forward as an outsider, and proposed a settlement of one troublesome question relating to the Jews; and he (Lord Portman) thought that he too would come forward as an outsider, and endeavour to settle this other troublesome question. He would endeavour, before the end of the Session, to lay a Bill on the table for the consideration of the House and of the right rev. Bench; and if there was not time before the prorogation for maturing this Bill, he hoped to be able, at least, to shadow forth to the noble Earl at the head of the Government a scheme which might be ultimately made satisfactory to all parties.

CONFIRMATION OF EXECUTORS, ETC. BILL.

SECOND READING.

THE LORD CHANCELLOR, in moving the second reading of this Bill, explained that one of the principal objects of it was to simplify the proceedings in Scotland in confirmation of executors; which was analogous to taking out probate in this country. The other part of the Bill related to the effect of a probate in this country on property in Scotland, or of letters of confirmation in Scotland on property in this country. At present a probate in this country was of no avail in respect to property in Scotland, and it was necessary to take out probate in both countries, if there were property, however small, in both. The Bill would make a probate in England good for property in Scotland, and a confirmation in Scotland good for property in this country. He should have been satisfied with making this statement, had it not been for a petition which had been presented to-day by his noble and learned Friend (Lord Cranworth) from the Writers to the Signet in Edinburgh, praying that the Bill might be restored to the original form in which it had been introduced into the other House. As originally introduced, it had been the option of the parties to petition either the Commissary in the county where the deceased was domiciled, or go to the Commissary in Edinburgh. The Lord Advocate, in the progress of the Bill through the House of Commons, had thought it advisable to omit this part of the Bill, and to leave the matter as it stood before, which made it compulsory to take proceedings before the Commissary in the county. There had been a good deal of agitation on the part of the Writers to the Signet against this alteration, as they were naturally desirous to obtain as large an amount of practice as possible; but the Lord Advocate had declined to grant the option which was asked for. He agreed with his right hon. Friend the Lord Advocate in the view he had taken, and he should therefore oppose the introduction of any words in the Bill by which the option of going before either the county Commissary or the Commissary in Edinburgh would be given.

LORD CRANWORTH said, that the

main object of the Bill had his entire concurrence ; but the matter referred to in the petition which he had presented was, he thought, a blot on the Bill. It was said by his noble and learned Friend that the object of the petitioners was to restore the Bill to the same state as it was when introduced into the House of Commons. That was true ; but it was also true that their object was to restore it to the state in which it had passed through Committee and been reported, for the change which was made had been made only in the last stage of the Bill, and, he believed, at a late hour of the night. The question was not one of the interests of different practitioners, but of the interests of the public. The matter might be easily explained. In England, under the old law when a man died leaving a will there was great difficulty in ascertaining whether a diocesan or a prerogative probate should be taken out by his executors ; but by a recent Act all that nonsense was now at an end. This Bill, when introduced into the Commons, and as it passed through Committee there, contained a provision to the effect that when a person died domiciled in any particular county his will might be proved before the Commissory Court of that county, or before the Commissionary Court of Edinburgh. But the alteration which had been made in the Bill in its last stage in the Commons rendered it obligatory on the representatives of a testator dying in Scotland to prove his will in the county in which he was domiciled at the time of his death. He thought that a great blot, inasmuch as it might be very difficult to say where a man was domiciled, and everybody knew that questions of domicile gave rise to the nicest discussions. If domicile simply meant "residence," as had been suggested, it would be desirable to have its meaning so defined, in order to prevent the inconvenience that might arise from any ambiguity on that point.

Bill read 2ª (according to Order) and *committed* to a Committee of the whole House.

ECCLESIASTICAL COMMISSION BILL.

THIRD READING.

Bill read 3ª (according to Order.)

LORD ST. LEONARDS moved an Amendment on one of the clauses to the effect, not of taking away arbitration altogether, but of leaving the arbitrators at liberty to determine the rate of interest at which the reversionary rights belonging to the Church should be disposed of.

THE EARL OF CHICHESTER opposed the Amendment of the noble and learned Lord. Its effect would be, not to take away the arbitration, but to leave the arbitrators at liberty to determine the rate of interest at which the reversionary right of the Church should be discounted.

LORD ST. LEONARDS said a few words in explanation. The value would not be determined by a single arbitrator, but by several. His object was to secure the future benefit both of the lessees and the Church.

THE EARL OF HARDWICKE said, that if the proposition of his noble and learned Friend were adopted its effect would be to deprive the Church of a large portion of the property which belonged to it. Under the circumstances he hoped his noble and learned Friend would not press the Motion to a division.

THE EARL OF DERBY hoped the noble and learned Lord would not divide the House. The Select Committee was unanimous in favour of the Bill in its present form. It was clear that if the sum paid for a reversionary interest ought to bring in the full value of that interest, it could not do so if the reversion was discounted at $6\frac{1}{2}$ per cent, when the ordinary interest of money was only half that rate.

Amendment *withdrawn*.

THE EARL OF HARDWICKE brought up some additional clauses.

LORD CAMPBELL recommended that the Chief Justice of the Court of Queen's Bench should no longer be *ex officio* a member of the Commission. He himself had been regularly summoned, but had always found it impossible to obey, and had never yet been present at a single meeting of the Commissioners.

THE BISHOP OF LONDON stated that he had been requested by his right rev. Friend the Bishop of Oxford to inform their Lordships, that it was not his intention to proceed further during the present Session with his proposal relative to paying the chancellors of dioceses out of the Common Fund of the Ecclesiastical Commission.

THE EARL OF DERBY said, there was no doubt that some improvement was needed in the mode of paying the Chancellors, but it was a subject which required very careful consideration, and he thought the right rev. Prelate had done wisely in postponing it until next Session.

Other Amendments made.

Bill *passed*, and sent to the Commons.

House adjourned at a quarter past Seven o'clock, to Monday next at Eleven o'clock.

HOUSE OF COMMONS,

Friday, July 9, 1858.

MINUTES.] PUBLIC BILLS.—1° Chinese Passenger Act (1855) Amendment.
2° Militia Ballots Suspension.
3° Sale and Transfer of Land (Ireland); Copyhold Acts Amendment; Medical Practitioners.

PUBLIC ROADS SCOTLAND).
COMMISSION MOVED FOR.

Order for Committee (Supply) read.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

LORD ELCHO said, that before Mr. Speaker left the Chair, he was anxious to submit to the House the notice of Motion which stood in his name, relative to the substitution of a system of assessment in lieu of toll on the public roads of Scotland. He now begged to move,

"That an humble Address be presented to Her Majesty, praying she will be graciously pleased to issue a Royal Commission, to inquire and report how far it may be desirable and practicable to substitute an equitable system of assessment in lieu of the present mode of maintaining the public roads in Scotland by tolls and statute labour."

As he knew how anxious the House was to enter on the public business, he would not detain them longer than he could avoid, but he prayed their attention whilst he stated the position in which he stood with reference to the question of road reform, which had now for many years occupied the attention of the people of Scotland. It had been taken up vigorously in the county which he had the honour to represent, and various proposals had been made with a view of effecting so desirable an object. Having had his attention called to the subject, he last year drew up a Bill which was submitted to the House with the view of eliciting, as far as possible, the public opinion with reference to the important question of the best mode of providing for the maintenance of the public roads in Scotland, and at the same time of relieving the people from the payment of toll at the turnpike gates. The result of that measure was, that a considerable amount of discussion took place on the subject. His Bill was objected to on various grounds, but it certainly had the effect which he intended, of eliciting opinion, and showing in what light the question was regarded by the public of Scotland. During the present year he had ventured to ask leave to bring in a Bill on the same subject, which was of a permissive character. He must say that that Bill had met with much greater opposition than he expected it would have done. It was a measure which as he conceived, was drawn up and based on sound general principles applicable generally to Scotland. Although he was fully aware of the difficulty of the question, and that his Bill might require amendment in many of the details, yet as he conceived that it would be generally acceptable in Scotland, he had hoped that the Scotch Members would have given him more assistance in endeavouring to pass it, admitting, as they did, that the principle of substituting a system of assessment for the present inconvenient mode of taking a toll to be a sound one. Instead of, however, receiving, as he naturally expected, great assistance, the measure in question was opposed by the Scotch Members. His view was, if the Bill had been read a second time in that House, to have moved that it be referred to a Select Committee, when the whole matter might have been discussed in all its details, and, by the assistance of those hon. Members he should have nominated on the Committee, that they should have been able to frame such a measure as would have been suitable to the whole of Scotland. The Session, however, was now approaching its end, and he had had no opportunity of submitting his Bill to Parliament, still less of pressing it forward to a second reading. Under these circumstances, therefore, he thought that the best method he could adopt would be to move for the appointment of a Royal Commission to inquire into the subject. He need not trouble the House by entering into any lengthened arguments in support of the Motion. He thought that they were all pretty well agreed that the present system of maintaining the roads by levying a toll upon travellers was as inconvenient as it was expensive and extravagant. No doubt in many isolated places the cost of collecting tolls was not very heavy, but, generally speaking, in considering the cost of maintaining roads by means of tolls they must deduct from the gross amount of money contributed by the public for the purpose of keeping the roads in repair at least twenty per cent., and therefore as a question of economy alone, he thought that no hon. Gentleman would maintain that the present mode of providing for the repair of roads, by means of tolls, was other than expensive as well as inconvenient. Where the difference of opinion arose, was

as to the nature of the substitute which was to be employad for the purpose of maintaining the roads. Many persons thought that it was impossible to establish an equitable system of assessment in lieu of tolls. For his part, he could not but think that it was possible to establish such a system. Those who were opposed to the system of assessment in reference to roads, based their opposition on the ground of the objection laid down by Adam Smith in his *Political Economy;* that it was the duty of those who used the roads to pay for them. With all due deference to the opinion of so distinguished a political economist, the argument, in his opinion, would have been better put if it had been, that those who benefit by public roads should pay for their maintenance and repair. Everybody was interested in the establishment of good roads throughout the country, and therefore it was but reasonable that everybody should be called upon to contribute to their maintenance in proportion to the benefits which they derived, or, in other words, in proportion to the property he possessed through which such roads were carried. In his view, it would be as objectionable for a man who resided in a large town to pay a sewerage rate or a lighting tax as it was for one who resided in the country to pay a road tax. His own impression was, that an equitable mode of assessment, having reference to the amount of property which each man possessed in the country, might easily be arrived at. He admitted that great doubts as to the mode of dealing with the question, and as to an equitable mode of assessment, existed in Scotland; but he thought that if a Commission of able men were appointed to visit the various districts, and consider the question uninfluenced by local feelings or prejudices, a satisfactory settlement would be arrived at. They would have an opportunity of examining legal gentlemen upon it. In suggesting the course which he was now advocating, he begged the House to remember that he was only following precedents which had been made in this House on former occasions. In reference to Ireland, the right hon. Gentleman the late Secretary for Ireland (Mr. H. Herbert) as the House would probably recollect, had adopted that course, and in 1856 a Commission was appointed to consider the question of maintaining roads in the neighbourhood of Dublin, and the Commission reported in favour of the principle of assessment, which was carried out to the extent of thirty miles round Dublin. On a subsequent occasion, a Commission was appointed to consider whether the principle which had been adopted, and had been found to work so well in the neighbourhood of Dublin, could not be applied generally to that country. The Commissioners in their report laid down the principle that the levying of tolls for the maintenance of roads was a specious fallacy, that it was not those who used the roads should pay for them, but those for whose benefit they were established. The Commission accordingly recommended that the remaining turnpikes in Ireland should be abolished. The result was, that in the last Session of Parliament a Bill was introduced for the abolition of turnpike tolls in Ireland, so that at the present moment a traveller might go from one end to another of Ireland without being subjected to this most vexatious impost. When the same difficulty arose with respect to the Welsh turnpike tolls, those tolls were likewise dealt with by Commissioners. But he might mention that, even with respect to Scotland itself, Acts of Parliament had been passed recognizing the principle of assessment in lieu of tolls on the roads. In the county of Argyleshire, and in several other places in Scotland, private Acts of Parliament had been passed providing for the maintenance of roads by assessment, and the same principle had been distinctly recognized in the Welsh Act to which he had referred. Without going into needless details, he might say that the general principle of assessment of roads having been adopted throughout the whole of Ireland, having been extended to Wales, and having been adopted in some counties of Scotland itself, as well as in some local Acts with respect to England, afforded a fair argument for the appointment of a Commission as a preliminary step to legislation. But there was another ground in favour of this change. The present turnpike system was no new system; the first Turnpike Act which related to Scotland dated no earlier than 1750. Up to that time the mode of providing for the maintenance and repair of the public roads was by means of what was termed statute labour, by which every person owning property in the neighbourhood was obliged to find a certain amount of labour for the purpose of mending the roads. The argument, of course, which would be raised against recurring to such a system as that, would be, that what was suited to that time was no longer

suitable. But he might reply to that by a counter argument, and say, that what was suitable to the country in reference to the maintenance of the roads before the establishment of the railway system was no longer suited to it. At the present moment railways traversed the whole country, and connected the most distant places, one effect of which had been that, in order to provide for the proper maintenance of the roads, they had been driven to the necessity either of establishing a different system altogether, or of imposing a much higher rate of toll. That had been eminently the case with reference to the county which he represented. For some time after the passing of the first Turnpike Act, which connected Edinburgh with that district, and before the great line of railway communication was opened between the northern and southern capitals the annual amount received was upwards of £1,500. But now that line of communication was finished, the amount of tolls were so much diminished that they were driven to the necessity either of imposing a higher rate of tolls or of having recourse to the principle of assessment for the purpose of maintaining the roads. He would not detain the House longer in support of the Motion which he had made, but he might mention that he believed his right hon. Friend the Secretary for the Home Department had been in communication with the Lord Advocate on this subject. The learned Lord had now left the House to take the appointment of Lord Justice Clerk, to which he had been nominated, and he had reason to believe that the learned Lord was favourable to this Motion. He could not resume his seat without expressing his gratification that that learned Lord had accepted the appointment of the high post he had mentioned. He was quite delighted that he had done so, for the learned Lord had been long known as an ornament to the bar in Scotland, and he had not the slightest doubt that he would prove one of the greatest ornaments of the bench. The appointment of the learned Lord had been received with extreme satisfaction throughout Scotland. The Lord Advocate had gone back to Scotland; but before he went he said that he was in favour of the Motion, and that he thought that the question ought to be decided before some impartial tribunal. He (Lord Elcho) thought that this Motion was one which was in accordance with the spirit of the age in which we lived, which was in favour of the frequency of intercourse, nation and nation, and man and man.

Amendment proposed,—

To leave out from the word "That" to the end of the Question, in order to add the words, "an humble Address be presented to Her Majesty, praying She will be graciously pleased to issue a Royal Commission, to inquire and report how far it may be desirable and practicable to substitute an equitable system of assessment in lieu of the present mode of maintaining the Public Roads in Scotland by tolls and statute labour," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. WALPOLE said, that upon the Motion of his noble Friend he certainly had had some communication with the Lord Advocate before he returned to Scotland, and that the inclination of his opinion unquestionably was, that a Commission to inquire into this subject should be issued. His own opinion was also in favour of the appointment of such a Commission; but as he wished first to consult the newly appointed Lord Advocate, perhaps his noble Friend would consent to withdraw his Motion for the present, in order to enable him (Mr. Walpole) to consult that learned Lord.

SIR E. COLEBROOKE observed, that he fully concurred in the necessity of a change, with reference to the maintenance of the public roads in Scotland; especially with reference to the great iron trade carried on in that country. The system of statute labour had been altogether altered; and, at the present time, many roads, which were originally public roads, had become mere local roads, and local roads which were maintained by parish assessments had become public roads, whereby a very heavy and unfair burden had been thrown upon those parishes. It was absolutely necessary that some fair adjustment, with respect to such roads, should be made. He was, therefore, in favour of any system by which the existing distribution of taxation should be altered. He was not at all surprised that the people of Scotland objected to the continuance of the present system; and he was of opinion, that if all the circumstances of the case were duly considered, the result would be a well-devised measure which, if it were framed in the spirit proposed by the noble Lord, would not only tend to equalize taxation, but to lighten the general weight; while at the same time, no heavier burden would

be thrown on the farming interest than at present existed. In his opinion, it was not necessary, in any proposal for the re-distribution of this taxation, to adhere to the present limits of counties, because, if that were done, there would be many cases in which difficulties would arise, especially in that portion of Lanarkshire which bordered upon Glasgow, where the interest of the various counties were not all in accordance with each other, and it would be found necessary to make a new distribution, without reference to their limits. He was very glad, indeed, to find that the Government were disposed to entertain this proposition, and he trusted that it would eventually be carried out.

MR. H. HERBERT said, that having been appealed to, he could fully confirm everything which had been said in regard to the success of the new system which had been introduced into Ireland. That system had been carried out all over Ireland with very great advantage, and he believed that the people were unanimously of opinion that the principle of assessment was far preferable to the old plan of taking a toll. He had been alluded to as having introduced a short Bill last Session, in which the very last of tolls on turnpike roads had been got rid of. He had since received information which enabled him to state to the House that the new Act of Parliament had worked exceedingly well, and that the arrangements made by the Commissioners had proved eminently satisfactory, and, as his noble Friend had stated, a person could now go from one end of Ireland to the other without paying a single turnpike. The only tolls which now remained were those which existed on a few of the bridges. He thought it would be well worthy of the Government that in any measure which should be introduced, facilities should be given for the abolition of those few remaining tolls, and that the Commissioners for Ireland should be invested with powers which should enable them to deal with them.

MR. BLACKBURN said, that no doubt every one was anxious to get rid of the turnpike tolls, in whatever part of the kingdom they might be situated; but he could not conceal from himself that there would be very great difficulty in satisfactorily assessing the property in Ireland. The different interests of the manufacturers would greatly clash, and it would be a work of great discrimination to fix the assessment fairly. The case of Ireland was very different, but, inasmuch as it was similar in England, the Commissioners would have to go into the whole subject, not merely as it related to Scotland, but to this country also. The Motion would not at all restrict such inquiry, and when the matter came to be examined, it might turn out that it was necessary to maintain the present system of tolls in some districts, whereas in others the proposed new system would be preferable. At all events, it was necessary to inquire whether the various trusts could not be consolidated and extended over a much larger area than at present. He hoped that this, as well as all other questions relating to the abolition of tolls, would be carefully considered before any measure was introduced on the subject.

MR. FINLAY said, that having acted as a road trustee for many years through the important mining district which had been referred to, and fully concurring in the propriety of an assessment system, he hoped the House would permit him to confirm what the noble Lord had said with reference to the admirable working of that system in one part of Scotland, which he contended was a sound argument in favour of its extension throughout the whole of the kingdom. His own opinion was that there could not have been a more unfavourable locality for trying the experiment than that which had been selected, and he was confirmed in that opinion when he found, by the returns of the officers of public works, which showed that the expense of maintaining the roads on which a heavy traffic was carried on, as well as in populous towns, was much lightened by the new system. He believed that the expense of maintaining the roads in the Strand and the neighbourhood, where there was a much greater traffic than in any other place in the world, was much lighter than in country districts of Scotland. If, therefore, the system of assessment worked well under the most unfavourable circumstances, it was but reasonable to suppose that it would work well in other places. He would only add one more argument in favour of doing away with tolls, and that was, that there were instances in which 1,000 miles of country could be traversed without the payment of a single toll, in which the roads were well kept up, and the ratepayers were quite satisfied, and would not, on any account, consent to revert to the whole system.

MR. DE VERE said, he was anxious to

express his entire concurrence in the Motion of the noble Lord, and in confirmation of what had fallen from the hon. Member for Stirlingshire (Mr. Blackburn) he might say, that some time last year a road meeting took place in the town of Belfast, the principle seat of manufacture in Ireland, at which it was agreed upon all hands that the substitution of the assessment system had worked exceedingly well. The hon. Gentleman had also alluded to mines. He (Mr. De Vere) was well acquainted with extensive mining districts, and from his intimate connection with a large property in that neighbourhood, he was able to glean with accuracy the opinion of the public upon the matter. There was no railroad in the district, and the consequence was that heavy traffic had to be conveyed over the roads in the country in the common carts, and notwithstanding the heavy wear and tear of the roads, it had been found that the assessment system had worked perfectly well in that district also.

Mr. BUCHANAN said, that it was probable after the discussion they had had in the House that day, and the favourable opinions which had been elicited towards a change in the present mode of providing for the maintenance of the public roads, he would take the opportunity of calling the attention of the Government to the fact that there was a great deal of conflicting interests as regarded the boroughs and the counties. He should therefore suggest, in case such a Commission were appointed, that they would take especial care that the various interests of the boroughs and counties should be properly represented before the Commission, and should receive its earnest consideration.

Amendment by leave *withdrawn*.

THE HOP DUTY.—OBSERVATIONS.

Sir JOHN SHELLEY said, he rose to call the attention of the Chancellor of the Exchequer to that portion of the Second Report of the Commissioners of Inland Revenue relating to Hops, in which reference is made to the Minutes of Proceedings of the Hop Duty Committee which sat last year, and a presumption expressed by the said Commissioners as to the opinion which that Committee would ultimately have reported to the House, although no Report was made by the Committee. As the Chancellor of the Exchequer was not in his place, perhaps the right hon. the Secretary for the Home Department would give his attention to it. He had no wish to enter at any length into the question of the Hop Duty, but he would observe, that having had three years of superabundant crops of hops, which had so reduced their value, that unless they were "fortunate" enough to have a blight, the growers would find it to their interest to destroy their crop rather than dry it, and thus become liable to the duty. In consequence of the depreciation in the value of hops, the growers were unable to pay the duty, and therefore they had to consider whether it would be wise in them to take upon themselves further responsibility without better prospects before them. His object, however, in calling attention to the subject was to show that the opinions of the Board of Inland Revenue, as expressed in their report, were not in accordance with the divisions which had taken place in Committee. The Commissioners had expressed their opinion that if the Committee had made a report it would have been of such a nature as to justify the keeping up of the duty, under which the farmers were suffering most grievously. The inference drawn from the proceedings of the Hop Committee was utterly contrary to the fact; no Committee could have been more at variance on the subject, and it was his opinion that if the report had been made it would have been strongly condemnatory of the duty in question.

Mr. KNIGHT said, he thought that the Commissioners and Chairman of the Board of Inland Revenue came to the only conclusion which they could according to the evidence taken and the divisions in the Committee.

Mr. BERESFORD HOPE said, the Chairman of the Board of Inland Revenue had taken a great liberty with the Committee in issuing the report he had on the subject.

Mr. C. W. MARTIN said, he entertained a similar opinion with respect to the conduct of the Chairman of the Board of Inland Revenue.

Mr. JOHN LOCKE said, as a member of the Committee he was of opinion that if they had made a report it would not have been in favour of the remission of the duty. It was clearly shown in evidence, that if a man drank a quart of beer a day, the abolition of the duty would only relieve him from a tax of 11*d*. per annum. The evidence tended to show that the sooner the Sussex hop growers shut up shop the better, it being impossible for them to grow hops

with advantage either to themselves or to the public.

THE PURIFICATION OF THE THAMES.

RESOLUTION.

MR. COX said, he wished to move as an Amendment to the Motion that Mr. Speaker do leave the Chair. That this House is of opinion that the cost of the purification of the river Thames in the vicinity of the metropolis should be borne by the Consolidated Fund and the metropolitan ratepayers in equal proportions. He understood that there was a strong feeling against his Motion, but he thought he was justified in asking the country to bear one portion of the expense of the metropolitan drainage, as in his opinion the inhabitants of London had not received justice or fair play at the hands of Parliament and the Government. The Corporation of the City had long been empowered to raise large sums from the entire metropolis in the shape of a coal-tax and metage dues, from which the inhabitants of London at large derived no adequate return. Of the 1*s.* 1*d.* per ton levied on coals the Corporation retained 4*d.* the remaining 9*d.* being applied in any manner which the Government thought fit. By this means nearly £2,000,000 of money had been taken out of the pockets of the inhabitants. The sanitary laws passed for the metropolis also, had inflicted heavy injury upon it. Some years ago they went sanitary mad, when all sorts of Boards were created, and amongst others the Metropolis Local Management Act had created the new Board of Works, and given to it the charge of the main drainage of London; but though the task of purifying the Thames had been thrown upon that body the powers requisite for its execution had been denied to them. A plan had been proposed for cleansing the river which would not cost more than £2,500,000; but the Government had interposed to prevent it from being carried out, and had insisted that if the work were to be done at all an outlay of seven, or nine, or even eleven millions should be made upon it. It was clear that if the metropolis was to supply the whole of the money it ought to have the right of deciding upon the scheme to be adopted, together with the entire control of the expenditure. The nation at large was equally interested in the removal of this nuisance with the metropolis itself; and as the state had offered obstructions to the remedy of the evil, and also aggravated its intensity, he now called upon Parliament to come forward and contribute towards the cost of this important work.

Amendment proposed,—

To leave out from the word "That" to the end of the Question, in order to add the words, "this House is of opinion that the cost of the purification of the River Thames in the vicinity of the Metropolis, should be borne by the Consolidated Fund and the Metropolitan Ratepayers in equal proportions," instead thereof.

GENERAL THOMPSON had been asked to second the Motion, and he never declined a brief unless for special reason. He hoped his advocacy might be useful, because everybody knew that neither individually nor through the influence of constituents he had any interest in the decision. He felt confident that the friends in the provinces with whom he had acted, not altogether without success, would take a favourable view of the principle contained in the Resolution. If an invading army attacked the metropolis, it would not be urged that the provinces ought not to assist. In like manner the danger of the Thames came here because it *was* the metropolis, because it was a collection of interests from the whole country. All human life ought to be a reciprocation of benefits. The time might come when provincial interests would look to the metropolis for assistance, and he was sure it would not be in vain. The necessity was of enormous magnitude, for it was a question of no less than conveying all the sewage of the metropolis into the Thames at a point sufficiently distant to enable it to be done at high and not at low water. He was surprised at the way this particular point had been lost sight of, in what had been heard in the House. Call a Committee of watermen and ask them whether, if a man fell overboard at high water at Woolwich, they would ever look for him at London Bridge; and whether, if he fell in at any time much removed from high water, they would not. Instead of this, the sewage of all kinds was diligently poured into the river at low water, when in the nature of things it could do nothing but be bandied up and down under the noses of the citizens, every portion finding its way at some remote time or other into the sea, but leaving a certain maximum of foulness, like a man who never washes himself and so the dirt sticks to him till it begins to fall off of itself. He should be glad if the industrial interests in the

provinces would listen to an ancient friend, and show their liberal spirit as they had done before; and assuredly the gratitude of the City of London on some coming peril, would not be a bad investment.

MR. BENTINCK said, he did not see why the country generally should be called upon to bear the burden of the improvement of the metropolis. If the metropolis had been injured by previous legislation, that might be a good reason for correcting such legislation, but it was no ground whatever for throwing the local burdens of the metropolis upon the whole country. In fact, the entire question resolved itself into this—that the metropolitan public wanted the rest of the country to contribute towards the expense of improving the metropolis. He was ready to admit the importance and dignity of the metropolis as being the seat of the Court and Legislature, but he must contend that every man coming from the country paid indirectly towards the rates of the metropolis. Supposing the case of a plague in the town, the great losers would be the permanent residents, who would be deprived of the enormous sums of money annually spent therein by those who had no local interests. The Health of Towns Act rendered it imperative on every town in the country to defray the expense of its own cleansing, and why should London be an exception to so excellent a rule? If any other town in the kingdom were to ask the country at large to relieve it of its local burdens, the thing would be generally scouted. If then, such a demand ought not to be made by any other place, *à fortiori* it came with a bad grace from London, which enjoyed the advantage of having a large influx of visitors from all parts of the kingdom. Every hon. Member who voted a shilling for this purpose from the public funds would be doing a direct wrong to his constituents, and he trusted he should never see hon. Members so neglectful of their duty as to vote away the public money in this reckless manner.

SIR GEORGE LEWIS pointed out that the Motion was informal, because, by the Standing Orders of the House, all grants of public money ought to be preceded by a recommendation from the Crown, and be considered in the first instance by a Committee of the whole House. On this ground, without reference to the principle of the Resolution, he must vote against it. The House ought not to go on with the discussion, but—as the Government had intimated that the subject was under their consideration, and they were about to introduce a measure—should wait until they had made a distinct proposition with regard to it. The late Government had been applied to by the Metropolitan Board of Works for an advance on behalf of their plan of main drainage; but the Government had no legal power to make any large advance of money for such a purpose. It then remained for the Commissioners to endeavour to borrow on the security of the metropolitan rates; but it was soon found that their borrowing powers, as given in their Act, were defective. It was well known that the whole of the creditors of the State, whether they had lent their money long ago or but yesterday, stood upon precisely the same footing in respect to their rights. This principle was extended to the Act under which the Board of Works acted. The consequence was that the insurance offices and other societies would not make advances to such a body as the Board of Works, because the loans would not be secured by a priority of right. The borrowing powers of that Board were therefore comparatively inoperative. The late Government, however, would not give a final answer to the application made to them by the Board of Works until they saw what plan was ultimately decided on.

MR. T. DUNCOMBE said, that if his hon. Colleague was wrong in point of form, the sooner the discussion was stopped the better. The Resolution, however, did not impose a burden on the Consolidated Fund, but merely declared that a contribution from that source was desirable. The metropolitan police were partly maintained out of the Consolidated Fund; and as Parliament and the State contributed to the stench of the Thames, surely they ought to contribute towards its purification.

MR. SPEAKER said, that the House had wisely guarded the grant of public money by Rules and Standing Orders; and it had directed that no Motion for a grant of public money should be proceeded with which had not first been recommended by the Crown, and had been introduced in Committee of the Whole House. But the Standing Orders went further, and provided that, if any Motion imposing a charge upon the people were made, the consideration of it could not be at once entered upon, but must be deferred until such future day as the House shall think fit to appoint. There were indeed precedents in which the House had given an

expression of its opinion that a certain Vote of public money should be made; but it remained for the House to decide how far such intimations of opinion should bind it in the future course which it might adopt. Such intimations certainly created no new charge on the public, but they led to no practical result, and the whole question had to be begun again *de novo*, and to pass through all the forms of the House.

THE CHANCELLOR OF THE EXCHEQUER trusted that the House would accede to the suggestion of the right hon. Member for Radnor. It was the intention of the Government on an early day, and certainly during the next week, to introduce a measure for insuring the purification of the river Thames; and when that measure was before the House, the legitimate opportunity would offer for this discussion. He hoped, therefore, that the Committee of Supply would be at o proceeded with.

MR. GLADSTONE, having ventured on a former occasion to express a hope that the House would in some manner indicate its opinion on this subject before the Session closed, now entirely concurred with the Chancellor of the Exchequer that the Government, having intimated their intention to bring forward a measure, it would be most inconvenient to continue that discussion.

MR. M'MAHON said, that on behalf of many Irish Members who could not attend next week, as well as on behalf of many English Members who would then be absent at the assizes, he rose to beg the Government to give some indication of the outlines of their measure now. This Motion was a most extraordinary one, and he trusted the House would at once go to a division upon it, and mark it with their emphatic condemnation. It would be much cheaper for them to build a new House in Hyde Park or at Oxford than to pay out of the national funds for the purification of the Thames. The Government had better take the opinion of an architect as to the erection of an edifice in which Parliament could sit during the pestilential season of the Thames. Every argument used in favour of taxing the public for the benefit of London would equally apply to the case of Dublin, where the Court of the Lord Lieutenant, the courts of law, and the public offices were concentrated, and where during the summer months the state of the Liffey was nearly as bad as that of the Thames. The Corporation of London had long acted as the Conservators of the Thames, and were jealous as well as proud of their functions. [An hon. MEMBER: No, they are ashamed of them.] Having kept the river for many years in a condition that was so disgraceful, what right had they to call upon the whole country to pay for the results of their own misconduct? The people of Dublin, of Edinburgh, or of Oxford would, he was satisfied, be glad to accommodate Parliament with a place of meeting.

MR. BLACKBURN said, he quite concurred in the opinion that it would be of great advantage if the Government had an expression of the House's opinion on this subject before bringing in their promised measure. The House ought not to allow this Motion to be withdrawn, but should insist upon negativing it in a way that would give the Chancellor of the Exchequer to understand that they would not consent to a farthing of the public money being voted for metropolitan improvements. Since the heat of the weather had abated, the bad smell from the river had very much diminished. They might, therefore, discuss this question free from the influence of panic. The medical authorities admitted, though apparently with a feeling akin to regret, that this nuisance had not affected the public health to any appreciable degree.

SIR JOHN SHELLEY said, he thought, after the announcement just made by the Government, that it would be improper to vote on an abstract proposition like the one before the House. The metropolis ought to pay for its own cleansing and drainage, but when the scheme exceeded those limits, the question was, whether London ought not to be assisted by the nation.

MR. A. SMITH suggested, that a contribution might be made from the Consolidated Fund equivalent to the proportion of the rates for metropolitan improvements which would fall upon the public property situated there.

MR. CLAY said, he wished the Resolution to be withdrawn; but, at the same time, he hoped that the Government would not adopt any particular plan until it had been decided who was to pay for its execution.

LORD JOHN MANNERS said, the right hon. Gentleman had stated that the Government were prepared, not with a plan but with a measure, which they desired to introduce at the earliest possible moment.

MR. COX said, he would beg leave to withdraw his Resolution, of which he had given notice before the Government had intimated their intention to bring in a measure.

Question, "That the words proposed to be left out, stand part of the Question," put, and *agreed to.*

DEPARTMENTS OF SCIENCE AND ART.
OBSERVATIONS.

MR. BLAKE said, he rose to call the attention of the House to the injudicious course pursued by the Departments of Science and Art in diminishing in some instances the allowance to provincial schools before art instruction had become sufficiently appreciated in such localities as to render the schools independent of Government aid for their maintenance. The Vote proposed to be granted by Parliament for these departments had now reached upwards of £80,000; but the lion's share of that sum was absorbed by the Museum and other institutions at Kensington, while the claims of the country schools were comparatively neglected. Unfortunately, in that part of Ireland with which he was connected manufactures were in such a backward state that the diminution of the allowances pressed with peculiar severity on the schools of art; and he hoped that, considering the immense benefits conferred by art instruction, a stringent inquiry would be instituted and the evil remedied.

MR. ADDERLEY said, that as this was one of the first votes on the paper, it would have been better to have delayed this matter until the House went into Committee; but as he had introduced it, he must be allowed to say that the hon. Gentleman was utterly mistaken in saying that an unjust share of the Vote was apportioned to the metropolis, for the museums were open to all visitors, and in fact were actually sent round the country. Moreover, so far from Ireland being dealt with unfairly, it stood on precisely the same footing as the rest of the country, and fully shared in the benefits conferred. As regarded the change in the mode of bestowing grants, he could only say that it had been of the greatest advantage. Experience had proved that the old system of affording pecuniary assistance annually to provincial schools had tended to destroy all self-reliance in the schools themselves; but by the introduction of the new system of granting assistance according to the results, and the number of prizes, the schools had become more self-supporting, and the cost to Government had been reduced from £4 per pupil to 13*s.*, while the education had improved, and the number of students had been multiplied to a most considerable extent.

MR. CONINGHAM said, he felt the greatest distrust of State grants for such purposes, and he hoped that in Committee the right hon. Gentleman would be prepared to enter into a statement of the effect of local schools.

Main Question put, and *agreed to.*

SUPPLY.—CIVIL SERVICE ESTIMATES.

House in Committee.

Mr. FITZROY in the Chair.

Motion made and Question proposed,—

"That a sum, not exceeding £73,730, be granted to Her Majesty, to complete the sum necessary to defray the expenses of the General Management of the Department of Science and Art, of the Schools throughout the United Kingdom in connection with the Department, and of the Geological Surveys of Great Britain and Ireland, &c., to the 31st day of March, 1859."

MR. BERESFORD HOPE did not rise to oppose this Vote. He was actuated by no spirit of enmity to the Science and Art Department of the Privy Council, or to its museum. He believed that that department had done much good, and he trusted that it would do still more. At the same time, he had various objections to make to the details of its museum. The site he thought unfortunate. It must be remembered that the selection of it had sprung from the scheme of building the National Gallery at Kensington Gore, which, to the satisfaction of every one, had been since abandoned. Still this museum was left behind, and no doubt the Government would be prepared with plausible reasons to defend it, for it was easier and cheaper to do that than to propose a vote for its removal. But no one really liked the site, while the means of education which were formerly accessible to the working classes had ceased to be so since their removal to Brompton, which, for reasons not very evident to him and other persons, had been termed South Kensington. The collection at Brompton was not strictly an educational museum, although there was in it an educational department. An educational museum ought to be composed of models and drawings, and of casts of the most famous sculptors, with a few good originals. In this case, however, the casts of sculpture were chiefly modern examples, compelling the student who desired to study

the great works of antiquity to go to Sydenham, where the collection was in a great measure composed of antiquities, mostly belonging to those Mediæval and Renaissance schools which had of late years assumed so important a position in the eyes of Europe, although previously neglected. These were mostly bought at the Bernal sale. At the same time the British Museum was commencing a collection of the same schools. Against this division of strength he protested. The whole national collection of antiquities in this country should be made one organization, although the question of whether the different departments of it should be in one house might be a moot point. The belief which was current at the time of the Bernal sale, that the British Museum and the Department of Science and Art outbid each other for the same things, although unfounded, showed the popular appreciation of the absurdity of dividing the national collection of Mediæval art between two branches of the State. As to the argument, that the originals contained at South Kensington were more useful to the art-workman than they would be in the British Museum, he answered that this objection could be met by arrangements which would open the latter to periodical classes of those workmen for study. They might derive more advantage from occasionally beholding a great collection than by having their looks palled by the perpetual presence of a smaller and inferior one. A few originals might be kept in the hands of the fine arts department, but the rest should be transferred to the British Museum. Then the museum belonging to the department of science and art ought to be made strictly an educational one, and transferred to a central and more accessible locality.

MR. COWPER said, he wished to point out the peculiar character which was aimed at by the museum at South Kensington, and which had been lost sight of by the hon. Gentleman. The primary object of it had been to improve the art education of the working classes, and not to deal with the higher branches of art. Now, the reason it was called the Kensington Museum was because it was in Kensington. There was nothing in the South Kensington Museum which ought to be in the British Museum, although, indeed, there were things in the British Museum which might advantageously be transferred to Kensington. As regarded casts of the best works of the old masters, there were such casts in the school, although not in the museum, but the object of the museum was not so much to encourage fine art as industrial art, and there was a broad line of distinction, without rivalry, between the Kensington Museum and the British Museum.

MR. BLAKE said, that if he might be permitted to revert to the subject of his Motion, he wished to state that notwithstanding what had fallen from the right hon. Gentleman (Mr. Adderley), he had no hesitation in declaring that the self-supporting system with regard to art had entirely failed in Ireland, more particularly in Belfast and Waterford. Art instruction was not appreciated in Ireland, and the effort to make it self-supporting had deprived his country of its benefits. The result of persisting in the present system would be that there would be masters without schools. He spoke earnestly upon the subject, because he felt that there was no people that required instruction in science and art so much as the people of Ireland, and no people which would do so much credit to that instruction; and he could not but regret seeing the system which had been established altered. He would conclude by moving, as an Amendment, that the sum of £52,380, required for the support of schools of art and science in the United Kingdom, be disallowed.

Motion made and Question proposed,—

"That a sum, not exceeding £21,350, be granted to Her Majesty, to complete the sum necessary to defray the expenses of the General Management of the Department of Science and Art, of the Schools throughout the United Kingdom in connection with the Department, and of the Geological Surveys of Great Britain and Ireland, &c., to the 31st day of March, 1859."

MR. CARDWELL said, he agreed that the expenses of training and teaching in schools of art should be defrayed by a central body, and not left to local management. It was necessary to have a large central establishment for this purpose, and if therefore the system had failed, they ought to discontinue the whole Vote. He could, moreover, bear testimony that the subsidized schools afforded a result which was so unsatisfactory that, if such a result from the other arrangement was to be expected, he would be prepared to give his vote for that purpose. The voluntary system, however, in its result had been much more satisfactory, and from their nature that was to be expected. If the withdrawal of the small grant of £25,000 would cause the destruction of the schools in Ire-

land, then the House might despair of schools which existed on so frail a tenure under any circumstances. In 1853, there were two subsidized schools of navigation in the United Kingdom, and they were not attended with any great success; but at the present day there were schools of navigation conducted on the voluntary system in every seaport town throughout the country, and he hoped that the House would not consent to revert to the old system of subsidized schools.

SIR DENHAM NORREYS observed, that at present the British Museum was not in a proper position. There were three establishments in different parts of London, all bidding against each other in the fine arts—the British Museum, the South Kensington Museum, and the Institution in Jermyn Street.

LORD ELCHO said, that he would not offend his hon. Friend by speaking of the museum as the South Kensington Museum, but he would use the better known and more euphonous epithet of the Brompton boiler to characterize it. The money spent upon the schools of design, whatever might be said of their management, had not been wasted, for they were exercising a very beneficial influence upon our manufactures. With regard to the Kensington Museum, if the articles contained were sold by auction to-morrow, they would fetch double the outlay that had been incurred upon them. The proposed affiliation of the Edinburgh School of Design with the institution at Kensington had been the means of rousing the Scottish lion in the northern capital; but he was himself in favour of the scheme, if well conducted. In Edinburgh a national gallery had been built, but there were hardly any pictures in it. The affiliation, however, of the School of Design and the Edinburgh National Gallery and Museum of the Society of Antiquaries, with the Department of Science and Art, was effected by a Treasury Minute, dated the 25th of February last. That Minute had placed the whole establishment upon a new footing, and had established a system of curators at considerable expense. He objected to the appointment of curators. The Board of Manufacturers took the greatest care of the National collection, and he was at a loss to know why it should be taken out of the hands of the local authorities and vested in those who were subject to a centralizing power. It was quite evident that the absence of curators did not prevent the public supporting the institution or persons sending pictures there, for he could mention the gratifying fact that it was the intention of the Marquess of Abercorn to send to the institution, to be placed under the care of the Board a very fine collection of fifteen or sixteen pictures by old masters. The gallery was by no means well stocked, and in his (Lord Elcho's) opinion, that instead of having this large building with bare walls, they should devote the money which was to be given annually to curators to the purchase of pictures with which to cover the walls. He also objected to the manner in which these curators were to be appointed. By the scheme of the Treasury, the curators were to be appointed not by the Board of Manufacturers, but the choice was to be left virtually to the Royal Academy for Scotland, who were to send up four names, of which the Treasury should be bound to select one. His hon. Friend (Mr. Wilson) shook his head, but he (Lord Elcho) contended that such a course would virtually be to vest the appointment in the hands of the Royal Academy. Although it was true that four names were to be sent up, yet if the Royal Academy wanted to appoint a particular man, what could be more easy than for them to select three names of persons they knew to be utterly unqualified, so that the Treasury would have no choice but to appoint that gentleman. Virtually, therefore, that was to give the nomination to the Royal Academy, which, in his opinion, was not a wise mode of proceeding. If these curators were to be appointed, he did not see that the choice of them should be confined and restricted to the Royal Academy of Scotland. Having said thus much with reference to the National Gallery and Museum of Scotland, he wished to say a few words more about the Kensington Museum of Art. A letter which had been addressed to him from some gentlemen in the neighbourhood informed him, that on the 16th ult. one of the principal officers of the institution applied for and received a license which enabled him to retail wine, spirits, and other liquors at the Museum, thus making it to all intents and purposes a public-house. The writers of the letter asked him whether he did not agree with them, that such a proceeding was most improper, and whether there were any good reasons why a Government officer, holding such an important post, should be converted into a licensed victualler. He wrote to the gentlemen, say-

ing that he should like to see them, and consequently a deputation waited upon him, and handed to him a report of the proceedings upon the application before the magistrates, which he held in his hand, and in which it was stated, that although the magistrates did not think it proper to grant licenses generally for the sale of wines and spirits in such institutions as this, yet they considered that it was an exceptional case, and therefore they should grant it. Now, he was at a loss to know how it could be considered an exceptional case. It might be said that visitors to that place required something of *renaissance* or revival in the shape of ginger beer, spirits, porter, or tobacco; but if they were for that reason to make a publican of Mr. Cole, they ought also to do the same for Sir William Hooker at Kew, whose visitors had a greater distance to travel, and must, therefore, be supposed to stand in greater need of those comforts. For his part he objected to their turning such places into public-houses, but other people might have different tastes. Refreshments to a certain extent might certainly be allowed to be sold, but not spirits, beer, and tobacco. If so, and such a system were persisted in, he would make a suggestion that this matter should be carried a little further, and that dancing licenses should be given, so as to make them rivals to Cremorne. They would then possess the advantage which Cremorne did not on all occasions, namely, that of non-exclusiveness.

MR. WILSON said, that although great jealousy had at first existed in regard to the affiliation of the Royal Dublin School with this department, yet the experiment had worked very successfully. The late Government had had reason to believe that a similar measure would be generally acceptable to the people of Edinburgh. There was a beautiful national gallery standing empty in Edinburgh, and it was most desirable that it should be properly officered and brought into practical operation. At the same time he might remark that the number of pictures in the National Gallery of Edinburgh was not so small as the noble Lord seemed to imagine, and he certainly was mistaken as to there being no necessity to appoint a curator. It must certainly be admitted that the National Gallery of London had been greatly improved of late in consequence of the better regulations enforced, and there was every reason to suppose that the appointment of a curator would produce an equal improvement in that of Edinburgh. His noble Friend had stated that the pictures in possession of the Royal Institution at Edinburgh had been well kept, and that the management of the whole had been of the most satisfactory kind. Surely his noble Friend could not be ignorant of the fact that a number of the very finest pictures in that Institution had been completely spoilt by the system of cleaning which had been adopted, and that some of them had been entirely destroyed beyond recovery. According to the best information which he had upon the subject, he thought that the only plan was to have a responsible officer placed in the Institution; and, therefore, that the late Government had done right in applying the recommendation of the Select Committee with respect to the National Gallery in London to that of Edinburgh. He did not understand the noble Lord to make any decided Motion on the subject, but he sincerely hoped that the present Government would continue to carry out the recommendations in that Report, and that they would make a decided statement of their views upon the subject, in order that, as the question was so important, they should have a definite understanding upon it. His noble Friend was quite in error respecting the sending up of four names by the Royal Academy to the Treasury from which to select the curator. The choice of that gentleman was to be left entirely to the local management, in addition to which only three names were to be submitted.

LORD ELCHO said, that the hon. Gentleman had taunted him with being in error; but what did the error amount to, and how did it affect his proposition that the officer in question was to be selected by the Royal Academy of Scotland? It turned out that the Academy sent up three names, not to the Treasury, but to the Board of Manufacturers, but subsequently they were submitted to the Treasury, so that although the Royal Academy were apparently restricted in point of fact, they virtually appointed the curator.

MR. WILSON said, that the Board was not bound to accept the name submitted to them; they might reject it altogether, which made a wide distinction. The person appointed would not be a Treasury officer.

MR. G. A. HAMILTON said, that he was anxious to state what course the Government had taken in reference to this important matter. Before the change of Government, the minute to which the hon.

Gentleman opposite alluded was made. When they came into office they gave it their best consideration, and in the exercise of their judgment, considering all the circumstances of the case, they did consider that the adoption of that minute was calculated to confer a great advantage with reference to the promotion of art and science in Scotland. The scheme under which the national institution was formed stated that the Lords of the Treasury had entire confidence in the Department of Science and Art; that, in carrying out the change, they would consult, in every way consistent with the object, the wishes of the trustees and commissioners of the Board of Manufacturers, and the interest of the masters and others connected with the present schools. To that the present Government formally adhered. They thought it desirable that the minute should be carried out consistent with the wish of the trustees, and, confirmed in that view, they entered into communication with the Board of Manufacturers in Scotland, with a view to ascertain what their wishes were, and how far they could overcome their objections by adopting them in their integrity. Several steps had been taken by the Government with a view of effecting that object, and they had sent over Mr. Cole and Mr. Ledgrave to consult with them upon the subject. The result of that mission was extremely satisfactory, and their reply to the Treasury, dated the 19th of March last, stated that, after a lengthened interview with the Board, and full explanations had been given of the course of action of the departments, and its adaptation to the Edinburgh School of Art, they were requested by the Lord Justice General, the chairman, to put the substance of their observations into writing; that they accordingly prepared memoranda, and submitted to the Board, which they stated contained all the information they required; and that, as soon as they received them, sanctioned by the Treasury and the Committee of Council on Education, they would be prepared to communicate their decision to the Board. The instructions under which Mr. Cole proceeded to Edinburgh were, to consult, as far as possible, the wishes and feelings of the Board of Manufacturers, because it was known that a strong feeling existed in reference to this matter; and the manner in which those objections were obviated was this:—The whole management of the school, in respect of the continuance or the dismissal of the present masters, or their suspension or control, as to guiding or directing the course of study, &c., would be left to the management of the Board. That was the way in which they had approached this matter; and he was fully persuaded that they had adopted that course they had considered the best.

MR. FAGAN said, he fully concurred with other hon. Members that the old system had failed, and that they must institute a self-supporting system. He hoped that the day was past when Irishmen thought of nothing but pulling at the Exchequer. He hoped the hon. Gentleman would withdraw his Amendment.

MR. ADDERLEY said, that the whole Vote amounted to £83,000, of which £10,000 was in round numbers the increase upon the Vote of last year for the same object. The portion which went to Kensington and Jermyn Street was about £70,000, the remaining £13,000 being applied for the benefit of the local institutions of Edinburgh, Dublin, and other places. A considerable portion of the increase this year occurred upon the item for Kensington, which was £55,000 altogether. The increase was caused by purchases, and by a rise in the salaries, granted in accordance with the Report of a Commission. The Vote was appropriated to purposes that were strictly educational, namely, for the support of the museum and of training schools, in the benefits of which Scotland and Ireland participated. As to the site of the Museum at Kensington its distance from the centre of London had not prevented an enormous concourse from attending it daily throughout the year. It was obviously a convenience to the visitors to be able to obtain refreshment without adjourning to a neighbouring public house. The refreshment department referred to by the noble Lord was no part of the institution, the accommodation required for it being rented by a private individual. It was an entire mistake to say that the Kensington Museum had not a special object which distinguished it from the British Museum and from all the other metropolitan collections. It was designed not so much for the cultivation of the higher branches of art as for the promotion of education in the principles of art applicable to manufacturing industry. This object was one that the artizans of the country could not achieve without assistance from the State, and the public money devoted to it was very usefully ex-

pended. The present Vote represented the *maximum* amount that was likely to be required for these purposes, and he trusted the Committee would now agree to it.

MR. BLAKE said, he would beg to withdraw his Motion.

Motion by leave *withdrawn.*

Original Question again proposed.

MR. W. WILLIAMS said, he should object to the Vote unless he had an assurance from the Government that it was to be the *maximum* charge for this department.

MR. CONINGHAM said, he rose to complain of the meagreness of the hon. Member for North Staffordshire's (Mr. Adderley) statement as to the local schools in England. The moral to be drawn from the signal failure of the schools in Ireland was that, where a real demand for a commodity did not exist, it was perfectly vain for the State to seek to stimulate it by artificial means. He protested against any attempt to break up the magnificent collection at the British Museum.

House *resumed.*

Committee report progress; to sit again *this day,* at Six o'clock.

SUPERANNUATION LAW AMENDMENT BILL.—NOTICE.

MR. WILSON said, in consequence of the statement of the Chancellor of the Exchequer last evening in reference to the above Bill, he would give notice that when the proper time arrived he would move an Amendment in the Superannuation Bill with the view of including in its operation the officers and labourers of dockyards; and also other Amendments in order to carry out the recommendations of the Royal Commissioners in respect to placing the whole of the civil servants of the Crown on a perfect equality in regard to compensation for services performed.

THE "LEVIATHAN" AND THE ATLANTIC TELEGRAPH CABLE.

QUESTION.

MR. GRIFFITH, said, he would beg to ask the Chancellor of the Exchequer whether Her Majesty's Government might not properly take into consideration the expediency of making use of the *Leviathan* in order to lay down the Atlantic Electric Cable?

THE CHANCELLOR OF THE EXCHEQUER: Sir, Her Majesty's Government have not taken the matter alluded to by the hon. Member into their consideration. I understand that the hon. Gentleman suggests that we shall do so. Any suggestion coming from the hon. Member will no doubt be attended to by Her Majesty's Government.

HARBOURS OF REFUGE.

QUESTION.

MR. LINDSAY said, he wished to ask the hon. Member for Devonport (Mr. Wilson) whether, in pursuance of a Resolution of the Committee on Harbours of Refuge, it is his intention, as Chairman of that Committee, to bring the subject under the notice of the House this Session; and if so, when?

MR. WILSON said, the Committee of which he was Chairman certainly did at the conclusion of their labours add a Resolution to the Report that he ought to bring the matter before the House before the end of the Session. But that Report had only been before the House for ten days or a fortnight, and he had thought it not consistent with his duty to bring a matter of such great importance forward until hon. Members had had an opportunity of reading the Report. He was unwilling to bring the subject forward upon going into Committee of Supply, or whilst there was so much pressing business before the House. For this reason he had thought it better to defer the matter for a few days, but he hoped to be able to bring it on shortly.

TROOPS FOR THE MAURITIUS.

QUESTION.

SIR DE LACY EVANS said, he would beg to ask the Secretary of State for War whether the Troops sent from the Mauritius to India at the commencement of the late Mutiny, consisting of nearly the whole of the Garrison, have been replaced, or whether orders have been given to that effect?

GENERAL PEEL said, the 2nd battalion of a regiment was now under orders for the Mauritius. They would proceed to that colony as soon as the transport appointed to convey them was ready.

FRIENDLY SOCIETIES.—QUESTION.

MR. POWELL said, he wished to ask the President of the Poor Law Board whether it is the intention of Her Majesty's Government to proceed with the Friendly Societies Act Amendment Bill during the present Session.

MR. SOTHERON ESTCOURT said, he was greatly disappointed in not being able to press forward the Bill before this.

Night after night he had placed that Bill upon the list of the House, but was as often obliged to postpone it. It now stood first on the list for Tuesday next, and he fully intended to proceed with it. He did not believe that there were any objections to it, on the contrary, he heard that the opinions of hon. Members generally were in favour of it. He could not, therefore, but hope that his measure would receive the sanction of the House.

POOR REMOVAL BILL.—QUESTION.

MR. BOUVERIE said, he would also beg to ask the right hon. Gentleman whether he intends proceeding with the Poor Removal Bill, which was also on the paper for Tuesday?

MR. SOTHERON ESTCOURT said, he did not intend to proceed with the Poor Removal Bill this Session, but he was most anxious before he withdrew it to make a short statement as to its objects. He would therefore on Tuesday next, on moving for leave to withdraw it, take that opportunity of making such statement.

On Question, "That the House at rising adjourn till *Monday*,"

DESTRUCTION OF TIMBER IN THE GULF OF BOTHNIA.—QUESTION.

SIR JOHN PAKINGTON said, he wished to put a question to the hon. Member for London (Mr. Crawford) in respect to his Motion which stood on the paper for that evening, on the subject of the destruction of timber in the Gulf of Bothnia during the Crimean war. He trusted that the hon. Gentleman would accede to the request which he was now about to make. He had made inquiry as to the nature of the papers in relation to the matter, and he confessed he found that those papers alone did not constitute any sufficient ground on his part to appeal to the hon. Gentleman for a postponement of his Motion. At the same time he was bound to say that those papers would not place the House in possession of the facts of the case. He wished, therefore, to add other papers to them, in the shape of a correspondence with the Board of Admiralty as to the nature of the attack which resulted in the destruction of this timber. He would undertake that the papers should be printed without any loss of time. He hoped, therefore, that the hon. Gentleman would not object to postpone his Motion for a few days. He had reason to believe that his right hon. Friend the Chancellor of the Exchequer would grant the hon. Gentleman an opportunity of bringing his Motion forward on another day. In the meantime the Government would take the opinion of the Law Officers of the Crown upon the merits of the case.

MR. CRAWFORD said, he was ready to proceed with his Motion at once; but as his only object was to get a decision upon the merits of the question, and as the right hon. Gentleman appeared to think it necessary for that end that further papers should be produced, he felt that he had no alternative but to accede to the request of the right hon. Baronet. He would, however, only do so upon the clear understanding that the Chancellor of the Exchequer would grant him an early and suitable opportunity for bringing on his Motion.

DEPARTMENT OF JUSTICE.—QUESTION.

MR. W. EWART said, he rose to ask the Chancellor of the Exchequer whether any measures are in contemplation for creating a Department of Justice for the promotion of useful legislation, the supervision of passing Bills, and the simplification and precision of the wording of Acts of Parliament, and other objects, in conformity with a Resolution which has already passed the House of Commons?

THE NORMAN CHAPEL IN THE TOWER. QUESTION.

MR. BERESFORD HOPE said, he wished to ask the noble Lord the First Commissioner of Works what arrangements he proposes to make for the architectural restoration of the Norman Chapel and adjacent Chambers in the White Tower of the Tower of London. The White Tower of the Tower of London, much as it had been disfigured by so-called restorations, was one of the most curious and perfect remains of the architecture of our forefathers, as it was one of the most interesting historical monuments in this or any other country. Its most important feature was the domestic chapel of the earliest dynasty of Norman Kings, which, though small in dimensions, retained the characteristic features of the solid and magnificent Norman architecture, less mutilated either by man or by time than was to be found in any other structure. In the reign of Queen Elizabeth it was made a depository for records; but about ten years ago all the papers were removed to the new Record Office in Fetter Lane. On the same floor were two apartments—one

the Council Chamber, in which Richard III. held his Council; and the other the Revenue Chamber of the Kings. At present these rooms were both filled with military stores, to secure the safe custody of which a door leading into the gallery of the Chapel had been bricked up. What was needed to be done to place all these apartments in a satisfactory condition was to remove the stores, to reopen this door, and to make a few alterations in the Chapel, all of which might be accomplished, he felt assured, for a few pounds. If more was done it might, probably, produce more harm than good; but, unless the measures which he had suggested were adopted, it was probable that in ten or twelve years the Chapel and these Chambers would fall into a state of dilapidation which could not easily be dealt with.

LORD JOHN MANNERS said, he could assure the hon. Gentleman that he was fully alive to the historical and architectural interest attached to the building in question; and in any future arrangements that might be contemplated he should hope that, in a true Conservative sense, everything would be done that was necessary to preserve the particular place alluded to. But for the present there was no intention on the part of the Government to make any alterations whatever in the existing state of the structure.

SITTINGS OF PARLIAMENT.

OBSERVATIONS.

MR. C. FORSTER, in rising to call the attention of the House to the inconvenience of protracting the Session during the summer months, said, that that inconvenience, which had always been felt during the six years that he had had the honour of a seat in Parliament, had this year been painfully experienced. He did not intend to detain the House with any remarks upon the state of the river, further than to remind them that, whatever remedy was applied to it, a considerable time must elapse before the evil could be fully removed; and, while he fully admitted the responsibility of the Government to the public, he could not but think that for the Members of that House the true solution of the difficulty was that they should not sit during the months in which this nuisance occurred. Apart from this consideration, however, he could not refrain from asking why, in contradistinction to every other representative assembly, and reversing, as it were, the natural order of things, the British Parliament should hold its meetings during those months which were precisely the most unsuited for legislation. This practice had only grown up of late, for not many years ago Parliament used to meet in November, and separate before the King's birthday in June, and he had never heard any satisfactory reason given for the departure from that earlier and better practice. Summer Sessions were not only injurious to the health and feelings of the Members, but adverse to the proper transaction of public business. He need, in proof, only point to the number of useful measures which they always found at this period of the Session scattered dead around them. And as to those measures for which a happier fate was reserved, and which passed into law, could it be wondered at that under the influence of a July sun those measures often left the House in a crude and imperfect state, and without having received that discussion and attention that, under other circumstances, would be given to them? An attempt had sometimes been made to meet his proposal by a reference to those Sessions, which, though commencing in November, did not terminate till the usual time. That, however, was owing to the fact that the real business was not commenced in November, the attention of Parliament having on each occasion been exclusively confined to the object of its congregation. In the November Session of 1852 Parliament did nothing but settle the question of free trade and the fate of the Ministry; in 1854 nothing was submitted to its consideration but the Foreign Enlistment Act, while in the December Session of last year it had only to pass an Indemnity Bill. But when they pressed upon Government the necessity of calling Parliament together in November, he, of course, wished them then to commence the real business of the Session. He saw no reason why the financial year should not be altered in accordance with his proposal, and he thought the time for delivering the usual notices might easily be changed so as to enable private business to be proceeded with at once. He also desired to submit to the Government whether of the two recesses at Easter and Whitsuntide one might not be dispensed with. This question had been submitted to the noble Lord the Member for London when he was leader of the House. That noble Lord did not object to it on principle, but thought the moment inopportune, in the month of August, for determining upon assembling in No-

vember for the next Session. Parliament had now, however, for the first time for many years, some prospect of being able to finish its labours before the beginning of August, and he could not conceive, therefore, a more favourable opportunity than the present for trying the experiment which he recommended.

BRITISH SETTLERS IN INDIA.
QUESTION.

MR. BLACKBURN said, he wished to ask the President of the Board of Control if any decision has yet been come to on the subject of granting compensation to Indigo Planters and other British Settlers in India whose property has been destroyed by the rebels? He hoped the noble Lord would not give the stereotyped answer that the matter was under the consideration of the Government, but that he would express some opinion as to the course which ought to be pursued. The destruction of property need not be compensated for out of the revenues of India, for there would be abundant arising out of the forfeited estates to satisfy all such claims.

MR. VERNON SMITH said, before the noble Lord answered the question, he was anxious to draw his attention to the discontinuance of the papers relative to the progress of events in India. During the early part of the mutiny, papers were issued giving a detailed notice of what had passed in India; but for the last three months the record had been discontinued. He thought it would be for the public interest that the papers should continue to be published.

CHURCH RATES—OBSERVATIONS.

SIR JOHN TRELAWNY I said, he wished to call attention to the existing position of the church-rate question. The House, after repeated discussion extending over a lengthened period, had sent up a Bill to "another place" for the settlement of the question, but it was there rejected. The noble Lord at the head of the Government, upon the discussion of the Bill in "another place," stated that he thought it desirable that Dissenters should be relieved from the payment of church rates, though the manner in which he proposed that should be done was somewhat ungracious and ungenerous. It was not for the interest of the Church that the question should be thus trifled with, nor was it to the advantage of the magistracy, who had to administer the law under great uncertainties, and since there yet remained one or two months of the Session—he thought the Government were bound to do something towards bringing about an immediate settlement of the dispute. He did not think the smell of the Thames had so much to do with the anxiety of hon. Members to get away, as the smell of the sea or the heather, and the Government need therefore have no apprehensions on that score; it ought not to preclude their making an attempt at an immediate compromise, which would not involve a larger sum to the State or the Church than £75,000. After the opinions expressed on this subject by a noble Lord in another place, and the right hon. Gentleman the Secretary of State for the Home Department in that House, he felt that the Government were bound to make some attempt at legislation; if they did not, they were not fit for their places, and he begged to inquire whether they proposed to fix a period for the termination of the Session without recommending Parliament to adopt a measure in which their views on this question should be embodied.

SALE OF SPIRITUOUS LIQUORS (SCOTLAND) BILL.—OBSERVATIONS.

VISCOUNT MELGUND said, he rose to call the attention of the House to the operation of the laws regulating the sale and consumption of Spirituous Liquors in Scotland. About four years ago an Act came into existence for regulating the sale of spirits in Scotland, under which great evils had, he believed, arisen. It had been attempted to be shown that the consumption of spirits had largely diminished in Scotland of late years, but he thought that was largely due to other causes, and amongst them to the increase of the duty on spirits, from 3*s.* 8*d.* to 8*s.* 3*d.* per gallon. The intention of the Act was to diminish drinking by diminishing the number of public-houses, and placing them under restrictions. But the result of these restrictions had been to increase the illicit sale of spirits to a great extent. He admitted, indeed, that the number of cases of drunkenness brought before the police had diminished, but that did not give an accurate representation of the results of the Act, and of its tendency to give rise to evils of another kind. He understood that in some towns the police were extensively bribed by the keepers of illicit houses. Licensed houses had decreased in number, to the loss of the revenue, while those who kept them had in many in-

stances become keepers of illicit houses; so that, in some parts of Scotland, the number of illicit now exceeded those of licensed houses; whilst it was stated that, in point of fact, the Forbes Mackenzie Act was only enforced against the poor, and not against the rich. In Glasgow the number of licensed houses had diminished from 1,900 to 1,600, with a corresponding increase of illicit trade to an extent that was appalling. It was carried on by all classes of persons, young and old. And it was stated that every licensed house that was suppressed was succeeded by the establishment of an illict house, the result of the traffic in which was most injurious to the public. In Glasgow, when the Act had been put strictly in force, public opinion had declared itself so strongly against it that, in order to obtain convictions, it was necessary to employ the police as spies, which he (Lord Melgund) thought most objectionable. The police either went themselves dressed in plain clothes to places where illicit traffic was carried on, or employed men of disreputable character to frequent those places. He put it to the Government whether the employment of the police in that capacity should not at once be abolished?

MR. DUNLOP said, that the views of the noble Lord were much exaggerated, and that there was an unanimous opinion amongst the magistrates, and all those interested in the preservation of the peace and the improvement of the morals of Scotland, in favour of the working of the Forbes Mackenzie Act. In Glasgow, notwithstanding an increase of population, the cases of drunkenness for the last three years had been only 53,000, whereas for the three years preceding the Act they had been 71,000. He found from Returns respecting Glasgow that in the three years from 1851 to 1853 the drunken cases of all classes were 71,648, and in the three years from 1854 to 1856, 53,146, showing a decrease of 18,502. The number of cases of persons drunk and incapable was, in the first three years, 41,234, and in the last three years 36,461, showing a decrease of 4,778. The drunk and disorderly cases, including those of persons discharged without being brought before a magistrate, numbered, in the first three years, 30,414; in the last, 16,685, showing a decrease of 13,729. Similar cases brought before a magistrate in the first three years, 21,174; in the last, 7,916—decrease, 13,258. The number of disorderly persons between the years 1852 and 1854 was 16,462; from 1855 to 1857, 8,546. The number of persons drunk and taken for protection during the first three years was 57,652; in the last three years, 45,436. With regard to the Sunday cases, he found in the first three years they amounted to 1,483, in the last three years to 535, showing a decrease of about one-third.

BRITISH TROOPS IN INDIA.—QUESTION.

LORD ELCHO said, he had placed upon the paper a Motion relative to the clothing and ammunition of British troops in India, a subject of the highest importance as it affected the efficiency of our troops in that country. They had in India a small body of Englishmen, who had to contend against tenfold odds, and it was self-evident that in order to enable them to do so successfully it was essential that they should be supplied with clothing suited to the climate in which they were employed, and that their ammunition should be of the very best description. That, he was sure, was the wish of the House and of the country, and it was the universal belief that our army in India was in every respect most suitably clothed and equipped. He feared, however, from what had lately appeared in the public prints, that this was not exactly the state of the case, but that, so far from our troops being clothed in a manner suitable to the climate, some of them retained the clothing they were accustomed to wear in this country, *minus*, in one instance, shoes and stockings. He held in his hand an extract from the last letter received from the correspondent of *The Times* newspaper in India, who said—

"Whatever the exact nature of the attack may be, it is evident that the best preventive must be found in protecting the head and the body from the sun, and I own I am distressed when I see the 60th Rifles dressed in dark-green tunics, which absorb the heat almost as much as if they were made of black cloth, and their cloth forage caps poorly covered with a few folds of dark cotton. What shall we say of the 79th Highlanders, who still wear that picturesque and extraordinary headdress, with the addition of a flap of grey cloth over the ears? If it were white, perhaps it would afford some protection against the sun, but, as it is, this mass of black feathers is surely not the headdress that would be chosen by any one, except a foolish fantastic savage, for the plains of India. The most decisive argument against it, however, is afforded by the objection of the men, who say they would much rather be without the bonnet. Can the most learned antiquaries ascertain the period when the trade in ostrich plumes between Africa and the Highlands was so brisk as to afford material for this national military headdress? I

regret to say, indeed, that in some points our soldiers here are not so well provided for as they might be. At home you will be surprised, and perhaps disgusted, to hear that many of the men of the Highland regiments are without stockings to their feet, and that their shoes are worn through and through, nor can they get any others."

It was unnecessary for him (Lord Elcho) to dilate upon the importance of doing all that could be done to promote the comfort and efficiency of the army employed in India. It would be necessary in future to maintain a large British force in that part of the world, and it was impossible to foresee the difficulties that might arise in obtaining a sufficient supply of recruits. It appeared that in this instance somebody must have been blameable, but he hoped it was an exceptional case, and that the Secretary for War would be able to give a satisfactory answer to the questions which he (Lord Elcho) was about to put to him. With regard to the ammunition supplied to the army, he found that *The Times'* correspondent made the following statement:—

"The Enfield ammunition of some regiments is so bad, so infamously made, that it almost destroys the utility of the weapon. When will the authorities have the courage to hang a fraudulent contractor? Imagine the men of the 79th being obliged to hammer down their cartridges by striking the head of the ramrod against a stone in the wall, and, even when loaded after this fashion, the weapon is rendered useless by the rim of the bullet sticking in the breach."

It appeared to him that this was a very sorry return for the large amount of public money expended upon the establishment at Woolwich for the manufacture of small arms. He had visited that establishment, and could state that nothing could be more efficient than the manufacture of ammunition for the Enfield rifles. The machinery by which it was made was exceedingly well adapted to the purpose, and the general work turned out was in every respect satisfactory. It appeared, therefore, as if some mistake had been made, and the ammunition to which the correspondent of *The Times* referred was probably old ammunition, or some which had been made up in India. [An hon. GENTLEMAN: Read on.] He (Lord Elcho) knew it was stated in the letter that the ammunition appeared to have been made up in India, and the cartridges might have been manufactured in an inferior manner in that country, or—as he knew that some of the ammunition originally manufactured for the Minié rifles was very defective—it was probable that some old ammunition might have been served out by mistake. It was well known that when accounts were received from the Crimea, describing the state in which the troops then were, the enlistment of recruits was materially affected, and he feared it was not improbable, if an impression got abroad that our army in India was not properly provided for, a similar effect might be produced. He hoped the case to which he had referred was a purely accidental one, and that care would be taken that for the future no ground of complaint should be afforded. He begged to ask the Secretary of State for War whether due provision was made by the Government for insuring to every British soldier on landing in India a supply of clothing suitable to the climate, and the best ammunition which this country could produce?

GENERAL PEEL said, his noble Friend had placed a notice upon the paper of his intention to put a question to him respecting the troops in India; but as the noble Lord did not state what the nature of the question was to be, he (General Peel) felt some difficulty in answering it. Indeed, he always felt great difficulty in answering any question as to anything relating to our troops in India, for he received no report whatever from the Commander in Chief in India, or any information beyond what was conveyed to him through the India Board. With regard to clothing, the regular clothing was served out to the troops serving in India, and was sent out from this country to India. One year they received the tunics, and the next year the serge frocks, and the difference in the price of those articles was paid to the soldiers, to enable them to purchase the light clothing which was furnished by the East India Company. He knew nothing about what was done in India. All the light clothing was served out by the Company, and he had no report of anything that happened to any regiment after its arrival in India. He could not understand how any portion of the troops could have been in want of boots or shoes, as was stated by the newspaper correspondent to whom his noble Friend had alluded, as every regiment sent out from this country was supplied with a year's clothing, and with boots which would last for a year. He might state that 50,000 pairs of boots and 7,000 pairs of the description of shoes worn by the Highland regiments had been sent out. With regard to the ammunition supplied to the army, he conceived that that was one of the most serious questions that could be

brought under the consideration of Parliament. If the ammunition for the Enfield rifle was not most carefully attended to, the rifle itself would be perfectly useless. He had no opportunity of knowing, as he had said before, whether the ammunition now complained of had been sent from this country or had been made up in India. Every soldier who had gone out had been furnished with 600 rounds of ammunition, which was manufactured at Woolwich, and which he had no doubt was of the best quality. A great quantity of balls and paper for the manufacture of cartridges had also been sent out to India for the East India Company. It was therefore impossible for him to say whether the ammunition complained of had been made in India, or had been sent out from this country. This most extraordinary fact, however, he might state—that he had seen private letters, written by every mail from Sir Colin Campbell and the Generals commanding detached corps, to the Commander in Chief, who had had the goodness to forward them to him, and he had never found the slightest complaint in any one of them. The instant he found, from the private letters of officers, that with regard to one division of the army—that of Sir Hugh Rose—there were complaints of the ammunition, orders were sent out to Sir Colin Campbell to institute the fullest inquiry with regard to the ammunition, clothing, and supplies of the troops. He had, however, received no information whatever from officers in command in India, and therefore he could only speak upon the same authority as that upon which the noble Lord relied — namely, information derived from private sources.

LORD STANLEY said, he would take this opportunity for replying to the two questions which had been addressed to him, and at the same time for saying a few words in corroboration of what had fallen from his right hon. Friend. The right hon. Gentleman the Member for Northampton (Mr. Vernon Smith) had asked what were the intentions of the Government with regard to the publication of papers respecting the insurrection in India. He begged to say that he had given directions that the publication of those papers, which had for a time been discontinued, should be renewed, and that a selection from them should be printed. He had also been asked whether any compensation would be given to British settlers who had suffered loss from disturbances in India. He found that as early as December last, instructions were sent out from this country to the Governor General of India to procure evidence and information with reference to claims of that description ; and he was desired, as soon as the state of the country would permit, to appoint a Commission to investigate those claims. He (Lord Stanley) believed that Commission had been appointed, but its Report had not yet been received. His noble Friend (Lord Elcho) had put a question to the Secretary for War with regard to the clothing and ammunition supplied to the troops. He could confirm what his right hon. Friend had said, that light clothing was supplied by the Indian Government to every regiment which arrived in India. What became of that clothing after it was issued to the regiment he had no means of knowing ; but he apprehended that, if it had not been used by any troops in the field, that was a matter for which those directly in command were responsible, rather than either the East India Company or the authorities at home. As to the Enfield rifle ammunition supplied to the troops, there was no doubt that some part of it was found very defective. Instructions were sent out on the 8th of last month to inquire minutely into these defects, and, as far as possible, to amend them. Skilled workmen were being sent out from England, and machinery was also being forwarded by which defective bullets, either too large or not of the proper shape, could be made fit for use. Government had acted without delay or the information which had reached them, and he believed that all necessary steps had been taken to remedy that very serious cause of complaint.

THE CASE OF THE CORMACKS.

QUESTION.

THE O'DONOGHOE said, he wished to ask the Attorney General for Ireland whether, as the statement of the car-driver, that Burke admitted to him (the car-driver) the false character of his (Burke's) evidence against the Cormacks on the trial, has been confirmed by Burke on his examination before the Solicitor General for Ireland, it is the intention of the Government to take steps for the apprehension of Burke ? A most painful impression had been produced upon the public mind in Nenagh by Burke's admission, and he thought that it was incumbent upon the

law officers of the Crown to prosecute an inquiry which they had themselves instituted, and thoroughly to sift the evidence which had been brought against the accused persons. It was the more necessary to ascertain how far Spillane was to be relied on, as he was now in the hands of the Government, to be brought forward on future trials.

MR. WHITESIDE said, that the hon. Gentleman had on a former occasion brought this question before the House, and he thought that he had then given him a satisfactory answer, but he regretted to find that he had not done so. It was alleged that the witness Burke, while leaving Ireland, told a story to the car-driver, when the police had left the car, that the evidence which he had given on the trial was false. On this being reported by the police an inquiry was instituted, which took place, not before the Solicitor General, but before a magistrate, when it was found that there was no reason to detain Burke for one hour. Burke was accordingly conducted out of the country, according to the custom which prevailed in that part of Ireland when a witness could not safely remain after giving his evidence in a case of this kind. But the Solicitor General stated distinctly that there was nothing in the depositions taken in the case which would have justified him in detaining Burke one hour; and even if a man did state a falsehood, that did not justify his arrest; for if it did the prisons would soon be inadequate to hold the prisoners.

MR. M'MAHON said, the Attorney General had not answered the question in such a way as to set the public mind at rest. The car-driver and Burke were said to have been examined in the presence of the Solicitor General. The general impression was, that on being thus examined before a magistrate Burke confirmed his statement to the car-driver, and repeated that his evidence against the Cormacks on the trial was false. Was that true? Burke now stood in this position:—When examined before the Coroner, on oath, he said he knew nothing of the transaction; on the trial he made a contrary statement, and gave evidence against the Cormacks, and since then he had confirmed his original statement before the Coroner. He wished, therefore, that the Attorney General would give a distinct answer to the question—yes or no.

MR. WHITESIDE said, that it was very painful in a case of this kind, that concerned the administration of justice, that after a trial of two days, and after a witness had been examined and cross-examined by eminent counsel, and his testimony believed by a jury, it should now be sought to impeach it by the simple, uncorroborated statement of a man who was taking him to the seaport. He could only answer the question by reading the words of his colleague:—

"These persons were brought up and carefully examined before a magistrate. Having perused their depositions before the magistrate, I came to the conclusion that there was no ground for detaining Burke, and that there was no ground for making a charge against him."

There was no ground for saying so, and it was absurd to say that there was.

MR. MAGUIRE said, he must again appeal to the Attorney General to give a distinct answer whether Burke had or had not repeated the statement he made to the car-driver.

MR. WHITESIDE could not say exactly what Burke said, because he was not present, and had not seen the depositions. There were, in fact, no depositions, and there could be none, for there was no charge and no trial. The man was asked certain questions; he answered them, and was let go about his business.

THE CHANCELLOR OF THE EXCHEQUER said, he should now proceed, with the permission of the House, to answer the several questions which had been put to him in the course of the evening. The first to which he should reply was, that of the hon. Member for Dumfries (Mr. Ewart) who desired to know whether the Government had any measure in contemplation for the purpose of creating a Department of Justice in conformity with the Resolution which had been passed by the House of Commons. Now, with regard to that, as with regard to another Resolution to which the sanction of that House had been given, he would only say, that if it had been productive of no result it was not owing to any want of respect for the House upon the part of Her Majesty's Ministers. He could not, of course, state the reasons which might have induced the predecessors in office of the present advisers of the Crown not to act upon the Resolution in question; but, so far as he himself was concerned, he was perfectly ready to admit that he would have been quite prepared to propose a vote to the House with the view of establishing a Department of Justice, provided he had been furnished with any satisfactory definition as to the duties

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which such a Department when constituted would be called upon to discharge. Hitherto he had not been furnished with any satisfactory definition upon that point, and he had not deemed himself, therefore, to be in a position to ask the House of Commons to incur the expense which the scheme would involve; but when the necessary information upon the subject was supplied, he would be found prepared to act in accordance with the Resolution at which the House had arrived. He should next advert to the question of the hon. Baronet opposite (Sir J. Trelawny), who had referred to a subject of still greater importance. He wished to ascertain what the intentions of the Government were in reference to the long-vexed subject of church rates. The hon. Baronet seemed to be of opinion that, in consequence of the views with regard to it to which expression had been given by Members of the Government in the other House of Parliament, it was the duty of Her Majesty's Ministers immediately to introduce a measure to carry those views into effect. Now, he (the Chancellor of the Exchequer) was not prepared to say upon the part of the Government that it was their intention to introduce in the course of the present Session any measure with that object; but he must, at the same time, be permitted to state, notwithstanding certain observations which had fallen from the hon. Baronet, that Her Majesty's Ministers did not relinquish the hope of settling the question of church rates, and that they would take the earliest opportunity after the re-assembling of Parliament to ask the opinion of the Legislature upon a Bill which they would introduce, in the hope and belief that it would be accepted as a satisfactory solution of a long-controverted subject. In dealing with either of the important matters to which he had adverted, however, some regard must be had to the time at which Parliament should resume its sittings — a question which had been brought under the notice of the House last evening by an hon. Member below the gangway (Mr. C. Forster). Now, he (the Chancellor of the Exchequer) was bound to admit that the arguments which were urged in favour of the assembling of Parliament in the autumn were not merely plausible, but that they were, to some minds, convincing. He believed that the origin of the meeting of Parliament at that period of the year at which now it was accustomed to assemble was not at all to be attributed to the popular cause which was usually alleged—namely, the passion by which the people of this country, as well as the Members of the Legislature were animated for the sports of the field. Our predecessors were as much attached as we could be to those sports, and yet Parliament in olden days, and even he believed in the commencement of the present century, was wont to assemble in the autumn, and to bring its labours to a conclusion at the commencement of June. The custom in accordance with which the Legislature met early in the year, instead of towards its decline, had its origin, he believed, in the union with Ireland, and the necessity which had thence arisen for making a complete change in the system which previously prevailed, in order to promote the convenience of those brother Members who were obliged to repair from what was then considered a great distance to this country for the discharge of their legislative functions. That being so, he had simply to state, in reply to the hon. Member who had called his attention to the subject, that whenever it was brought fully under the consideration of Her Majesty's Ministers they would be prepared impartially and temperately to discuss it. He must, however, remind the House that it was hardly fair to recommend that such a change as the hon. Member proposed should at once be carried into effect. It must be borne in mind that there had been an autumnal Session in the present Parliamentary year; that, although that sitting had not been of a protracted character, it had entailed all the inconveniences of disturbing the plans and habits of hon. Members, and that some time had been expended upon a very important discussion. But although the late autumnal Session had not been very long, he was, he thought, entitled to call the attention of the House to the fact that, owing to those changes which from time to time took place under a constitutional form of Government, Her Majesty's present advisers were called upon to conduct the affairs of the country not till some time after Parliament had met subsequent to the Christmas recess, he himself not having taken his seat upon re-election until the 12th of March, and that during the period which had since elapsed they had found it to be their duty to deal with subjects of a most important and difficult nature. He might add that the time of the Government had in consequence been completely

occupied; that they had as yet by no means concluded the business of the Session, and he, therefore, thought it would be unfair to ask them to meet Parliament again so early as the month of November or December next. They had not had the advantage of any preparation for the policy which they had pursued during the last few months, and under those circumstances he could not help thinking that they were entitled to ask the House not to adopt the great change which was proposed until Parliament assembled again at the beginning of next year, which would probably be the case. In making those observations he must not be understood as being at all opposed in theory to the scheme of the hon. Gentleman who had put the question. There were, however, in his opinion, valid arguments against any immediate alteration of the present system. Having answered the various questions which had been put to him he trusted the House would be prepared to go at once into Committee of Supply.

Lord JOHN RUSSELL said, it appeared to him that it would be a change for the better if, as a general rule, Parliament resolved to assemble in the autumn instead of at the beginning of the year. When the Earl of Derby made a proposal that Bills left unfinished in one Session should be taken up at the same stage in the next, he (Lord J. Russell) was the only one of those who usually took a leading part in the discussions in that House that expressed an approval of the noble Earl's suggestion. As to the plan now under discussion, he did not think that meeting in autumn would be sufficient to ensure a satisfactory disposal of business unless the plan were accompanied by other arrangements. The question was an important one for Her Majesty's Government to consider; but if they thought they required more preparation for their measures this year than an autumnal meeting would permit of, he had not a word to say against giving them time for that preparation.

PIRATING TRADE MARKS.

QUESTION.

Mr. ROEBUCK said, he was anxious to put a question to his hon. Friend the Under Secretary for Foreign Affairs upon this subject. The hon. Gentleman was aware that the manufacturers of this country used certain marks in order to distinguish their products from those of other persons and by these means acquired a name for their well-made goods. Now, it appeared that by certain dishonest persons abroad those marks had been forged. An inferior article was produced by them, and upon it the name of some eminent English manufacturer was stamped. High prices were asked for those spurious articles, which of course were soon discovered to be of inferior quality, and then the parties by whom they had been sold brought forward their own manufactures, which were by no means equal to those which were produced in this country, but which were nevertheless superior to those upon which the forged marks appeared, and which being sold at a lower price had the effect of dispossessing the English manufacturer of his fair market. Now, several foreign nations had concurred in the expediency of reciprocating the protection afforded to their manufacturers by other countries in that respect, and in France a law had been passed which set forth that, if a treaty were entered into with that object, they would protect in their law courts any manufacturer whose marks had been forged. He wished under those circumstances to ascertain from his hon. Friend the Under Secretary for Foreign Affairs whether his attention had been called to the subject, and whether there would be any difficulty in our entering into a treaty with France for the purpose to which he had referred?

Mr. SEYMOUR FITZGERALD replied that, the attention of the Government had been called to the question, and he could assure the hon. and learned Gentleman that they were most anxious to take steps as early as possible to remedy the inconvenience of which the English manufacturers complained. The question was now under the consideration of the Attorney General, and they (the Government) were not without hope that they might be able in the course of the present Session of Parliament to introduce a Bill which should enable them, by conventions with foreign countries, to carry out the object the hon. and learned Gentleman desired.

Motion *agreed to*.

House at rising to adjourn till *Monday* next.

SUPPLY—CIVIL SERVICE ESTIMATES.

Order for Committee read.

House in Committee of Supply.

Mr. FitzRoy in the Chair.

(1.) £73,730, Department of Science and Art.

MR. DILLWYN said, he wished to reduce the sum by £9,045 8*s.*, being the increase on the Vote of last year. They were the conservators of the public purse, and their duty was to see that these Votes should not be continually increased. He agreed with the hon. Member for Maidstone (Mr. Beresford Hope) that they ought not to grant more money than was recommended by a Committee of the House, or some other body such as the trustees of the British Museum, in whom the House had confidence. If they had recommendations of that sort, the House would not grudge the money necessary for the promotion of science and art.

MR. BLACK said, he thought it right to state that the National Gallery in Edinburgh had given very great satisfaction to the people of that city. In matters of art, it was not easy to arrive at a result that was pleasing to every one. Now, this object seemed to have been accomplished in the present instance. The artists were satisfied as well as the public, and artists were proverbially very ill to please in such matters. On the whole, he thought the institution did great credit to the country, and more particularly to all parties connected with its establishment. He believed that the National Gallery would be a great advantage, not only to the inhabitants of Edinburgh, but to the people of Scotland generally.

SIR DENHAM NORREYS said, that hon. Members should understand that this Motion would preclude any objection on any particular item in the Vote.

MR. PEASE said, he could not concur in the objection urged against this Vote by the hon. Member for Swansea.

Amendment, by leave, *withdrawn.*

MR. W. WILLIAMS remarked, that he understood that the sum now asked for by the right hon. Gentleman (Mr. Adderley) would be the *maximum.* He begged to remind the right hon. Gentleman that if a larger sum were asked for in future he should object to it.

MR. ADDERLEY said, he could not assure the hon. Gentleman (Mr. Williams) that this Vote was now at its *maximum*, but it was probably something near it. He must, however, decline to give on the part of the Government any specific pledge on the subject. It was in accordance with the most rigid rules of political economy to apply a portion of the public money in stimulating art in this country, and it was also clear from experience that as the stimulus took effect the system of education became more and more self-supporting. There had been a departure from the subsidizing system for one which met the efforts made in each locality. As this had been more and more adopted, and encouragement had been given in prizes and certificates where results had been obtained, local exertions had been called out, and the schools had become not only more efficient but more self-supporting. It was even found that as the Parliamentary grants to schools were reduced the burden upon the locality itself was diminished, the voluntary subscriptions being less needed in consequence of the increased tendency of the schools to support themselves. It might seem that as the schools increased the expense would naturally become larger, yet there was reason to believe that the increase would be more and more counteracted by the self-supporting tendency of these schools of art. He could not promise that the Vote should not show some small increase in future years, but he was inclined to regard it as very near its *maximum* at present.

MR. W. EWART was glad to hear the statement of the right hon. Gentleman, as it proved that the system had come very near to the object which the Committee, which sat to consider this subject, had in view, namely, that schools of design should be rendered self-supporting. He believed that as these schools extended themselves they would become more popular institutions.

MR. MACARTHY pointed out the inequality with which the Vote was dealt out to Ireland as compared with England and Scotland. He did not see why a city like Cork, which had produced many eminent artists, should be excluded from the benefits of a school of design.

LORD ELCHO said, he felt bound to repeat his objection to the appointment of the curator of the Museum being vested in the Royal Academy. He should not divide the Committee on the question now ; but if the Vote came up next year with this appointment in the same hands, he should decidedly move an Amendment, and take the opinion of the House on the matter.

MR. WILSON said, it could be proved to demonstration that no public money spent of late years had been productive of

so much benefit to the country as that which was devoted to the promotion of art and science. He did not mean high art or science, but the inculcation of practical knowledge and information to those who earned their bread by their daily labour. He would mention a remarkable result of this expenditure. Twelve years ago our exports to France were only £400,000 a year, but now, in consequence of our improved designs, combined with cheap labour, they had increased to upwards of £2,000,000—and it would be found that a large portion of those exports consisted of porcelain and other objects of taste in which formerly the French were our successful competitors. Again in the article of silk, until within the last few years, our exports were not so large with the whole world as they now were with France alone. This was another proof of the immense advantage which these schools of design had afforded to our manufactures. The House should not do anything to preclude itself from increasing these votes if they continued to produce such profitable results. Parliament, however, had nothing to do with the subject brought under the notice of the Committee by the noble Lord (Lord Elcho). A certain sum was voted for the National Gallery and the Museum, and the appointment of the curator was a matter in the hands of a local Board.

MR. P. O'BRIEN said, that several minor places in England got shares of this grant; and he thought that the advantage of the Vote ought to be extended more widely. The City of Cork, the City of Dublin, and the town of Galway, and other towns in Ireland, were well entitled to a portion of these funds.

MR. ADDERLEY said, that if Ireland did not receive a sufficiently large share of the grant, it was her own fault. Ireland was placed on exactly the same footing as England and Scotland with respect to its distribution. He hoped the money would not be looked upon as an eleemosynary fund, to be doled out according to the arbitrary discretion of the head of a department. It was appropriated strictly according to certain conditions which were equally applicable to all portions of the kingdom. If, therefore, any application were made from any town in Ireland it would be immediately complied with.

MR. POWELL said, he thought these institutions were conferring great benefits on society, and it was substantially carrying out the old university system of this country. The observations that had been made about the Report were too severe, and he thought it was an interesting document.

MR. GROGAN said, it was entirely the fault of localities in Ireland that they did not enjoy the advantage of the grant, and, as an instance of this, he might refer to a recent interesting and successful exhibition of works of art and pictures in Dublin, the nucleus of which was several specimens of art, which had been lent to that city by the society in England. He hoped other localities in Ireland would follow the example of Dublin.

MR. W. WILLIAMS said he could bear testimony to the inestimable benefit which schools of design had conferred upon the country. He had no doubt that, by following the present system, the designs in this country would shortly be as good as those in France.

Vote, *agreed to.*

(2.) £223,000, Public Education (Ireland).

MR. BUXTON said, he rose to call the attention of the House to the expediency of making such modifications in the conditions under which public money is granted to non-vested schools as may extend the benefits of the National system of education to a larger portion of Her Majesy's subjects in Ireland. If he had brought on this subject on going into Committee of Supply, in accordance with the notice he had given, he should have presented a vast number of petitions praying that the Bible might be introduced into the National schools in Ireland. He wished, in the outset, to guard himself against its being supposed that any hostility towards grants for the education of the Roman Catholics of Ireland induced him to give notice of his Motion. So far from that being the case, if aid were to be confined either to the Roman Catholic or the Protestant schools, he should prefer that it should be given to the Roman Catholic, because the majority of the population was Roman Catholic. The first thing that struck a person, in looking at this subject, was that our National system of education in Ireland was not National. It was repudiated by nearly every clergyman of the Established Church in Ireland; in other words, by the great body of those who were paid to be the guides and teachers of the people. It was repudiated, also, by a large number of the proprietors of land.

That surely was a flaw in the system, which otherwise had great merits; and surely, if that system could be made acceptable to the whole instead of a part of the people of Ireland, it would be more satisfactory. The system had another defect—it stirred up a vast amount of bitterness. For thirty years, a feeling that they were not treated justly had rankled in the minds of the clergy. Now, he did not himself believe that a large number of intelligent and excellent men would go on for thirty years bewailing their hard lot unless their lot were really hard. No doubt it was irritating to hear people filling Heaven and earth with their lamentations, and one's inclination was to shut one's ears. But it would be unworthy of this House to give way to exasperation, however tiresome the Irish clergy might have seemed to be. It would surely be wiser, if possible, to remove the ground of complaints than to pooh-pooh those who made them. But though he should think that no work could be more fit for a statesman to do than the work of removing discontent, and above all when that discontent arose from religious scruples being disregarded, still he did not seek for a change in this system as a boon to the Irish clergy. They were admirable men. There was not in the world a set of men more devoted to their duty; and he thought they had reason to feel themselves illused. But it was not from sympathy for them that he asked for a modification of the system. His reason for doing so was this—that, having travelled now and then in Ireland, and made a point of visiting the schools, he had found the bulk of the peasant children provided by the nation with as good an education, as well-built schoolrooms, trained schoolmasters, first-rate books and apparatus, annual inspection, and a printed report of their progress could bestow; and that they were in themselves a priceless blessing to the Irish people. Side by side with all this, he found some hundred thousand peasant children, in the Church Education and other schools, who were not in the enjoyment of these advantages; and he felt that in holding its hand, and not giving those great benefits to that great multitude of children, our National system was doing less than it might do for the welfare of Ireland. He might more especially allude to the loss it was to them not to have masters trained in the National normal schools, and, above all, not to have the annual inspection and report. So far, then, as that went, he did not doubt that all who held that an ample education was a blessing to the children who received it, and in the long run to the country which gave it, would agree with him in regretting that nearly 100,000 children should be outcasts from the National system. So much, he was sure, would be granted him by the candour of the House, that it would be desirable, if it could properly be done, to convey the benefits of the National system to these additional 100,000 children. But then he should wish, with equal candour, to examine the difficulties that stood in the way. What was it that narrowed the field of usefulness of the system, and debarred those children from it? Why, that the National Board could give no help to any school, unless its patron took a pledge that no child should receive any religious teaching to which the child's parents objected—a most plausible restriction he acknowledged, but a pledge which the clergy could not take. They deemed it to be their absolute duty to give a knowledge of the Word of God to all the children under their care. They thought that, when they had founded a school, they had no right to withhold Scriptural education from any of the children who came to it; and that if they promised to do so, for the sake of getting money and help, they would be betraying a trust. That might be a great mistake on their part, but he was sure the House would allow that that scruple of theirs was a decent, a respectable scruple—not one to be treated with utter scorn. He did not want the House to endorse the scruples of the clergy; but he did want them to acknowledge that the heartfelt religious scruples of a great body of admirable men, who had stood their ground during a sharp trial of thirty years, ought not to be lightly passed over, and that the House was bound gravely to weigh whether it really was necessary to exact that pledge which so much disturbed them. That pledge, he contended, kept the National system from being national:—it excited vehement discontent; and it cast off 100,000 children from great educational advantages. Another evil in connection with the present system was, that the existing National Schools had a monopoly of the Government aid; and in consequence the schools became in many cases feeble and languid. Nothing could tend more to the advantage of schools in Ireland than a healthy competition. These were the disadvantages of

keeping up the present system. On the other hand the argument was, that if you removed the pledge you destroyed the essence of the system. But he would ask the Committee to consider whether the good effected by the pledge outweighed the evils he had described. They all knew why it was established. It was hoped that if the parents knew that their children could receive no religious teaching without their consent, then the Protestant and Roman Catholic child would be sent to the same school for their secular education and receive their religious education separately. It was thonght that, trusting in that pledge, the parents of different denominations would not fear to have their children brought up in the same school. And certainly, if that hope had been fulfilled, if the pledge had really produced that effect, if the Protestant and Roman Catholic children were really receiving a combined education in the National Schools, he should be the first to implore the House not to lay its fingers on the machinery by which so wise, so beneficent an end had been attained. But he lamented to say that, while in its main end of conveying a first-rate education to a great multitude of peasant children the National system had been a splendid success, in its secondary aim, of bringing up the Protestant and Roman Catholic children in harmony under the same roof, it had been an utter failure. There were scarcely any schools out of the 5,245 under the Board in which the children were combined for secular and separated for religious education. Many National Schools were exclusively Protestant, great numbers were exclusively Roman Catholic, but scarcely any in which the members of the two religions were combined for education. There lay the whole gist of the question. The pledge that no religious teaching was to be given to any child whose parents objected to it could be of no conceivable use, unless it effected that union of Protestant and Roman Catholic children. If it did not do that, it did nothing. It was then simply rubbish, and a mere dead weight on the system. If it did that it was invaluable. If the hon. Gentleman who were opposed to him, could get up and prove from the Reports of the Board that this pledge did what it was meant to do, that trusting in it the Protestant and Roman Catholic parents sent their children to the same National Schools, that it did produce a combined education, then all that he had said must go for nothing. But if they could prove nothing of the kind—if this pledge, though potent for evil, was impotent for good—if it did not create a combined education of Protestants and Roman Catholics—if its only effect was to keep the clergy aloof and to deprive those 100,000 children of the help of the Board, then he submitted whether it was worth while to keep up a restriction which did but narrow the sphere, enfeeble the force, and impede the flow of the national effort on behalf of the education of the poor. It might be said he was seeking to destroy the National system and to make it sectarian. What he affirmed was, that it was now sectarian ; that already there was not a combined education, but a sectarian education in the National Schools. In acknowledging this fact to be a fact — that the attempt at a combined education had been a failure—they would only be acting with good sense, and not twenty National Schools in Ireland would undergo one iota of change were the pledge he had alluded to laid aside. The Board had conceded an exclusive education to the Presbyterian Schools, and to the Convent Schools, and the ordinary National Schools were exclusively Roman Catholic. Why were they to refuse aid to those whose only demand was that they might admit the word of God into their schools ? It was objected that, were this restriction removed, the priests would become paramount over the Roman Catholic children in their schools. Every one familar with the subject knew that already the priest's sway over the Roman Catholic children was entirely unchecked. Remove that restriction, and he would have no more real authority that he had now, and he already had as much as he pleased. It seemed to him, then, that by cutting off that mischievous feature of the system the House would render it really national, remove bitter and chronic discontent, improve the education of 100,000 children, and not in the smallest degree destroy or damage the system, but rather enlarge its influence and extend its great benefits through a much wider sphere.

MR. MAGUIRE : If the hon. Gentleman who has just sat down had concluded with a substantive proposition, I would have been prepared to give him my decided opposition. As he has not done so, it may be more for the convenience of the Committee that the notice which I have given, and the Motion of the hon. Gentleman,

should be discussed together, instead of having two Motions and a double discussion. It is my intention to charge the National Board with certain defects in its administration, defects so marked and so full of danger, that they afford an additional reason why there should be no further relaxation of their rules, and why such relaxation as the hon. Gentleman and his English friends demand ought not to be granted. However, before I proceed to show that the evils of which I complain exist, it is only right that I should guard myself from the possibility of being misunderstood or misrepresented, by stating what my feelings are with respect to the system of National Education in Ireland. I have ever been an advocate and supporter of that system, and I am at this moment, as I ever was, one of its sincere friends. With the hon. Member for Newport, I believe it has conferred priceless blessings on the people of Ireland, by the education which it has imparted to vast masses of the children of the poorest class. But, Sir, it is because I consider the system as having been a priceless blessing to the people of my country, that I conceive it to be my duty to call attention to serious defects in the administration of the Board which fill me with alarm, and are fraught with danger to the future. I regret to say, that a spirit of discontent is growing up in Ireland, arising from a sense of alarm caused by late proceedings of the Board, and the existence of a policy which, if not attended to and checked in time by a return to a more wholesome policy, will certainly lead to the worst consequences to the success of the system. The fact is, the Board appear to be gradually departing from the principle on which the whole system was originally based. What was that principle? The principle on which the National system was based was that of combined literary and separate religious instruction. This was the system which was announced by Parliament in its memorable Resolutions of 1828; this was the system which was proclaimed by Lord Stanley in his celebrated letter of October, 1831; and this is the system which was practically carried out, to the satisfaction of the Irish people, for sixteen years after. Now, the great object of this separate religious teaching was this, to afford to the Catholics of Ireland an unpoisoned education. This was the benevolent intention of the authors of the system, and this was the boon which men of all parties and of every shade of opinion united in conferring on that country. The desire was to prevent the possibility of proselytism, that which was the canker at the heart of the Kildare Place system, and of every other educational system which had been previously established. What was the plan adopted in order to enforce this salutary principle of separate religious teaching? At first it was resolved that no religious teaching could be given on the same day that literary teaching was given, and even different days were adopted for different religious instruction. But eventually, while religious and literary instruction were allowed to be given on the same day, this salutary rule was strictly enforced—that no child should be suffered to attend at the teaching of a religion different from that to which the child's parents belonged. So strictly was this rule, this wholesome and protecting rule, interpreted, that the teacher, manager, or patron was obliged to exclude children of different denominations, while religious teaching other than that allowed by their Church was being given. To show the meaning attached to the rule on this important point, I would quote a passage from the evidence of Mr. M'Creedy, for many years Head Inspector under the Board, who was examined in 1854 before a Committee of the House of Lords that sat for the purpose of inquiring into the operation of the system. He is asked:—

3326. "What was the practical construction of the rule; was it left practically to the teacher to put the children out, or was it left to the parental authority to enforce itself?"

"My opinion is, that for a long period it was understood, that the obligation lay upon the patron and upon the teacher of the school to put out the children."

This rule was acted on for a period of sixteen years, to the year 1847, when unfortunately it was altogether changed. Acting under the strong pressure of Protestant remonstrance, the stringent rule which prevented the attendance of a Catholic child at Protestant instruction, or of a Protestant child at Catholic instruction, this miserable substitute was adopted—that when religious instruction was about to be given, a card should be turned upon the wall, that the master should announce "religious instruction," and that all children who were of a different religion to that about to be taught should be allowed to go away, or should not be compelled to remain. Now, what a difference between the two rules! The one rendered it com-

pulsory on the master to remove from, or not to allow in, the school, children of a different faith from that taught; whereas the other merely went to this length, that their attendance at teaching contrary to the faith which they and their parents professed, should not be compulsory. The former rule was a charter of protection for the faith of every child in the land—the other is a miserable mockery, opening the door to all kinds of influences, insidious or otherwise. It was on the condition embodied in the spirit of the former rule that the Irish Catholics accepted the system of National Education as a boon and a blessing; and it is on the principle of protection and non-interference that they will consent to retain it. From 1847 to 1855—that is after public attention was called to the existence and operation of the new rule—a plan was adopted to the following effect:—In case the master of a school gave religious instruction—which, by the way, under the system, intended in 1828, he was not authorized to give—he was obliged to serve a document of this kind on the parent of a child—So-and-So "is informed, in compliance with the instruction in rule 16, Section IV., Part 1, of the Rules and Regulations of the Commissioners of National Education, that —— attended the religious instruction given by me on —— the —— day of —— 185—, at the time set apart for religious instruction in the above school, this being —— first attendance, &c., &c." Imagine the effect of such a document as this served on a poor ignorant peasant, perhaps the tenant or dependant of a landlord or employer of strong proselytizing tendencies, and then say what kind of protection this notice affords to him and his child? But, miserable as is this mockery of protection, it is only to be given in case the master himself gives religious instruction; but no such notice need be served where religious teaching is given by any other person—for instance, an officious clergyman of another persuasion, or a zealous patron of anti-Catholic feeling. Then, should such a notice be served on the parent, and the child not removed, or should the child return on another day, his attendance is to be regarded as having the sanction of his parents, and any description of religious teaching may be given in his presence. Well, Sir, miserable as this protection was, it excited the apprehensions of those whose object was to carry their own aggressive views, and to turn this great system to their own purposes; and therefore pressure was again brought on the Board in Dublin, and with this result—that the rule of serving this notice on the parents and guardians was to have only a prospective operation, and was not to refer to children already in the schools of the Board. Thus the Catholic children in the Protestant and Presbyterian schools of Ulster were not to be included; and the fact is given in evidence that in these schools, somewhere about 1,000 in number, there are no less than over 30,000 Catholic children—of whom thousands were then and are at this moment receiving Protestant and Presbyterian instruction. What I principally desire is to see the wholesome rule which existed to 1847 restored to its former stringency, whereby protection may be given to the faith of all—for that which I demand for the Catholic child I would insist upon for the child of the Protestant or the Presbyterian. Now, Sir, to show that the apprehensions of Catholics are not without good cause, I shall give a single case in point. I say that grave and serious fears are entertained in consequence of the facilities to proselytism afforded by the present relaxed rule; and I now proceed to adduce an instance of what has been going on in one of the most Catholic provinces in Ireland, in order that the Committee may be able to judge of the insidious attempts which are made to undermine the faith of the Catholics of that country. I also rely on the case I am about to state in order to prove what I assert, that the Board did not perform its duty with that alacrity and energy which its special character demanded. Mr. Kavanagh visited the schools of Ballindine, in the County Mayo, in May, 1857, and reported to the Board on the condition in which he found them at the time of visit. I may, before going further, incidentally refer to Mr. Kavanagh as a gentleman who was reduced by the Board from the rank of Head to District Inspector, more, I believe, because he discharged his duties too zealously than for any other reason. However, I shall not allude to his case at present, inasmuch as, though certain *exparte* papers have been laid on the table of this House—papers which had been hurriedly printed in Dublin, brought over here by the Secretary of the Board, and granted, and reprinted on the Motion of a right hon. Gentleman (Mr. Herbert)—both sides of the case are not yet given; and until they are both given, it would be unfair to Mr. Kavanagh to have it brought before the House.

Well, Sir, Mr. Kavanagh made a Report of these schools on the 16th of May, drawing the attention of the Board to a flagrant violation, not to say of its rules, but of the essential spirit of the system which it had to administer. The schools were three in number—a school for boys, a school for girls, and an industrial school attended as well by girls as by grown women. These schools were under the patronage of the Hon. Godfrey Browne and his sister, who, while in the country, was its active patroness and superintendent. That lady was the Hon. Mrs. Ridley, stated to be the wife of a colonel in the Guards. The school may, no doubt, have been established by Mrs. Ridley with the best and most benevolent intentions—namely, to provide employment for a number of young people, to whom the assistance which it afforded was most welcome. Mr. Kavanagh reported that Mrs. Ridley was accustomed to read to the industrial class, regularly twice in the week, if not more often, certain works; amongst others one entitled, *Scripture Instruction for the Least and the Lowest*, which contains passages of the most offensive and outrageous character to the feelings of Catholics that could possibly be imagined. Mr. Kavanagh reported this as "an openly anti-Catholic work." What did the Board do thereupon? Instead of taking immediate steps where so grave a charge was reported by one of their officers, they did not stir for a period of two months; and then, having communicated to the Hon. Mr. Browne, and received his answer, in which he first denies the fact, and then charges Mr. Kavanagh with the manner in which he performed his duty, the Board ride off on a mere collateral issue, and content themselves with demanding an explanation from Mr. Kavanagh with reference to this trifling charge—whether or not he desired the teacher not to tell of his visit, or some other alleged irregularity of the kind. After two months of utter inactivity, they occupied two more in letter-writing, and then they rested for two months more; and it was not until Mr. Kavanagh wrote a strong letter on the 23rd of November, more than six months after his first Report, that anything was done in so grave a case. In this letter Mr. Kavanagh repeated his charges, and gave several extracts from the volumes, which he also sent to the Board. I shall quote one or two passages from the work in question, and the House can judge whether it is, or is not, of a sectarian or offensive character. But I may state that, when the Board at length took active steps in the matter, and sent down one of their Head Inspectors, Dr. Newell, to examine and report upon this school, he reported that Mrs. Ridley had continued to read this work on Thursdays and Fridays up to the time of his visit. Let the House now judge for itself whether a book, whose character may be understood by an extract or two, was a fit book to be read to Catholics:—

"Some in our own country have, like Shadrach, Meshach, and Abednego, been cast into the fire because they would not be idolaters. There was a time in England when people were required to worship a piece of bread, which the Popish priest told them was changed into the body of Jesus Christ! There were many holy men who could not believe this wicked and foolish lie, and they had courage and strength given to them by God to refuse to obey. And what was done to them? They were carried away and bound to a stake, and then their enemies set fire to the wood, and the martyrs perished in the flames."

I ask, was this fit teaching for Catholic children and women? Take one other passage, in order to judge of this volume—a passage in which the Blessed Mother of God is thus alluded to:—

"Was there anything in Mary which made God honour her so much? Was she different from other women—less sinful than they, and more worthy to be the mother of Jesus? No; Mary was like every one of us, poor weak sinners," &c., &c.

Now, Sir, I say this is not Protestant doctrine; but, whether it be or not, it is the grossest outrage upon Catholic belief. Do not Protestants, as well as Catholics, hold that the Virgin Mother of God was "full of grace," that she was "blessed among women," and that "blessed was the fruit of her womb?" And did she who is now described as a "poor weak sinner"—did she not exclaim, when filled with the Holy Ghost, "From henceforth all generations shall call me blessed." I cannot conceive any teaching more calculated to undermine and break down Catholic faith than this. To thousands and thousands of females in Ireland—the youthful virgin and the modest matron—the Blessed Mother of God is an ever-present example of purity and holiness, whom they imitate from afar; but in this abominable teaching she is reviled and degraded. It has been said that no proselytes were made, although this system had been adopted for years. But that is no answer whatever. For my part, I say to those who attempt to change the faith of the Catholic poor, I would far prefer to see them made good Protestants than bad

Catholics. Make Protestants if you please, but do not make infidels or hypocrites. Now such teaching as this undermines the strength of that faith which is the comfort and support of the female mind and heart. When the report was first made by Mr. Kavanagh, the Commissioners ought to have adopted prompt measures to put an end to such a gross violation of the essential spirit of the system, and prevented the teaching of such poisonous and infamous doctrines to Catholic women and children ; but they allowed seven months to elapse before anything practical was done—and for this I charge the Board with laches of the worst character. I could adduce numberless other instances in which attempts have been made to read Protestant books to Catholic children ; but I think I may be satisfied with the illustration which I have given, especially as there is no controversy as to such a book having been read, and as the case is officially before the House. That such cases have excited the gravest suspicion in the minds of Catholics is not unnatural ; and, Sir, I regret to say, the constitution of the Board, as well as the character of the whole administration, is not calculated to inspire any particular confidence. How is this National Board constituted ? But first, what is the number and proportion of children attending its schools ? If I mistake not, the number on the roll at present is something like 620,000. Of this vast number 540,000 are Catholic, while but 80,000 are Protestant and Presbyterian. So that the system may be almost said to be Catholic. At any rate, the Protestants and Presbyterians form less than one-seventh, while the Catholics constitute over six-sevenths of the whole. The teachers are as four Catholics to one of all other denominations, and the patrons are about three to one of all others. How is the Board constituted ? There are fifteen Commissioners in all ; and yet although the Catholic pupils form six-sevenths of the whole, there are but six Catholic Commissioners at the Board. Now let me say who these Catholic Commissioners are, in order that we may judge of the influence which they are likely to exert in preventing that retrograde course in which the Board appears to be resolved. The first is Lord Bellew, who never attends ; the second is Sir Thomas Redington, who rarely attends, and who while holding the Secretaryship of the Board of Control, and living in London, was a Commissioner; Dr. Meyler, a Catholic clergyman, of venerable age, and certainly not calculated to be either an active business man or a punctual attendant. Then there is Master Murphy, who, I believe, joined the Board with great reluctance, and who, from the important character of his duties, as Master in Chancery, cannot give his attention to the duties of Commissioner. Next there is Mr. Thomas O'Hagan, a barrister of great eminence and lucrative business, and who besides, as Chairman of Kilmainham, has to hold six sessions in the year—who, in fact, cannot attend the Board, save on rare occasions. Lastly, there is Mr. O'Farrell, who certainly does attend. On the other hand, there are, besides the Resident Commissioner, who is always on the spot, eight other Protestant or Presbyterian Commissioners. The working members of this body are not only Protestant, but natives of Ulster ; and I assert that not only is the administration becoming every year more Protestant, but that it is also becoming more Ulster in its character. The fact is, the entire administration has fallen into the hands of Mr. Macdonald, the resident Commissioner, a gentleman, as I understand, eminently fitted for his duties, a gentleman of the most cultivated mind and scholarly attainments. But the fact is, that the working of the whole system is practically in the hands of this Protestant Commissioner and the Senior Secretary, Mr. Cross, a Protestant. And the three best attenders of the Board are three Belfast gentlemen,—Mr. Gibson, a Presbyterian ; Dr. Andrews, a Unitarian ; and the Rev. Dr. Henry, a Presbyterian. Surely, in such a constitution there is no sufficient protection for Catholic interests —for the interests of six-sevenths of the entire pupils ; and in order to counteract this overpowering Protestant influence, there should be a certain number, one or more, of Catholic Commissioners paid for their regular attendance. Now, not only is the Board Protestant, but all the heads of departments are Protestant. The head of the Inspection Department, which may be termed the controlling department of the whole institution, is an Ulster Presbyterian. Up to 1855 this department was directed by a Catholic ; since then it has been given to a Presbyterian, under the protest of the Catholic Commissioners. The Training Department, up to 1855, was under two Professors—one Catholic and the other Protestant ; but it is now entirely in the hands of Dr. Sullivan. And

who is Dr. Sullivan? This gentleman is the writer of a dictionary, in which he kindly allows Catholics to have two sacraments out of seven—the five others he defines as "rites"—and in which he treats Purgatory, in which Catholics believe, as a respectable myth. Now, considering we refer to our dictionaries, to our *Johnson*, our *Walker*, or our *Webster*, for definitions, we can understand the benefit to a Catholic child in consulting the Protestant dictionary of Dr. Sullivan on matters relating to his faith. The Agricultural Department is under a Northern Protestant. And of seventy inspectors of all classes, thirty-six are Protestant, and but thirty-four Catholic. Take the very latest fact, as a further proof of the manifest favouritism in the dispensation of patronage. In 1856 a class of officers called "organizers," were first appointed—fifteen in number; and out of that fifteen, while but six were taken from the three Southern Provinces, nine were given to Ulster. The unfairness of this distribution will be more apparent when it is understood that this office has been intended as a reward for the deserving teachers throughout the country. No doubt the men of the North were capital hands at a job, but certainly they have no claims of any kind, save their place of birth, which the Southerns have not. And for the teachers of Munster, I can assert that they equal the teachers of the North in mental faculty as well as in literary and scientific attainments. From such facts as I have given, it can be easily understood how jealousy and discontent are growing up in the public mind, and that suspicion is daily on the increase. A short time since the sum of £3,000 was raised in a day or two in the City of Kilkenny, for the purpose of establishing schools under the Christian Brothers, and getting rid of the National system. Were it necessary, I could give other striking indications of the want of confidence felt in the administration of the Board, the result of its reactionary tendency. But, Sir, I have one word to say of a body of men who are the rank and file in the army of education—those who are the hardest-worked and worst-paid class in the country—the teachers of the schools under the National Board. The average pay of these men is something about £23 a year, and this includes school fees, salary, and everything. This would give them a weekly payment of less than 9*s*.—which, considering the duties they have to discharge, and the great importance of their office, is shamefully inadequate. If necessary let the well-paid Secretary, or the well-paid Commissioner be cut down £500 each, and let there be other retrenchments if necessary; but at any rate, let these men, who are the sturdy pioneers of civilization, have a fair reward for their labour. I really do not wish to diminish the salary of the high officials by a single shilling, but I do make an appeal on behalf of a class of men who are entitled to the utmost consideration at the hands of the Government; and though nothing can be done at once for them, I trust the Commissioners will take the subject into their best consideration. Now, Sir, a word more in reference to the policy of the Board, and I have done. They have had full information of the growing feeling of the country with respect to it; for no further back than 1856 the five Head Inspectors respectfully remonstrated with the Board upon that policy; but how were they treated? Why, those autocrats of Dublin Castle, snubbed their officers, termed their conduct contumelious and insubordinate, and threatened them, in case they repeated the offence, to dismiss them. I charge the Board with attempting to deceive Parliament and the country, by withholding intelligence from both on a matter of the greatest importance. Mr. Keenan, Head-Inspector of Ulster, made this Report for 1855, in 1856; and in that Report he stated that thousands of Catholic children were receiving Protestant instruction in the schools of Ulster. He also complained that the rule to which I alluded, in reference to the notice served on the parent, was given a prospective effect only. But the Board omitted that important paragraph, and presented a fraudulent Report to Parliament. No doubt it was a piece of good policy; for had the Catholic bishops and clergy of Ireland known that thousands of their children were receiving Protestant instruction in schools under the Board, their alarm and indignation would have been at once excited. I may add that Mr. Keenan, is not likely to repeat his offence; for he is now appointed to a Catholic district, while his place is filled by a Presbyterian. I, Sir, am not an enemy to the system of National Education—I am only an enemy of the abuses of that system. And I earnestly trust that this House will guard itself against opening the door more widely to proselytism; and I trust that the Irish Government will, before next year, consider the necessity of making

some fair concession to the alarmed feelings of the Catholics of Ireland, and grant them, by an improved constitution of the Board of National Education, security against the violation of the principles of Lord Stanley's letter and the Resolutions of this House.

LORD LOVAINE said, he found it impossible to approve of the taste which had led the hon. Gentleman, who had just addressed the Committee, to introduce a discussion on the character of the "Blessed Virgin." He felt that he had a right further to complain in the strongest manner of the language of the hon. Gentleman in characterising Protestant doctrines as "poisonous." But he would not enter into these controversial topics, and he rose principally for the purpose of noticing the new specimen of gallantry, rather unusual in the countrymen of the hon. Member when speaking of the fair sex. He referred to the allusion made by the hon. Gentleman to a lady whom he had thought proper to attack by name. That was the first time he (Lord Lovaine) had ever known such a course to be pursued in that House. It so happened that he had some slight acquaintance with the lady in question, and from all that he knew of her he felt convinced that she was utterly incapable of doing anything to outrage the feelings of Roman Catholics, or of the followers of any other religion.

MR. MAGUIRE explained, that when he used the word "poisonous" he only applied it to the teaching given to the Catholic children, and he did not think that he had shown any disrespect to the lady in referring to what had appeared in a public document.

MR. SERJEANT DEASY said, he had listened to the course the discussion had taken with a great deal of regret, as he did not think it at all calculated to serve any useful purpose. If there existed any objection to the present system, or any desire to alter it, let the subject be brought distinctly before the House in the shape of a Motion; but it was certainly inconvenient to be called on to discuss, in an incidental manner, the whole question of the National School system in Ireland. He had heard this discussion with regret, because he thought it calculated to prevent the continuance of a system which he believed had been productive of great benefit to Ireland. He confessed that he entertained considerable fears lest the continuance of the National system of education in Ireland should not be of long duration; and as it had been attacked on both sides, he trusted the House would allow him to make a few observations on the subject, in which he would carefully abstain from any subjects of polemical controversy. The hon. Gentleman who introduced the discussion said due regard was not paid to the conscientious scruples of the Protestant clergy in Ireland. Now, he hardly need say that for the clergy he entertained the greatest respect, and no one would go further than he did in respecting their conscientious scruples. The proposition was, not that in Protestant schools Protestant children should be taught by Protestant clergymen—no one objected to that—but the objection was, that in the schools of the Church Education Society, which were mixed schools, and which were instituted for the purpose of inducing Roman Catholic children to attend them, Roman Catholic children should be instructed in the tenets of the Protestant religion. They were proselytising schools. He did not mean by that that any unfair means were used, quite the contrary; but believing, as they had a right to do, that theirs was a purer faith, they endeavoured to propagate it, by inducing Roman Catholic children to attend their schools, and they made it an essential principle of their education that the children should be compelled to be present at the reading of the Scriptures. The number of Roman Catholic children attending these schools, in 1848, was 46,367; in 1852 they had fallen off to 32,000. There were no subsequent returns; but he believed he was correct in stating that the number of Roman Catholic children now attending these schools was not more than 15,000. An attempt was made when the Derby Government came into office in 1852, to reconcile the National system and the system of the Church Education Society, and the Earl of Derby's Government, to do them justice, were anxious to do so. The Earl of Eglinton, when he first went to Ireland, was an opponent of the National system; but on the Motion of Lord Clancarty he declared that, after considering the subject, he found it absolutely impossible to reconcile the two systems, and accordingly the Earl of Derby's Government, in 1852, never endeavoured to bring about a reconciliation. And it was quite obvious that such reconciliation could not take place, as the principle of the National system was to respect parental rights, while the system

of the Church Education Society was compulsory instruction in Protestant doctrines. And let him tell the hon. Gentleman that the relaxation which he wished to obtain could not stop where he would desire it. If they relaxed on one side they must relax on the other. ["Hear!"] Hon. Gentlemen cheered, but had they asked themselves the consequences? If the Church Education Society was to have the benefit of the National funds, how could they object to Roman Catholic schools having them also? Could they refuse the demands of the other societies which would spring up and ask for relaxation in their favour to the destruction of the whole system. For instance, under the Christian Brothers there were 16,000 children receiving education of a character which no State system could hope to surpass, and he contended that if they extended to the Church Education Society, or any other system, the assistance of the State, they could not refuse a like assistance to the Christian Brothers. By so doing, a system of separate education would at once be established; and what must be the consequence? Remember that now—and he hoped for a long time to come—the great bulk in Ireland of those who required the aid of the State in education were Roman Catholics. Of course there would be a respectable minority of Protestant and Presbyterian children also receiving assistance from the State; but in the case of the Roman Catholic children, to whom were they to entrust the funds for their education? Were they to entrust them to Roman Catholic prelates, or to a Board of Roman Catholic prelates containing an admixture of Roman Catholic laymen? He had no objection, for his own part, to either course; but he apprehended that were such a course pursued they would have Motions in that House and discussions arising out of them neither pleasant nor useful, complaining of the application of funds given by the State to the propagation of Roman Catholic doctrines. If statesmen on both sides of the House were agreed in favour of a separate system, let them adopt it; but let them also follow out the consequences of such a step to their legitimate results. Unless he could see a prospect of some better system being substituted for the National system, which, with all its defects, was of great service, he was not prepared to part with it. When the hon. Member for Dungarvan (Mr. Maguire) complained, on the one hand, that the Board of National Education was too unfavourable to Roman Catholics, and when the Board was attacked, on the other hand, as being too unfavourable to Protestants, he thought that those opposite accusations afforded some evidence that the Board had pursued a medium course. He had not heard sufficient reasons to induce him to join with the hon. Member for Dungarvan. The name of a lady who was charged with having endeavoured to proselytize Roman Catholic children had been mentioned; but it appeared from the evidence of the inspector, given in the appendix, that she had never read to the children any books of the slightest sectarian tendency, and she had been acquitted by the Roman Catholic priests themselves of any attempt at proselytism. Surely a Board which had worked well for twenty or thirty years ought not to be abolished because its members had not corrected as promptly as they might have done some errors which had been brought to their notice. He admitted that there were defects in the constitution of the Board, and he thought that as some of the Roman Catholic Commissioners did not attend the meetings they ought to be replaced by others who would discharge the duties of the office. The hon. Member for Dungarvan had charged his Friend the right hon. Alexander Macdonald, the resident Commissioner, with having presented a fraudulent Report to that House. [Mr. MAGUIRE: No! the Board.] The hon. Member certainly charged Mr. Macdonald with having erased from a document presented to that House a passage which it had originally contained. That was a most serious charge, and ought to be substantiated. He did not know any one to whom the Roman Catholics of Ireland were under greater obligations than Mr. Macdonald, and he thought it was most unjust that the Roman Catholic body should now turn round upon him and say that no confidence could be reposed in him because he was a Protestant. [Mr. MAGUIRE: I did not say so.] He (Mr. Serjeant Deasy) had known Mr. Macdonald long and intimately, and he believed he had administered the system justly and impartially, with an anxious desire to promote education fairly and liberally, and without the slightest wish to trespass upon the just rights of conscience of his Roman Catholic fellow-countrymen.

MR. LEFROY said, he was much gratified with the tone of the speech of the

hon. and learned Member who had just addressed the Committee. For his own part he did not rise to attack the Board, but to confirm the statement made by the hon. Member for Newport (Mr. Buxton) who, he thought, must have fully satisfied the Committee that there was something wrong in the constitution, system, and working of the National Board which required the consideration of the Government. His desire was that the expenditure of the funds at the disposal of the National Board should be so far liberalized that schools in which the Bible was taught should derive the same benefit from the grant as those from which the Bible was excluded, and that the National system of education in Ireland should be in some measure assimilated to the National system of England. He had no wish to detain the Committee at any length on the question, but would only briefly refer to what had taken place on the question of education in Ireland. The first Society supported by public grants was the Kildare Street Society, to which the hon. and learned Gentleman had referred in strong, if not in harsh terms. The rule of that Society was that every child should read the Bible at school without note or comment, and that no system connected with any church teaching should be introduced into the schools. The hon. and learned Gentleman had described that system as poisonous. That Society increased fast, and had, at one time, 1,600 schools, attended by 136,000 children, half of whom were Roman Catholics. He desired to abstain from any observations calculated to give offence. It was sufficient to say that that system—which he believed was the best—was given up, and was succeeded by two great systems—the National system and the Church Education system. By the original constitution of the National Board, although the Scriptures were only read in the schools at certain times, of which due notice was given, Scripture lessons were a necessary part of the instruction, but by degrees the system was altogether changed, the Scripture lessons were given up, and many men, who had formerly presided at the Board, separated from it. By this change those who desired to see the Bible read in the schools were disappointed. The Church Education Society was at the same time established. It raised by voluntary contributions an income of 40,000 a year; it had 1,700 schools, and educated 80,000 children, of whom, as correctly stated by the hon. and learned Gentleman, only 15,000 were Roman Catholics. That, however, must be considered a large number when the impediments thrown in the way of Roman Catholic children attending these schools were taken into account. He had high authority for saying that after all a greater amount of secular education was given under these schools than under any other system of education in Ireland. So far they had a fair claim for some portion of the National grant. Two objections were raised to this proposal. It was said that it was a mere means of indulging the contumacy and obduracy of the Irish clergy; but surely these were hard terms to apply to a body of men who had made such sacrifices and stood in a position so peculiar on this question. By his ordination vows a clegyman was bound to teach the Holy Scriptures to the children committed to his charge; yet if he asked the Board to help his school, the question put was, "Do you teach the Scriptures?" answered by "Yes, my ordination vows oblige me to do so;" whereupon this reply would be given, "Then you shall have no assistance." That appeared to him (Mr. Lefroy) to be a hardship which the clergy of Ireland ought not to be called upon to undergo, for it was one which no English clergyman would submit to. He was not an advocate for proselytizing. All he asked for was that the National Board should, without asking any questions as to the teaching of the Bible, allow a portion of the grant to those schools in which the Bible was read. The second objection to such a proposal was that it would interfere with a system which was working well, and giving general satisfaction. For his part he could not agree with those who said that the present National system worked well. One objection to it had been stated by the titular Bishop of Cashel in the reference which he had made to the number of reports addressed to the Board which they had not allowed to see the light. The titular Bishop of Cashel must answer for the correctness of the following allegation:—

"The value of the testimony of their inspectors—Arians, Methodists, Presbyterians, Protestants, and many nominal Catholics—on a matter of the kind may be understood from the fact that so offensive to the managers of schools, so absurd in sycophancy, so puritanical and canting, and so anti-Catholic are numbers of the reports of the fifty inspectors, that, although printed for the past year, and intended for publication, the Board dare not allow them to see the light; and, awaiting the

hope of a resurrection through some curious Irish Member of Parliament, they are imprisoned in the official limbo of Marlborough-street, many of them a disgrace to their authors and the system."

In reference to this system the *Irish Quarterly Review* stated :—

"The National system was a great boon to Ireland when first introduced, but the country has grown in intellect and in a thirst for knowledge since that period; but that which might be a blessing, through went of expansion, is becoming a curse."

He had on a former occasion alluded to the testimony of a Scotch clergyman who had examined into the working of the system, and who had pronounced it a failure. The objections to it were that it excluded a great many Protestants from the Board and not less than 100,000 children from the benefits of the schools. An allusion had been made by the hon. Member to the state of the Church schools in some parts of Ireland. If they were not what they ought to be, it was owing to their not receiving that share of the public grant for education to which they were entitled. A few days ago one of these schools had been examined by the Lord Lieutenant, and his Excellency had expressed himself highly gratified with the proficiency of the scholars. He thought the hon. Member for Newport (Mr. Buxton) was fully justified in bringing the question under their consideration. The importance of religious education for the young had been admitted by some of the most eminent men of this country. Lord Brougham, in the House of Commons, thirty-eight years ago, said :—

"A religious education is most essential to the welfare of every individual: to the rich it is all but everything; to the poor, it may be said, without a figure, to be everything. It is to them that the Christian religion is especially preached; it is their special patrimony; and if the Legislature does not secure for them a religious education it does not, in my opinion, half execute its duty to its fellow-creatures."

He wished to allow Roman Catholics the utmost liberty in the teaching of their religion, but he claimed the same liberty for Protestants, and was anxious to guard against carrying this system to an extent that would lead, not to National union, but to National infidelity. At the fifty-third annual meeting of the British and Foreign School Society, Lord John Russell, as chairman, said :—

"This Society has been established more than half a century, and has seen no reason to alter or to modify its original basis. On the contrary, I think, flux of time has only confirmed those who are carrying on the business of the society and those who contribute to it in the belief that the original basis was the sound one and the best calculated for the education of the people of this country. When I say the 'original basis,' I may use the words employed in one of the resolutions which will be moved, 'the Scriptural and comprehensive basis of the society.' If we had not taught the Scriptures we should have thought we were falling short of what was necessary; if we had gone beyond the Scriptures, and taught the formularies of any denomination, we should have thought we were going beyond what we ought to have taught. I believe that you will find that this basis having been thus acted upon, there is no need that we should reconsider or make any change in it whatever."

He was not one that would seek to proselytize or to give offence to his Roman Catholic brethren. On the contrary he wished the Roman Catholics to have the fullest opportunities for carrying out their own system of education. He did not desire to put an end to the National system of education which he thought had worked well for those who had confidence in it. He could not understand why the Roman Catholic and the Protestant inspectors should not reciprocally assist each other. Let the Government put their pen across everything that excluded religion from the system of education. Let those, too, who differed from them have their secular schools as they desired. But above all things, let those who thought that the Bible ought to be the foundation of every system of education have full opportunities to carry out their views, and let it not be said that on account of their attachment to the Bible they ought to be discouraged.

MR. LABOUCHERE was once connected with Ireland by official ties, and he should always be connected with it by the tie of friendship and affection. He thought, therefore, he could not better show his good will than by striving to maintain inviolate the system of National education —which in his conscience he believed to have conferred the most inestimable blessings upon the country. He regarded it as being of the greatest advantage to Ireland, and some atonement for the injury which had been inflicted upon her. In the darkest times of Ireland's history it was the ray of hope to which her wisest and best patriots looked with confidence; and he was sure that if she was wise she would cling to it with the utmost pertinacity as the best security for her future progress. There were at the present moment no less than 600,000 children enjoying the advantages of that system which, in his opinion,

was as sound and good an one as that under the operation of which the poorer classes in this country were educated. In speaking of it thus, his observations must be regarded as applying to it not only as a scheme of secular but of religious education, and he confessed he was not a little surprised to hear it said by the hon. Gentleman who had just addressed the House, that there was some danger of its tending to introduce principles of infidelity into Ireland. For his own part, he entertained no such apprehension. Infidelity was a weed which could not grow upon Irish soil. Some hon. Members had said that they cared not, provided their object was attained, whether it was on the separate system, or on the present mixed system. He confessed that he cared very much. It was not a matter of indifference to him. They could not halt between the two systems; they must either maintain the present system in all its essential parts, or they must resort to the English system, which was a separate one. They had this inestimable advantage; in every parish in Ireland they had now a school open to all, taught by well-trained instructors, who dared not to introduce any sectarian elements in the course of their tuition. On the other hand, if two sets of schools were established throughout Ireland, Roman Catholics would be opposed to Protestants, and the result would be that the schools would be used as a means of proselytism. Those who argued from England as to the way in which the system would work argued from incorrect premises. He looked forward with interest to the statement of the Government; and he trusted that they would maintain unimpaired the present system of national education in Ireland. Allusion had been made in the course of the debate to Mr. Macdonald. He (Mr. Labouchere) believed that to this gentleman more than any other man, the country was indebted for the satisfactory working of this system. He regretted that, perhaps inadvertently, the hon. Gentleman had mentioned his name without perhaps the amount of respect it deserved. He hoped the Committee would hear from Her Majesty's Government their views upon this question, and though some doubts had been expressed as to the principle of National education in Ireland as now conducted, the Committee would be true to itself, and true to the cause of Irish education, and would never allow the principle to be called in question.

Mr. Labouchere

Mr. WALPOLE: Sir, allusion having been made to the opinions of the Government upon this question, I have no hesitation in rising to express my views in relation thereto. I must frankly state to the right hon. Gentleman (Mr. Labouchere), and to the Committee, that if I entertained the slightest doubt in my own mind as to the application of this Vote, for which the Government has asked in order to support the National system of education in Ireland, I should have immediately risen after the Vote had been proposed, and have stated my opinions. You may depend upon it, when the Government propose a Vote for a special object they intend to act upon it in the sense in which the Vote is actually proposed to the House. I have, Sir, no hesitation whatever in stating, whatever opinions I may have expressed on this subject before, and I am sure that the right hon. Gentleman will do me the justice of saying that I am acting consistently with those opinions which I have so expressed—I have no hesitation in saying that I would never do anything, so far as I am concerned, to destroy or to disturb the principle of the National system of education in Ireland. Sir, since the appeal has been made to me, I think I should frankly reiterate the opinions which I have always entertained upon this subject—namely, that in carrying into execution and in devolping that system, I always have believed—and, indeed, I hope, that on some day or another I shall see my wish carried into effect — that while giving a portion of your grant raised by the public taxation of the country to the National Schools in Ireland, from one end of the island to the other, you shall not, or should not, while consistently maintaining that system, exclude any portion of the people from a participation in it. When I had the honour of bringing forward a proposition on this subject, while sitting on the opposite benches, I beg to remind the Committee that that proposition was couched in language very identical with the language used to-night by the learned Serjeant. When I then moved that such an extension or modification should be made in that system as would extend to vested as well as non-vested schools belonging to the Church, I qualified that proposal with two distinct conditions. The one was that the parental authority should not be interfered with in the teaching of the children. I can assure the Committee, while expressing a hope that a plan may

yet be devised by which those who do not at present participate in the grant may for the future be enabled to participate in it, I for one will never be a party to propose any such modification of the system which would in the slightest degree interfere with the rights of conscience or parental influence. Now, having given that assurance, frankly, freely, and honestly, I trust I shall not be blamed if I add to what I have said, my desire is that the operation of the grant should be extended to those who do not at present participate in the advantages of it. I am sure that the House with the liberality it has always displayed, would support me if I should be able to make such a proposition. With reference to the debate of this evening the attacks upon the National system—no, I will not call it an attack—but the observations which have been made against the National system have come from two distinct quarters. Now I cannot but express my opinion that the objections made to it ought rather to have been brought before the House in the shape of distinct propositions, instead of being mixed up with a vote upon a money grant, in reference to which all parties here seem to agree in opinion as to the propriety of continuing this national system. The hon. Member for Dungarvan (Mr. Maguire) made some remarks as to the management of the Commission in Ireland, which I consider to be well worthy of our attention. If it should be found there is anything in the management of the system as it relates to Dublin, which is open to a reasonable objection, I am sure my noble Friend beside me (Lord Naas) and the Lord Lieutenant of Ireland will be ready to receive any suggestions which may be made on the subject in order that any abuses existing in the system may be remedied. With regard to the observations made by the hon. Member for Newport (Mr. Buxton), I must say that I concur with him in a great part of what he had said. I will not now prosecute this discussion any further. I have frankly stated my opinions upon the subject, and I hope that the Committee will give me credit for having acted fairly and candidly in respect to it. I will only repeat that nothing will induce me to take any steps which can in the least degree destroy or disturb the National system of education in Ireland. But I hope, consistently with the maintenance of that system, I may be able to carry into execution those opinions which I entertain, such opinions as have been distinctly expressed by Earl Granville, in his place in the House of Lords, namely, to extend the advantages of the grant to those who do not at present participate in it, that in future they may be able to educate their children as well as others educate their children; in fact, that the blessings of education may be extended, without distinction of sect or class, from one end of Ireland to the other; and that this long-vexed and agitated question may be no longer a source of inquietude, but, on the contrary, that it may give the most complete satisfaction to the whole community.

Lord JOHN BROWNE said, that no person was more opposed than he was to the introduction into those schools of anything that might be offensive to the religious feelings of any class of the people of Ireland. He was not aware that the hon. Member for Dungarvan had intended to refer to the Ballindine Industrial Schools, or he should have been prepared to refute all the statements he had made. He could state, however, that the school was founded by a benevolent lady, Mrs. Ridley, during the Irish famine. For this school the amount of the grant she received from the Commissioners was £8 a year. She very much regretted that the book to which allusion had been made was ever made use of in the school; but it was ascertained by a gentleman, who had made the fullest inquiry, on the testimony of the teacher, Miss M'Dermott, that the offensive passages contained in that book had never been read in the school. He would only say, that during the eleven years those schools had been in existence there had been no case of proselytism; and the Roman Catholic priest who had attended those schools had found no fault with their management.

Mr. H. A. HERBERT said, he fully concurred with the right hon. Gentleman the Home Secretary, that the present was not the best time to discuss at length this important question. If the question were raised it ought to be upon a distinct Motion, and not upon a vote to which nobody had an objection; and if he was to understand from the observations of the right hon. Gentleman, that although he had an idea that modifications might be beneficially introduced into the system, yet the Government had no intention to make such modifications without first submitting their plans to the consideration of Parliament—[Mr. Walpole assented.] Then the speech

of the right hon. Gentleman was perfectly satisfactory. The hon. Member for Dublin University (Mr. Lefroy) had repeated a statement which had been often contradicted, but which he should contradict again, as it was the point on which most misrepresentation existed, and which gave rise to a number of petitions from persons, the greater portion of whom it was evident, knew nothing about the matter. The hon. Gentleman had asked the Committee whether they meant to continue to sanction a system of education from which it was imperative to exclude the very view of the Scriptures. Now he (Mr. Herbert) found himself somewhat in a dilemma, because from the character of the hon. Gentleman he believed he was utterly incapable of stating that which he did not conceive to be strictly true. But whilst believing that, he was driven to the conclusion that the hon. Gentleman had not studied the question even so much as to have read the rules which regulated the system. For he could show that so far the view of the Scriptures being excluded from the schools under this system, there was nothing to prevent any landowner or proprietor in Ireland from setting up a Scripture school and teaching the Scriptures in that school, and that he was only prevented from compelling the children of parents who objected to it from reading the Scriptures. [Mr. LEFROY: I distinctly stated during school hours.] That was to say, that a person was not allowed to keep children there for the purpose of forcing them in opposition to their parents' wishes to read the Scriptures. If the hon. Gentleman would turn to page 4 of the rules, he would find that opportunities were to be afforded, as thereafter provided, for the children of all National Schools receiving such religious education as their parents or guardians approved of; that the religious instruction must be so arranged that such schools must be open to the children of all communions; that due regard should be had to parental rights and authority; and that accordingly no child should be compelled to receive or to be present at any religious instruction of which his parents or guardians disapproved; and that the time of giving it should be so fixed that no child should be excluded from the other educational advantages which the schools afforded. Then came the regulation which had been so much complained of—that a public notification of the times for religious instruction should be inserted in large letters in the time-table supplied by the Commissioners who recommended that as far as might be practicable the general nature of such religious instruction should be stated therein. And rule No. 10 provided for the reading of the Scriptures, either in the authorized or Douay version, the teaching of the catechism, and public prayer and religious education; and that the parents or guardians of the children might require that they should receive such instruction in the schools. The hon. Gentleman also had quoted some authority to show the system was a failure; the best proof to the contrary was, that 600,000 children were now attending, and he could speak from his own knowledge of the vast benefit they had conferred, and the improvement they had produced in the people. He was willing to confess that he (Mr. Herbert) remembered the time when he himself looked upon the system with suspicion, being ignorant of the intentions of those who had established it: but the more he had seen of it, the more he was convinced that it would be most dangerous for a single stone in the edifice to be touched; and he warned right hon. Gentlemen opposite how they ventured to propose modifications, however plausible at first sight they appeared to be, for the consequences might be such as were least contemplated by those who were loudest in calling for a change.

MR. P. O'BRIEN said, as a Roman Catholic, he would make a few observations. He regarded the present system as one of the most important advancements made in that country, and he could not hear that there was a disposition to remove or modify that system without raising his humble voice against it. He must therefore protest against the statements made by the hon. Member opposite (Mr. Lefroy) with regard to the effects of the national system of education. When he recollected what the peasantry of Ireland were formerly, and what they were now, he could not understand how any one could stand up and say that that system had failed. There was nothing to prevent a complete and thorough scriptural education being given in the National Schools. He thought, however, that the reading of the Scriptures ought not to be forced upon those who objected to it. He was in favour of continuing a system of education which did not interfere with religious opinions, leaving the children to receive religious instruction from the clergymen and ministers of the

persuasion to which they belonged. But what hon. Gentlemen opposite desired was, that a scriptural education, according to their own views, should be forced on children whose parents did not wish an education of that kind for them. He Hoped the House would not interfere with a system which had been productive of great good to Ireland.

MR. WHITESIDE said, that what his right hon. Friend (Mr. Herbert) had stated was quite correct; that no change should be made in the present system without its being fully and fairly discussed in Parliament, but he could not admit that he had fairly represented the objections of the Protestant clergy to the national system. With regard to the objections which were put forward by the clergy of the Established Church in Ireland, he would take the case of his own parish. If any one entered the school attached to the parish church of Enniskillen, he would see on the walls of that school a number of short quotations from Scripture, and when the school had assembled in the morning a portion of Scripture was read. Now that was the practice adopted in every Church school in Ireland. That school was attached to the parish church, and it was supplementary to those schools that the National Schools were originally established. What then was the practical effect of the rules to which the right hon. Gentleman (Mr. Herbert) had adverted? Take a church school in which there were a hundred children. The doors were thrown open, and every child of every religious denomination in the parish might enter if he pleased, it being well known to the whole parish that a portion of Scripture was read every morning in the school. But suppose the school received assistance from the National Board, and that of the hundred children ninety-nine were Protestant and one a Roman Catholic, that one Roman Catholic child, being so directed, might forbid the reading of the Scripture on the assembling of the school, and so control the entire practice of the school in reference to the ninety-nine Protestant children. That was the practical result—[" No, no," from Irish Members.] He said " Yes." That one child, under the operation of the rule, objecting to the reading of a particular book, that book could not be read. What was the evidence given by Mr. Crosse upon this point before the Committee of the House of Lords? He was asked, " were those books (the books which had been approved of by the Archbishop of Dublin) used by the patrons, and were they understood as capable of being used when those patrons put their schools under the Board?" and Mr. Crosse answered, " Yes." He was then asked, " Was it in your opinion just to withdraw these several books at the bidding of the child, contrary to the understanding which had been entered into with the patron?" In reply, he said, " I have no doubt of the fact that a considerable number of the patrons have put their schools, whether vested or non-vested, under the Board, upon the express understanding that the Scripture lessons, sacred poetry, and lessons on the truth of Christianity were to be used in the schools." He further said, " The patrons of such schools might very naturally and justly consider that by the withdrawal of such books, or any one of them, their compact with the Board was broken." His right hon. Friend must not say, therefore, that there was not a fair case to be submitted to Parliament. In his opinion there was a case, and a very fair case, to be submitted to Parliament; and he could assure his right hon. Friend, from his own knowledge, that whilst the Church of the Reformation existed in Ireland the clergy of that Church would claim the right to read in their schools each day a portion of that book which they believed to be the foundation of their religion.

MR. LEFROY said, he had been guilty of no misrepresentation in saying that the Scriptures were not allowed to be read in schools.

MR. HORSMAN said, that no doubt the statement of the hon. and learned Attorney General for Ireland (Mr. Whiteside) was correct—that there were certain religious books as to the use of which in the schools objections had been made, and that those books had been withdrawn. In the secular instruction given in these schools there was a large mixture of religious instruction. And it became a question whether in the books used during the hours of secular instruction there was not a good deal of controversial matter. And when it appeared doubtful whether some of these books did not contain matter offensive to the parents of some of the children, they were withdrawn; but merely for the period devoted to secular instruction. On the other hand, so far from the Scriptures being excluded, his right hon. Friend (Mr. H. Herbert) had been at pains to show that the patrons and Friends of these schools might insist upon the Scriptures being

taught in them. It was also true that in the Church Schools a portion of the Scriptures was invariably read. The children might get very good secular instruction in these schools, but when the religious instruction commenced the children had not the right to go away. This was the whole question raised between the National Board and the Church Education Society. It was, however, too important a question to be discussed in a Committee of Supply. He was glad to hear that the Government would assent to no modifications of the present system which would interfere with the rights of conscience and parental authority. But then, in that case, they would make no concession to the Church Education Society, because they professed to bow to obligations higher than the rights of conscience and parental authority, and they made it a condition that a child who accepted their secular instruction should also accept their religious instruction. The question was whether Parliament would impose a compulsory reading of the Scriptures upon children whose parents objected to it. Some misapprehensions on the subject at issue had been widely circulated and generally credited, but he hoped it would be understood that, so far from an exclusion of the Scriptures being made a condition, great pains had been taken to encourage the patrons of the schools in allowing the Scriptures to be read at reasonable hours, the only limitation being the 15th rule, which declared that patrons, managers, and teachers should not induce children to attend religious instruction contrary to the wishes of their parents. They had been told that the denominational system which existed in England would be preferred in Ireland. But the fact was that while in Ireland, with a population of six millions, there were 600,000 children in the National Schools and 100,000 in those of the Church Education Society, there were only about the same number of children at school in England, which had a population of 20,000,000. That appeared to show that the great experiment which had been tried in Ireland under circumstances of great difficulty had succeeded. It was impossible to have a more general system, and, although the National system of education in Ireland had been opposed by the extremes of both parties, he trusted that the Government would strengthen the hands of the great middle and moderate party, and uphold a system which had drawn upon itself the hostility only of persons of extreme views.

MR. CHICHESTER FORTESCUE said, he was glad to hear that the House was to be consulted before any change was made in the present system, as he felt convinced that no such change as that proposed by the hon. Member for Newport and the right hon. Gentleman opposite (Mr. Walpole), two years ago, could be introduced with safety to the integrity of the National system. That system had worked extremely well. The question was, not whether the Scriptures were to be used, for it was quite clear the patrons and managers had the right of insisting on their being read during the hours set apart for separate religious instruction, but whether the reading of the Scriptures was to be forced on children against their wishes and the wishes of their parents, the principle being that of neutrality as to religion, and protection to the faith of the minority. The instance had been put of 100 scholars of whom one was a Roman Catholic, but in that instance the school would and ought to be essentially Protestant. No man in Ireland could say that he could not teach his own religion to his children, but the supposed grievance of such of the members of the Established Church in Ireland as were hostile to the National system of education was that they could not compel all the children who attended National Schools to receive Protestant instruction. Could it be supposed that the Presbyterians of the north of Ireland—the followers of John Knox—were less ardent advocates of the Bible than the members of the Established Church? And yet the Presbyterians were not opposed to the National system. Why? Because they were not actuated by the same desire as the members of the Established Church to proselytize Roman Catholic children. A destruction of the National system would be nothing less than a destruction of the means of improving the condition of Ireland; and, reversing the words of the hon. Member for the University of Dublin, he would say that if they interfered with that system in the manner suggested by its enemies they would turn a blessing into a curse.

MR. GROGAN said, the hon. Gentleman (Mr. C. Fortescue) had failed to answer the argument put by the Attorney General for Ireland. In England the Roman Catholics were in a great minority, and yet they received separate grants for

the instruction of their children. Why were the protestants of Ireland to be deprived of a similar advantage? The much-vaunted National system, after a trial of twenty-five years, had been condemned by parties on both sides of the House. Protestant members had complained that it deprived Protestants of the advantage to which they were entitled, and the hon. Member for Dungarvan had attacked the National Board quite as severely as any of the opponents of the National system.

MR. W. WILLIAMS said, he observed a very large amount in the Vote for agricultural education in Ireland. That education would no doubt greatly benefit the landlords, and they should be made to pay for it. There were grants for fifty-two agricultural schools. He hoped that in the Vote for the ensuing year these grants would disappear.

Vote *agreed to;* as were also the following:—

(3.) £680, Office of Commissioners of Education (Ireland).

(4.) £3,654, University of London.

(5.) £7,510, Scottish Universities.

(6.) £2,323, Queen's University (Ireland).

MR. COLLINS said, that the allowances to Professors and Examiners in this University were extravagant, when compared with the number of pupils. The University had not answered the purposes for which it was established, and he hoped that some reason would be given by the Secretary for Ireland why such exorbitant charges were allowed to appear in the Vote.

LORD NAAS said, the matters referred to by the hon. Member were under the consideration of the Commissioners, and he hoped to be able soon to lay their Report on the table.

Vote *agreed to.*

(7.) £4,800, Queen's Colleges (Ireland).

LORD DUNKELLIN said, a certain sum was paid to gentlemen at the head of the Colleges, but there was considerable complaint that they were non-resident. Another point to which he wished to allude was that of paying by regular salaries solely.

LORD NAAS said, he had no doubt that the attention of the Commissioners would be directed to this matter. He would cause inquiry to be made into the matter.

Vote *agreed to;* as was also

(8.) £500, Royal Irish Academy.

(9.) Motion made and Question proposed,

"That a sum, not exceeding £300, be granted to Her Majesty, towards defraying the expense of the Royal Hibernian Academy, to the 31st day of March, 1859."

LORD HADDO said, he must object to that part of the Vote which went to provide living models for the use of the students. It was well known that artists did not consider they derived much advantage from living models, unless they were females and perfectly nude. This mode of study was attended with many evils. From want of due caution many persons who ought not to be admitted were allowed to enter the room where the living figure was, and a bad effect was produced on the minds of the humbler classes, who found it difficult to connect such exhibitions with high art. It was not desirable that Parliament should be mixed up with studies like these; for he had observed that among the lower orders there was an impression that such studies were connected with the dissolute pleasures of the rich, and that they had the full sanction of Parliament. Mr. Norman M'Leod, who had been appointed to inquire into the manner in which this grant was applied, disapproved the system, though he was not prepared to say that it had not been advantageous to art. This mode of study might be of advantage to art, but what what was of more importance than art was the interests of morality, and he most decidedly objected to a system which had a most demoralizing effect on the humbler classes of society. He was astonished that the grant should be proposed after the Report of Mr. Norman M'Leod, and he would now move that the Vote be reduced to £280.

LORD NAAS said, there had been an inquiry into the working of the present system, and many improvements had been suggested, which would be carried out in due time. There was reason to believe that many defects in this class of institutions would speedily be done away with, and he might state that the Irish Government would take care to see that the recommendations made in the Report which they had received were as far as possible carried into effect. As to the use of living models, he believed they were considered necessary in every school of art, both at home and abroad. At the same time considerable

discretion was necessary in the management of such studies, and he could assure the noble Lord that if any of the evils which he had alluded to continued to exist care would be taken to have them remedied.

MR. CONINGHAM said, it was quite indispensable to students of art that they should have opportunities of studying from the nude, and to deprive them of these would be to take away from them one of the principal advantages which they gained from attendance in the academy.

MR. KINNAIRD said, his hon. Friend, (Mr. Coningham), who was a great patron of art, had, no doubt, studied in this form, and he (Mr. Kinnaird) would not object to the system provided it was done at the expense of those who practised it. If a man wished to study art in this way there was no law to prevent him indulging in it, as his hon. Friend no doubt had done, but he protested against the money of the people being spent in such a manner. What they called the improvement of art he would call the degradation of one and the demoralization of many, and he thought they were much indebted to the noble Lord for having brought the subject forward.

MR. CONINGHAM said, he did not defend the abuses of the system; but he held that the use of living models was necessary to the perfection of art. Those employed were professional models and were respectable people, and it should be considered that their services were entirely voluntary. If the question, however, came to be one of State grants for the promotion of art, he must say that on principle he was entirely opposed to such grants.

MR. VANCE said, that live models were necessary, and they were not made use of to any great extent. He should therefore oppose any reduction in the Vote. There had been unfortunately some dispute between the authorities, but a Commission on the subject had been issued, and he trusted that in future there would be no difficulty. He might add that it was in this metropolis, where living models were made use of, to a much larger extent than everywhere else, that objection should be first made to votes of this kind.

MR. SPOONER said, this was not the way in which the public money ought to be expended, and if the noble Lord (Lord Haddo) went to a division he should vote with him.

Motion made and Question put,—

Mr. Coningham

"That the item of £100, for Life Schools, Models, and Visitors, be reduced by the sum of £20."

The Committee *divided*:—Ayes 24; Noes 128: Majority 104.

Vote *agreed to.*

(10.) Motion made and Question proposed,—

"That a sum, not exceeding £2,500, be granted to Her Majesty, to pay the Salaries of the Theological Professors and the incidental expenses of the General Assembly's College at Belfast, and retired allowances to Professors of the Belfast Academical Institution, to the 31st day of March, 1859."

MR. W. WILLIAMS moved that the Chairman should report progress.

THE CHANCELLOR OF THE EXCHEQUER said, that this was the last of the series of Irish Votes, and therefore he hoped that the Committee would agree to it before reporting progress.

MR. WILLIAMS supported the Motion. The House had been engaged twelve hours that day in voting Supply.

MR. BARROW said, the Vote was one which would give rise to considerable discussion, and it was undesirable to press it at so late an hour.

MR. B. OSBORNE said, the Irish Assizes would commence on the 15th instant, and that would cause the absence of Irish Members.

MR. COGAN asked, if any other Irish business would be taken after this?

THE CHANCELLOR OF THE EXCHEQUER said, that any orders which were unopposed would be proceeded with.

Whereupon Motion made, and Question, "That the Chairman do report these Resolutions to the House," put, and *negatived.*

Original Question again proposed.

MR. CROSSLEY moved that the Vote should be reduced by the sum of £2,050.

MR. BAXTER said, that having last week taken the sense of the House against voting money to theological professors in Scotland, he was quite consistent in supporting the Amendment of the hon. Member for Halifax, which would reduce the amount of this vote to the sum required for retiring allowances.

THE SOLICITOR GENERAL said, he was ready to admit the consistency of the hon. Member for Montrose (Mr. Baxter) but he would remind the Committee that the Vote was founded upon an arrangement which was come to when Sir R. Peel founded the Queen's Colleges and suppressed the academical institution at Bel-

fast, which had enjoyed a grant of £3,900 and in which the Presbyterians had previously educated the young men intended to enter the ministry of their Church. Under these circumstances he trusted Parliament would not now interfere with the definitive arrangement which had been entered into with the General Assembly.

MR. PEASE observed that he did not see how they could vote money for a purpose so entirely contrary to the original intention.

MR. BLACK said, he had voted against all grants for theological purposes; and if the House would get rid of them entirely it would be a great saving of time. If the object was to teach divinity, he would ask were they to teach Presbyterianism, Unitarianism, or the Roman Catholic religion? He should like to know of what religion they were.

Motion made and Question put,—

"That a sum, not exceeding £450, be granted to Her Majesty, to pay the salaries of the Theological Professors, and the incidental expenses of the General Assembly's College at Belfast, and retired allowances to Professors of the Belfast Academical Institution, to the 31st day of March, 1859."

The Committee *divided*:—Ayes 34: Noes 122: Majority 88.

Vote *agreed to*.

House resumed.

Resolutions to be reported on *Monday* next, at twelve o'clock. Committee to sit again on *Monday* at twelve o'clock.

GOVERNMENT OF INDIA BILL.

BILL WITHDRAWN.

Order for second reading read.

VISCOUNT PALMERSTON, on rising to move that the order for the second reading of this Bill be discharged said, he quite agreed with what had fallen from the Chancellor of the Exchequer on a former evening, that the course of this measure through Parliament was an instance of the way in which upon great questions party feelings and party differences were made to yield to the wishes of the nation. The late Government, after mature consideration, had proposed to Parliament a measure of great importance, to transfer the government of India from the East India Company to the Crown. That measure when first proposed met with resistance from the leading members of the then Opposition and now of Her Majesty's Government. When the change of Government took place the present Administration, not insisting upon the opinions which they had formerly entertained, yielded to a sense of public duty, and handsomely and creditably adopted the measure which their predecessors had proposed. They had certainly proposed certain alterations in its machinery, and those alterations had been modified from time to time, and the Bill which had now passed that House with the exception of that portion relating to the Council, contained many clauses which were word for word the same as in the measure he now asked leave to withdraw, and many which, if not literally copied from it, were still substantially the same. He might say that this great measure for transferring the Government of India from the Company to the Crown was a legacy of the late Government. Their executors had somewhat altered the details of the Bill, but he still hoped the bequest would be conducive to the order and tranquillity of the Indian empire.

Order *discharged*.

Bill *withdrawn*.

CORNWALL SUBMARINE MINES.

LEAVE.

THE CHANCELLOR OF THE EXCHEQUER said, he rose to ask leave to introduce a Bill to declare and define the respective rights of Her Majesty, and of His Royal Highness the Prince of Wales and Duke of Cornwall, to the mines and minerals in or under land lying below high-water mark, within and adjacent to the county of Cornwall, and for other purposes. The object of it was simply to give effect to the judgment pronounced by Sir John Patteson on the subject.

Motion made,—

"That leave be given to bring in a Bill to declare and define the respective rights of Her Majesty, and of His Royal Highness the Prince of Wales and Duke of Cornwall, to the Mines and Minerals in or under land lying below high-water mark, within and adjacent to the county of Cornwall, and for other purposes."

[Queen's *Consent*, and on behalf of the Prince of Wales, as Duke of Cornwall, signified.]

MR. A. SMITH opposed the Motion, and proposed an Amendment that leave should be given that day three months.

THE SOLICITOR GENERAL said, the question was simply one between the Crown and the Duchy of Cornwall, upon which Sir John Patteson pronounced his award, and this measure was only to give effect to that award.

MR. SPEAKER stated, that the form

in which the Amendment was made was not correct; the Motion must be met by a direct negative.

MR. A. SMITH said, he would move that the House do now adjourn.

MR. SPEAKER said, that Motion was too late. The only question he could put was, that leave be given to bring in the Bill.

Question put.

The House *divided:*—Ayes 35; Noes 6: Majority 29.

Bill *ordered* to be brought in by Mr. CHANCELLOR of the EXCHEQUER, Mr. SOLICITOR GENERAL, and Mr. WHITMORE.

THE CHANCELLOR OF THE EXCHEQUER having brought up the Bill, moved that it be read a first time.

Motion made and Question put, "That the said Bill be now read the first time."

Notice taken, that Forty Members were not present; House counted; and Forty Members not being present,

House adjourned at half after One o'clock, till Monday next.

HOUSE OF LORDS.

Monday, July 12, 1858.

MINUTES.] PUBLIC BILLS.—1ª Sale and Transfer of Land (Ireland); Copyhold Acts Amendment; Medical Practitioners.

3ª Joint Stock Companies Acts Amendment; Jews; Churches, &c., (Ireland).

ROYAL ASSENT.—Chief Justice of Bombay; County Management; Commissioners for Exhibition, 1851; Railways Act (Ireland) Continuance; Portendic and Albreda Convention.

OATHS BILL.

LORDS' REASONS CONSIDERED.

Order of the Day for taking into consideration the Report of the Committee appointed to prepare Reasons to be offered to the Commons for the Lords insisting on their Amendments to which the Commons disagree, read.

OATHS BILL.

REPORT OF REASONS CONSIDERED.

On Order of the day for considering the Report of Reasons to be offered to the Commons for the Lords insisting on their Amendments,

THE EARL OF DERBY said, he had an Amendment to propose on these Reasons; but as he understood that the noble Earl the late President of the Council wished to make some general observations on the Reasons as they stood, he thought the better course would be to postpone his Amendment until the noble Earl had addressed their Lordships.

EARL GRANVILLE said, he had some difficulty in understanding the intentions of Her Majsety's Government in this matter. In considering these Reasons it was impossible to put out of sight the course to be taken by their Lordships with regard to the Bill of the noble and gallant Earl opposite (the Earl of Lucan) which was to come on at a later period of the evening. He had ventured to say at the time that he did not think the proposal of the noble and gallant Earl to be the best way of settling the question. He thought it would have been better if, when the noble Earl (the Earl of Derby) had made up his mind to settle the question of the admission of the Jews, he had taken the opportunity of settling it upon the second reading of the Oaths Bill, or when another opportunity presented itself by the House of Commons disagreeing to their Lordships' Amendments. At the same time, considering the speech of the noble and learned Lord on the woolsack, and the speeches of several independent supporters of the Government, it was impossible not to feel that the noble Earl was placed in great difficulty both in and out of the Cabinet, and that those who desired the admission of the Jews ought not to be hypercritical as to the mode in which that great object was attained. Although he did not think the Bill of the noble and gallant Earl (Earl of Lucan) was the best mode of closing the question, it would no doubt attain the practical object which the friends of the admission of the Jews desired. He had cordially supported it, and both in and out of Parliament had attempted to smooth the difficulties to the passing of the Bill. The Bill had now almost passed through all its stages in their Lordships' House, and except as to one point it closely resembled the Bill of the noble and learned Lord (Lord Lyndhurst). He could not put it out of the question when asked to agree to certain Reasons for previous disagreement with the House of Commons on the Oaths Bill. Although he did not think the first three Reasons either strong or conclusive, and he disagreed as to one fact which was there stated, he deemed the others either offensive to the House of Commons or insulting to those who were now to be admitted into Parliament, and at the same time inconsistent with the course which

their Lordships were determined to take. The fourth and fifth Reasons were:—

"4. Because in the Prayers with which both Houses daily commence their proceedings they implore in Christ's name the Divine assistance and guidance in all their undertakings, professing themselves His unworthy servants; and this act of worship will become a mockery when among those who are therein declared to be gathered together in His name are numbered some who deny Him through whose merits alone those prayers can be acceptable.

"5. Because when the Commons plead in support of their views, in a matter which equally concerns the constitution of both branches of the Legislature, their repeated recognition of the expediency of removing this disability of the Jews, and admitting them to their Councils, the Lords desire to refer to their equally firm adherence to the principle of retaining those privileges which they believe to be peculiarly and inseparably attached to Parliament as an exclusively Christian assembly."

He could not conceive reasons more inconsistent after they had adopted a mode which they were perfectly certain would lead to the admission of the Jews to the other House of Parliament. He knew it was said that Her Majesty's Government intended to omit these two Reasons and to insert some other instead. He thought the House had a right to inquire why, having announced a settlement of the question upon a principle which their Lordships had adopted, the Government were to hold to Reasons elaborately and ingeniously constructed to make their conduct appear perfectly ridiculous in the sight of everybody. The sixth Reason was in these terms,—

THE EARL OF DERBY: The sixth will be omitted.

EARL GRANVILLE was glad to hear that the sixth was to be omitted. The Reason which was to be substituted for the fourth was not very judicious. The noble Earl proposed to their Lordships to adopt these words:—

"4. Because without imputing any disloyalty or disaffection to Her Majesty's subjects of the Jewish persuasion, the Lords consider that the denial and rejection of that Saviour in whose name each House of Parliament daily offers up its collective prayers for the Divine blessing on its counsels constitutes a moral unfitness to take part in the legislation of a professedly Christian community."

His (Earl Granville's) objection applied equally to that Amendment. The only ground upon which it could be supported was that the Bill of the noble and gallant Earl (the Earl of Lucan) was a permissive Bill, and it might be possible by these Reasons to influence the House of Commons not to avail themselves of that permission. It seemed too childish, however dressed up it might be, for any noble Lord to press such an argument upon their Lordships. Would anybody rise up in his place and state that he was not aware the House of Commons had the fullest intention to admit Baron Rothschild if they could do so? Did not every one know that some of the members of Her Majesty's Government were supposed to feel themselves in considerable difficulty because their opinions were more or less favourable to passing such a Resolution as would admit him without an Act of Parliament legalizing it? Did any one really imagine that these very flimsy Reasons, although based on such very high and very sacred ground, were likely to influence the House of Commons in not taking a course which the noble and gallant Earl's Bill would render perfectly easy for them to take? He knew it was no use appealing to Her Majesty's Government. He felt that they would naturally wish to conciliate on so important a point, that large mass of their supporters who still continued to oppose the claims of the Jews. But he could not think that their supporters could be conciliated, when the thing itself was entirely given up, by a few words of this nature, which were offensive to the House of Commons, and he must say insulting to that class of persons to whom they gave, by a legislative act, the right of sitting in Parliament. It was not proposed to prevent the coming in of as large a number of Jews as the constituencies of the kingdom might choose to elect; but, while admitting them, they were to be indelibly branded as different from other Members. It was a sign of weakness, as if it were against their wish and will that they made any concession at all. He could not understand that course. If the House were compelled by a large mob at their doors, or the fear of immediate insurrection, to take some course which they did not approve, he could understand at the same time their protesting against it. But the pressure in this case was of a purely moral character—a wish to settle a difference which unhappily existed between this and the other House of Parliament. Were their Lordships so anxious to have the last word that they must say what was uncourteous to the House of Commons? And was it quite clear that the House of Commons would allow them to have the last word? Might not the House of Commons retort upon them, that, as to their Reasons, the House

of Commons would not advert to them, because the Reasons were against a course which their Lordships had themselves adopted. He really ventured to appeal, not to Her Majesty's Government, but to noble Lords who had consistently and conscientiously opposed the admission of the Jews, not only as statesmen but as men of business, whether, when a majority of that House had determined to make the concession, it should not be made in a frank spirit, and not in a manner which would entirely mar the whole effect of that concession—namely, by giving up the whole substance of that which they wished to retain, and at the same time giving Reasons why they should not pursue the course which they had determined to follow. The noble Earl might well have been content if, instead of giving these argumentative Reasons, he had asked their Lordships to adopt Resolutions of an historical character, stating that, although their Lordships could not agree to admit persons of the Jewish persuasion to seats in the Legislature in the mode proposed by the Bill of the other House, yet that their Lordships had taken measures to settle the question. This would be a much more dignified course for their Lordships to adopt, and would be a much more satisfactory mode of settling this long-disputed question.

THE EARL OF DERBY said, the noble Earl found fault with the Government for not having adopted their present course at an earlier period; but it must be remembered that the proposition of his noble and gallant Friend (the Earl of Lucan) was entirely of a novel character, and took the House by surprise; and it was universally agreed that it would be more convenient to reserve his proposal for consideration in a separate Bill. When it was said their Lordships ought to postpone their Reasons until they had an opportunity of making the whole arrangement he begged to remind their Lordships that, in deference to the wishes of the noble Lords opposite, he had postponed the consideration of these Reasons until there was no possibility that they would interfere with the consideration of the Bill of his noble and gallant Friend. The noble Earl (Earl Granville) had argued as if their Lordships had altered their opinion on this question. That was so far from being the case, that when the proposal of his noble and gallant Friend was first under the consideration of their Lordships he stated that he and those who had agreed with him on this question had not changed their opinions as to the advisability and expediency of admitting the Jews; but that the Bill had been introduced as a measure of conciliation, for the purpose of settling a long-standing difference between the two Houses of Parliament. It was perfectly consistent with the opinions which their Lordships had always expressed to give a permissive authority to the other House to admit the Jews; but they still retained, and were bound to express, the Reasons why they could not depart from the opinions which they had always held as to the expediency of the course which the other House desired to adopt. If their Lordships had really changed their opinions, and were satisfied of the propriety and expediency of admitting the Jews into the House of Commons, their proper course would have been not to sanction the introduction of the Bill of his noble and gallant Friend, but frankly to have adopted the Bill that came up from the other House. But, as that was not the case—as the majority of their Lordships retained their objections — it was competent to state those objections and to offer Reasons in answer to those given by the other House in objecting to their Lordships' Amendments. He had the misfortune to differ from the noble Earl (Earl Granville) on many points, but he must do him the justice to say, that in bringing forward arguments in support of his views he had never seen any offensiveness or want of due courtesy on the part of the noble Earl, and he trusted that the same might be said with regard to any observations he might have made in answer to the noble Earl. So, in regard to the two Houses, it was perfectly consistent, and with perfect respect and courtesy, that when the other House sent up Reasons for objecting to their Amendments their Lordships should state in return their Reasons why they considered it desirable to insist upon those objections, so far as the Bill of the other House was concerned. The Reasons were so framed as to be a direct answer to those assigned by the Commons for disagreeing to their Amendments, and would meet each separately. In the first of these Reasons the House of Commons stated that they objected to the retention of the words "On the true faith of a Christian," on the ground that they were not introduced to exclude persons of the Jewish persuasion. In answer to that Reason their Lordships proposed to say that—

Earl Granville

"Although the words 'on the true faith of a Christian' were originally introduced into the oath for the immediate purpose of binding certain Roman Catholics, it is unreasonable to assume that the Parliament which so introduced them did not intend that the profession of Christianity should be a necessary qualification for admission to the Legislature when they enacted that a declaration of that faith should form part of the oath required to be taken by every Member of both Houses."

And, further, that—

"The constant intention of the Legislature may be further inferred from the fact that neither at the time of the introduction of these words were they admissible, nor have they at any subsequent period been admitted to sit and vote in either House of Parliament."

In their second Reason the House of Commons said that the exclusion of British subjects from seats in Parliament was contrary to the maxims of liberty of conscience, and savoured of persecution. In answer to this their Lordships replied, that—

"Exclusion from seats in Parliament and offices of the State on the ground of religious opinion, and for other reasons when the general good of the State appears to require it, is a principle recognised in the settlement of the succession to the Crown and in other cases; and has, moreover, been further and recently sanctioned by the House of Commons in some of the provisions of the present Bill."

The House of Commons next alleged that no charge of disloyalty could be alleged against the Jews as a reason why they should not have a fair share of Legislative power; to which their Lordships replied that, without imputing disloyalty or disaffection to the Jews, yet in the minds of the House of Lords the denial and rejection of the Saviour constituted a moral unfitness to take part in Legislation for a Christian country. The House of Commons then alleged that on ten previous occasions they had agreed to votes in favour of admitting the Jews; to which their Lordships replied that as a co-ordinate branch of the Legislature upon a matter affecting both Houses of Parliament they might oppose their consistent opinion that the Jews ought not to be admitted. The sixth Reason he proposed to omit; but with this exception he saw no reason why they should not adopt the Reasons framed by their Lordships. These Reasons afforded no ground for the charge of discourtesy towards the other House. Their Lordships only repeated that they retained their own views; but in deference to the views of the House of Commons, while they claimed their own rights in their own House, they gave to the other House by this Bill a right which they did not now possess, of exercising their own authority in admitting persons of the Jewish persuasion within the walls of the House of Commons. There was nothing inconsistent in this course. He was quite aware that the majority of the House of Commons would certainly adopt a Resolution to admit Baron Rothschild. Their Lordships would still entertain an opinion that the other House would act injudiciously in adopting that Resolution; but while they left the other House to take that course which they might think fit, the House of Commons would still have the option of rescinding that Resolution, and returning to the present state of the law at a future time if a demonstration of opinion on the part of the country should lead them to think they had made an unwise and injudicious decision in admitting the Jews. With regard to the fourth Reason, he confessed he was unable to prevail on himself to adopt the opinion of the presence of a few persons who denied that Being in whose name they offered up their sincere and conscientious prayers, would render that act of worship a mockery. He would therefore propose another Reason in lieu of the fourth, declaring that the rejection of the Saviour, in whose name the Legisture daily offered up its prayers for the Divine blessing, constituted in their opinion a moral unfitness to take part in the Legislature of a Christian community, and this, with the omission of the sixth Reason, he hoped would receive the sanction of their Lordships.

THE MARQUESS OF LANSDOWNE said, he had been a uniform supporter of every measure introduced into their Lordships' House that had for its object the admission of the Jews to Parliament. He had done so from a deep conviction that there was no divine precept which directed that unbelievers should be subjected, on account of their unbelief, to civil incapacities. Had such a precept been laid down by the Divine Author of our religion nothing could have induced him to vote for the removal of those prohibitions by which unbelievers were excluded from the Legislature; and he would add that if they were of Divine authority the Jews ought not to have been admitted to the many offices of trust and dignity which they were now permitted to hold. But he did not believe that the Divine Saviour and Author of our religion prohibited their holding such offices, or

their admission to the Legislature, and therefore these measures had received his uniform support. He felt himself called upon to consider the question of the admission of the Jews as one entirely of expediency. He would not inquire into the causes which had prevailed with Her Majesty's Ministers to change in some respects their views upon this question; but they had arrived at the conclusion that it was expedient to relax the law and to admit Jews by the authority of their Lordships' House into the other House of Parliament; for the noble Earl overlooked the question when he said they left it to the other House to determine whether Jews should be admitted or not. If they had left the other House of Parliament to determine that question it would have done so long ago; but they all knew that the House of Commons would not move upon it without the direct sanction and authority of their Lordships' House. He had always opposed the extremely rash opinion entertained by some Members of the other House of Parliament; that it was possible for the House of Commons to admit Jews without the authority which their Lordships were now about to give them. The Jews had long besieged the Legislature. The siege had lasted longer than that of Troy, but now the moment had come when Her Majesty's Government thought it expedient to hang out a flag of truce, and open to them a way by which they might be admitted to a part in the legislation of the country. Various modes of settling this question had been put forward, and he was disposed to give the noble Lord opposite full credit for the plan he had proposed, and which promised to be so far successful. But he must say the course now proposed to be taken was one of the most singular that could be taken. Their Lordships had a Bill on their table that was meant to pave the way for admitting Jews into Parliament, and at the present moment they were asked to give their sanction to reasons why they should not be admitted. He had never known a state of things in which the advice of Lord Mansfield to the colonial Judge was more applicable—"Always give your decisions, but take care and never give your reasons." They were asked to declare that the Jews might be admitted to legislate in the other House, and they were also called on to adopt reasons which said they were morally unfit to legislate. Future generations would find great difficulty in understanding the grounds on which this question had been settled. Future Macaulays and Stanhopes, in endeavouring to discover how this question was dealt with, would be beset with singular difficulties, for they would find on the records of their Lordships' House, in the same paper, and on the same day, a declaration that Jews were morally unfit to legislate and a Bill which would open the way for their admission to legislate in the other House of Parliament. He thought nothing would be more grossly inconsistent than for the Journals of their Lordships' House on the same day to contain a declaration that Jews were morally unfit to sit in Parliament, and, nevertheless, to show that their Lordships had taken the initiative and passed a Bill admitting the very class of persons whom they so solemnly declared to be disqualified to share in the business of legislation.

THE EARL OF MALMESBURY said, that for no less than fifteen years he had conscientiously and invariably voted against the admission of Jews to Parliament; and he reminded the House that when on a recent occasion he addressed their Lordships on this subject, and admitted that the time had come when some compromise must be made with the view to a settlement of this long-vexed question, he guarded himself by stating that he had not in one tittle altered his opinions on the admission of Jews to Parliament, and that to himself personally that compromise was a subject of great regret. He was anxious that no mistake whatever, now or hereafter, should attach to the Government with respect to their opinions and views on this question, and that it should be known that if a concession had been made, it had been made to a political necessity and not from moral conviction. It was necessary that a reply should be given to the Reasons of the House of Commons, and, according to precedent, that reply had been drawn up by a Committee appointed for the purpose. The Reasons so drawn up in reply were those of a majority of their Lordships' House—not of a minority. Without meaning any disrespect to noble Lords opposite who had addressed their Lordships, he must say he thought it an unusual course, as far as his memory went, that the minority should be discussing and objecting to Reasons which were drawn up by a Committee instructed by a majority of their Lordships' House.

THE EARL OF CARLISLE said, he naturally felt great satisfaction that the noble

The Marquess of Lansdowne

Earl at the head of Her Majesty's Government had sanctioned, or rather made probable, the success of a cause which he (the Earl of Carlisle) himself had espoused eagerly and consistently since it was first mooted in Parliament. He greatly rejoiced at the virtual success and triumph of that cause of which he had been so long a supporter. The noble Earl who had just spoken had taken a technical objection to a minority, which had done its best to give effect to its views, afterwards objecting to Reasons which had been drawn up by a Committee instructed by a majority of the House. It should not be forgotten that, since this measure was first introduced, the majority had rather shifted sides. He cordially rejoiced in the approaching success of a cause which the friends around him had so long advocated; but he certainly wished that it could have been accompanied with a more appropriate act in its present stage; for he thought that, at the same time that they were opening the door for the admission of Jews into Parliament, they proclaimed that they thought the Jews morally unfit for the duties to which they were inviting them. That he regarded as most inconsistent and discreditable on the part of their Lordships.

THE EARL OF HARDWICKE said, that as one of those whom the noble Marquess had accused of tergiversation on this question, he wished to make one or two observations upon it. He concurred in the Reasons now on the table, but did not think he was guilty of any inconsisteney in, at at the same time, agreeing to the Bill of his noble and gallant Friend. He confessed that he had gladly embraced the opportunity of effecting a compromise on a question which had been the cause of strife for fifteen years. The compromise would not debar their resisting the admission of Jews into that House, and he should be ready to oppose in the same way as he had always opposed their admission into their Lordships' House. The Reasons seemed to him to be sound Reasons, and, therefore, he was disposed to agree to them.

LORD STANLEY OF ALDERLEY thought the motive must be very strong indeed that had influenced the noble Lords opposite in taking their present course on this question. They said that there was a moral unfitness in a Jew to be a Member of the Legislature, and yet they gave their assent to a Bill admitting him to the other House of Parliament. He left them to say whether they thought that moral unfitness only applied to the House of Lords, and not to the House of Commons. That was not the course which Sir Robert Peel and the Duke of Wellington took on the question of Catholic emancipation, for when they saw the necessity of abandoning opposition to Catholic emancipation they admitted that their opinions had been changed by circumstances, and frankly said that they would offer no further opposition. When they made up their minds to make concessions they made them largely, fully, and graciously. But the noble Earl at the head of the Goverment while he made concessions retained his opinions. He made his concession grudgingly and ungraciously. What would have been said of Sir Robert Peel if, when granting Catholic emancipation, he had said, "Mr. O'Connell may sit in the House of Commons, but he may not sit in the House of Lords?" And yet that would have been the sort of course which the noble Earl would have taken on that question. He would have said, "We shall pass a Resolution to prevent any Roman Catholic Peer from sitting in this House." He (Lord Stanley of Alderley) thought that the course now recommended to their Lordships by the noble Earl was perfectly discreditable and hypocritical.

THE EARL of DERBY reminded the noble Lord that the Roman Catholic Relief Bill contained a retrospective clause to prevent Mr. Daniel O'Connell from taking his seat.

THE DUKE OF NEWCASTLE had listened to the speech of the noble Lord (Lord Stanley of Alderley) with considerable regret, because during the whole discussion there had been an absence of any acrimonious feeling, or of any reproach towards the noble Earl (the Earl of Derby) for the course which he had taken on the question. He was prepared, whenever he saw anything that deserved reproach on the part of the Government, to join with others against them; but he felt that in this matter great allowance was to be made for the course which the Government had thought fit to take. He believed that in taking that course the Government had been actuated by no other than the most patriotic motives. He could easily conceive the amount of opposition which had been brought to bear on the noble Earl and against the proposed concession, and though he admitted that the noble Earl

had, in the concession made, done great and good service, he confessed that it was one he did not anticipate from the noble Earl so long as he remained at the head of the Government. With regard to what had been said as to Sir Robert Peel—a man whom he had not only admired, but loved—his character and the course which he had pursued had been amply justified by the gratitude of the country. As to the question before them, he thought the better course would have been to allow the Bill originally introduced to drop, and to send down, as they would send down, the Bill of the noble and gallant Earl opposite. Had it been possible to introduce a new Bill this Session to amend the oaths, he should have counselled such a course; but rather than pass the Bill in its present crude shape, he would recommend that it be dropped, and a new measure brought in next Session.

Report *considered.*

Then it was severally moved to agree to the First, Second, and Third Reasons;

Objected to; and

On Question, *Resolved* in the *Affirmative.*

Then it was moved to agree to Reason 4.

THE EARL OF DERBY moved an Amendment—

"To leave out from ('Because') to the end of the Reason, and insert ('without imputing any Disloyalty or Disaffection to Her Majesty's Subjects of the Jewish Persuasion, the Lords consider that the Denial and Rejection of that Saviour in whose Name each House of Parliament daily offers up its collective Prayers for the Divine Blessing on its Counsels, constitutes a moral Unfitness to take Part in the Legislation of a professedly Christian community.'"

Objected to.

On Question whether to agree to the and Reason as amended?

Their Lordships *divided*:—Contents 50; Not-Contents 42: Majority 8.

Resolved in the *Affirmative.*

CONTENTS.

Chelmsford, L. (*L. Chancellor.*)
Manchester, D.
Bath, M. [*Teller.*]
Exeter, M.
Salisbury, M.
Amherst, E.
Bathurst, E.
Beauchamp, E.
Cadogan, E.
Carnarvon, E.
Chesterfield, E.
De La Warr, E.
Derby, E.
Graham, E. (*D. of Montrose.*)
Hardwicke, E.
Harrington, E.
Lanesborough, E.
Leven and Melville, E.
Lucan, E.
Malmesbury, E.
Pomfret, E.
Powis, E.
Romney, E.
Shrewsbury and Talbot, E.
Stradbroke, E.
Verulam, E.
Clancarty, V. (*E. Clancarty.*)
Combermere, V.
De Vesci, V.
Dungannon, V.
Hardinge, V.
Melville, V.
Chichester, Bp.
Lichfield, Bp.
Ripon, Bp.
Brodrick, L. (*V. Midleton.*)
Calthorpe, L.
Churchill, L.
Colchester, L.
Crofton, L.
De Ros, L.
Dinevor, L.
Downes, L.
Lovel and Holland, L. (*E. Egmont.*)
Ravensworth, L.
Redesdale, L. [*Teller.*]
Southampton, L.
Stewart of Garlies, L. (*E. Galloway.*)
Wynford, L.

NOT-CONTENTS.

Cleveland, D.
Newcastle, D.
Somerset, D.
Lansdowne, M.
Abingdon, E.
Carlisle, E.
Clarendon, E.
Ducie, E.
Durham, E.
Essex, E.
Fortescue, E.
Granville, E.
Saint Germans, E.
Wicklow, E.
Eversley, V.
Stratford de Redcliffe, V.
Sydney, V.
Bath and Wells, Bp.
Hereford, Bp.
Ashburton, L.
Audley, L.
Belper, L.
Camoys, L.
Carew, L.
Chesham, L.
Clandeboye, L. (*L. Dufferin & Clayneboye.*)
Congleton, L.
Cranworth, L.
De Mauley, L.
De Tabley, L.
Foley, L. [*Teller.*]
Hamilton, L. (*L. Belhaven and Stenton.*)
Ker, L. (*M. Lothian,*)
Lyndhurst, L.
Monteagle of Brandon, L.
Mostyn, L.
Portman, L.
Rivers, L.
Somerhill, L. (*M. Clanricarde.*)
Stanley of Alderley, L.
Wodehouse, L.
Wycombe, L. (*E. Shelburne.*)

Reason 5 *agreed to.* Reason 6 *disagreed to.*

And Bill returned to the Commons with the said Reasons as amended.

LORDS' REASONS *for insisting on their Amendments to the* OATHS BILL.

The Lords insist on their Amendments to leave out Clauses Five and Eight, to which the Commons disagree, for the following Reasons:—

1st. Because, although the Words "on the true Faith of a Christian" were originally introduced into the Oath for the immediate Purpose of binding certain Roman Catholics, it is unreasonable to assume that the Parliament which so introduced them did not intend that the Profession of Christianity should be a necessary Qualification for Admission to the Legislature, when they enacted that a Declaration of that Faith should form Part of the Oath required to be taken by every Member of both Houses.

2nd. Because the constant Intention of the Legislature may be further inferred from the Fact that neither at the Time of the Introduction of these Words were the Jews admissible nor have they at any subsequent Period been admitted to it and vote in either House of Parliament.

The Duke of Newcastle

3rd. Because Exclusion from Seats in Parliament and Offices of the State on the Ground of Religious Opinion, and for other Reasons when the general Good of the State appears to require it, is a Principle recognized in the Settlement of the Succession to the Crown, and in other Cases; and has, moreover, been further and recently sanctioned by the House of Commons in some of the Provisions of the present Bill.

4th. Because, without imputing any Disloyalty or Disaffection to Her Majesty's Subjects of the Jewish Persuasion, the Lords consider that the Denial and Rejection of that Saviour, in whose Name each House of Parliament daily offers up its collective Prayers for the Divine Blessing on its Councils, constitutes a moral unfitness to take part in the Legislation of a professedly Christian Community.

5th. Because when the Commons plead in support of their Views, in a Matter which equally concerns the Constitution of both Branches of the Legislature, their repeated Recognition of the Expediency of Removing this Disability of the Jews, and admitting them to their Councils, the Lords desire to refer to their equally firm Adherence to the Principle of retaining those Privileges which they believe to be peculiarly and inseparably attached to Parliament as an exclusively Christian Assembly.

JEWS BILL.—THIRD READING.

Order of the Day for the Third Reading read.

Moved, that the Bill be now read 3ª.

THE EARL OF GALLOWAY said, he had always opposed the admission of the Jews into Parliament, and had not seen reason to change his opinion. He had voted for the Reasons against their admission which the House had lately agreed to, and he was no party to any compromise. He had the strongest convictions on this question, but having on former occasions expressed those convictions to the House, he did not wish at the present time to reopen the question. But there was one thing he must notice; several of those noble Lords who were now in favour of the compromise said they were so not on religious grounds—their religious objections they retained as strong as ever—but that they agreed to the compromise for reasons of expediency. Now, he was unable to see that there was any expediency in the matter. He did not mean to dispute but that on some occasions it might be proper to defer to the power of the House of Commons on certain subjects; but not upon this; and for the reason that, as he contended, the feeling of the country had never been fairly tested on the question. If, indeed, that question had ever been fairly put, and if the country had decided that it would sanction the principle of admitting the Jews to Parliament, he did not say whether then it might not be his duty under certain circumstances to defer to their opinion; but that course never had been taken, and, therefore, he for one must say "not content" to this Bill. He would preserve his own consistency by moving that the Bill be read a third time that day six months.

Amendment *moved*, to leave out ("now") and insert ("this Day Six Months.")

VISCOUNT DUNGANNON also stated that his opinion on this subject was wholly unchanged. Like his noble Friend he did not see any reason for resorting to that much hacknied phrase expediency; for with his noble Friend he believed that if the appeal were fairly made to the country, popular opinion would be found to be decidedly against the admission of the Jews on any terms into the Legislature. He did not know what course his noble Friend meant to take as to dividing the House, but if he did he would divide with him, for he felt that having supported the reasons which their Lordships had lately agreed to, he should be guilty of a gross inconsistency if he were now to vote for the Bill of his noble and gallant Friend (the Earl of Lucan). He still held the opinion which he had all along maintained, that the moment they admitted into the legislature men who repudiated the divinity of the Redeemer of mankind, the prayers which they offered up in the name of that Mediator would be little more than a mockery. He, for one, could look upon the matter in no other light, though he was quite aware that in doing so he had the misfortune to differ from many noble Lords of much greater authority and ability than he could lay claim to. But he was acting upon what he believed to be his duty, and therefore he must adhere to his opinion if he were to go out alone against the Bill.

LORD COLCHESTER suggested that the noble Lords had better not divide, but be content with entering their dissents, as the state of the House showed that a division was not expected. If, however, he did so he should feel it his duty to divide with him.

On Question, that ("now") stand part of the Motion? their Lordships *divided*:—Contents 33; Not-Contents 12: Majority 21.

Resolved in the *Affirmative*;

Bill read 3ª accordingly.

CONTENTS.

Newcastle, D.	Eversley, V.
Somerset, D.	Hardinge, V.
	Hutchinson, V. (*E. Donoughmore.*)
Lansdowne, M.	Sydney, V.
Salisbury, M.	
Bathurst, E.	Audley, L.
Carnarvon, E.	Belper, L.
Chichester, E.	Chesham, L.
Clarendon, E.	Cranworth, L.
Derby, E.	Crofton, L.
Essex, E.	De Mauley, L.
Granville, E.	Foley, L. [*Teller*].
Hardwicke, E.	Lyndhurst, L.
Lucan, E. [*Teller.*]	Monteagle of Brandon, L.
Malmesbury, E.	Mostyn, L.
Powis, E.	Rivers, L.
St. Germans, E.	Stanley of Alderley
Verulam, E.	

NOT-CONTENTS.

Exeter, M.	Churchill, L.
	Colchester, L. [*Teller.*]
Cadogan, E.	Redesdale, L.
Harrington, E.	Southampton, L.
Romney, E.	Stewart of Garlies, L. (*E. Galloway*)
Clancarty, V. (*E. Clancarty.*)	Wynford, L.
Dungannon, V. [*Teller.*]	

Lord REDESDALE rose to propose two Amendments, after Clause 1, to insert the following clauses:—

"No such Resolution shall be moved in either House of Parliament unless due Notice shall have been given thereof according to any Standing Order which such House shall have agreed to in regard to such Notice; and only one Motion touching such Resolution, nor whether agreeing to or rescinding the same, shall be made in any Session of Parliament."

"If any Member of either House of Parliament shall after the passing of this Act attend or take part in the Proceedings of any Committee of such House until he shall have taken the above-mentioned Oath in the Form and Manner required or permitted by Law, he shall be subject to the same Penalties to which he would be subject for sitting and voting in such House without having taken the said Oath."

Earl GRANVILLE said, their Lordships might make any Standing Orders they pleased for their own House; but he objected to these Amendments, for they seemed to dictate to the House of Commons what their Standing Orders should be.

Lord REDESDALE said, there was no dictation to one House more than to the other. The noble Earl seemed to forget that this Bill applied to the admission of Jews in either House, and in these times it was by no means impossible that an attempt might be made to introduce a Jewish Member into their Lordships' House.

Lord LYNDHURST said, that if the second Amendment were agreed to and the House of Commons did not pass any Resolution this Session, the condition of the Jews would be worse than it was now.

The Earl of DERBY said, he hoped his noble Friend would not press these Resolutions, which really did practically affect the House of Commons only. If Her Majesty were ever advised to create a member of the Jewish persuasion a Peer, and his noble Friend should think that the House was likely to be taken by surprise, he could then call the attention of their Lordships to the matter. As to due notice in the other House, he believed that any amount of notice would only increase the majority by which the Resolution would be passed. The first Resolution was practically an interference with the Standing Orders of the House of Commons, and the second Resolution was, in his view, more objectionable than the first.

Amendments *withdrawn*.

The Earl of HARRINGTON: My Lords, I move that no Member of the House of Commons, having made a loan to a foreign State, after he has been elected, shall be allowed to sit in Parliament until he shall be re-elected; as the interests of such loan contractor, may be opposed to his duties as legislator. That no Member of Parliament, of the Jewish persuasion, shall be allowed to vote on any question connected with the interests of the Established Church, or of any Christian sect. My Lords, having patiently listened to all the arguments for and against this measure, I have risen at the eleventh hour, to oppose the admission of Jews into our Christian Parliament. I am sorry, indeed, to oppose a Bill for which the noble and learned (Lord Lyndhurst) takes so deep, so lasting an interest, for in common with the people of this country, I do admire, I do honour that noble Lord—as orator, judge, statesman, and patriot. Neither, my Lords, would I trespass on your kind attention, but that I take a somewhat different view of this question from any which has hitherto been taken. I must premise by stating, that I entertain no feeling of dislike, no vulgar prejudice against the Jews; on the contrary, I respect them as I do all others of my fellow-subjects. I admire them for their generous, their charitable, I had almost said, their Christian feelings; and I feel for them on account of the persecutions to which in former times they have been subjected, and which even in

the present enlightened age, under some bad Governments, they are still subjected. With respect to the hon. Gentleman who has been so frequently returned for the City of London, I have always understood that he is a most amiable, generous, hospitable, loyal man—well versed in figures, and thoroughly conversant with the "haute commerce." Just such a man in all these respects, as should represent the City of London. But, my Lords, this is but faint praise compared to that bestowed on that gentleman by a noble Lord, who is the hereditary friend of civil and religious liberty. That illustrious statesman, addressing his constituents, said—"I consider the introduction of the Baron Rothschild into the House of Commons, as the embodiment of civil and religious liberty." What, my Lords! are we then come to this—in this old chartered land of freedom, that the introduction of an opulent and virtuous Jew into our Christian Parliament, is to be considered "as the embodiment of civil and religious liberty?" If such be really the case, must it not be painful to that noble Lord, to reflect, that the good Baron should have been doomed for so long a period of time to sit brooding in the House of Commons, in anticipation of the births from his prolific adamite ribs of those bouncing, chopping Jew babes, civil and religious liberty? Let us hope, my Lords, if this blessed nativity ever should take place, that the noble Lord, who in consequence of this great act of statesmanship, would probably occupy the place now adorned by the Earl of Derby, will reward the good Baron, not as of old with a chaplet of laurel, of myrtles, or of roses, but with a crown that never dies, the cap of liberty, or, a seat in the Cabinet of our gracious Sovereign, "the defender of the faith."

My Lords, I do oppose this Jew Bill for the same substantive reasons that the noble Lords opposite support it—namely, as a friend of civil and religious liberty. For where indeed did religious liberty ever permanently prevail, where civil liberty was not? I do oppose the admission of Jews into our Parliament. First of all, on the general ground, as being contrary to the spirit of the institutions, the laws, the constitution, and religion of our country. But, my Lords, this is such a hacknied theme, such a beaten road, and has been so trodden down by the great wits and statesmen, that I will not dwell on it.

My next reason for opposing the admission of Jews into our Parliament is, that they are the great money-lenders—the great loan contractors of the world. It may be said that they do lend to all alike, that they are mere free-traders in money. Yes; it matters not to them whether they lend their money to support a good or a bad cause; to support liberty or despotism; to further the great ends of their own country, or to lend their money to a nation directly opposed to it. Hence it follows, that the despotic nations of the world, now unfortunately in the ascendant, are enabled to keep up large standing armies in times of peace, and to make other nations, and to make England do so likewise, because they do well know, that when the occasion requires it, either to put down the rising spirit of reform in their own countries, or to act against other states, they can call on these loan contractors for the sinews of war. The consequence is, that the nations of the world are groaning under heavy systems of taxation, and of national debts. My Lords, I am not one of those happy Utopians who have such pleasant dreams. Who dream that wars can be altogether avoided. That would be contrary to our experience, reason, and knowledge of the springs of action. Nay, more, if this end could be accomplished, it would be the greatest evil that could befall mankind, and for this plain reason—that it would lead to one universal sweeping system of despotism, "for he who would be free himself must strike the blow," and that which applies to individuals, still more strongly applies to nations. It may be said, why persecute the many on account of the misdeeds of the few? Why persecute the whole Jewish race, some 30,000 in this country, on account of certain loan contractors, who have lent, or may lend, their money to despots—who make use of this Jew wealth to destroy the liberties of Poland, Germany, Hungary, Italy, or other nations? Why, for the reasons just stated, and because "the many" are the great contributors—not only here, but in every other country to these loans, and but for their contributions, these loans would with difficulty be carried out. Besides, these *millionaires*, these loan contractors, are the very men who would stand on your public hustings and make their impassioned, their sweet orations in favour of public liberty—whereas, they have ever been the greatest enemies to freedom. Why, I would ask, and for what have they been ennobled? Is it, or is it not, for having lent their gold to despots?

My Lords, these loan contractors are the

pets, the Poloniuses of arbitrary Courts. Yes, but the constituencies are not Jews—they would not elect these loan contractors. My Lords, I would not trust them. I do well remember that some few years back, it was in 1853, not less than sixty constituencies were accused of corruption, and as many election committees sat for months investigating these matters, and by their investigations pointing out certain remedies for the future. Above thirty of these constituencies were found guilty. Would you then again open the flood gates of corruption? My Lords, I contend that a loan contractor, be he Christain or be he Jew, who would lend his money to support despotism, would not deserve the proud honour of a seat in the House of Commons. For example, one who at the present moment would lend his money to the Czar of Russia—who would make use of that money to create railroads over his vast empire—partly for commercial, but principally for military purposes, rapidly to convey his highly disciplined and valiant legions to Constantinople, or to the shores of the Mediterranean—there, in time, to establish the same preponderance at sea which he actually possesses on the land at this time, as compared with any one substantive nation of Europe. My Lords, we cannot be unmindful that in the Crimean war, the Czar was opposed by four substantive nations—that they gained great victories—subdued Sebastopol—caused the destruction of thousands of Russians—drowned their fleet—and last of all, and most to be deplored—preserved the integrity of that prostrate empire. My Lords, I would rather see a good Mahomedan, or Hindoo, sitting in the House of Commons, than I would a Jew loan contractor. In point of fact, would it not be far more natural, more just, that 180,000,000 of British subjects should have a representative in the House of Commons, to point out how the tax screw pauperises and tortures—aye, not only mentally but physically tortures the people of India—and does away with the otherwise beneficent character of your rule, than that a few Jews should have their representatives there? Why there never was a few men in any great State who possessed such a mighty influence as these Jews do here at this moment. Have they not a considerable body of this House voting for them? Have they not a majority in the House of Commons? Add to this a portion of the Press—the most powerful political engine that ever existed, all supporting them. [Hear!] Yes, but there is a power still stronger than all these combined, and that power is the moral and religious people of this country, who, however seemingly apathetic, are decidedly opposed to the admission of Jews into Parliament. My Lords, I have endeavoured to prove that the Jews are the great loan contractors of the world; that they lend their money chiefly to despots; that these despots make successful use of this money to destroy liberty; that they entail heavy taxes and national debts on a suffering world, and, consequently, do not deserve to have their power increased.

The oath then "on the true faith of a Christian" should be continued. For the constitution of this country, as I understand it, rests mainly on Freedom and Christianity. These are the elements of her greatness and her power, and the Bill before the House is opposed to both the one and the other.

Moved, at the end of the Bill to add the following clauses:—

"That no Member of the House of Commons, having made a Loan to a Foreign State after he has been elected, shall be allowed to sit in Parliament until he shall be re-elected, as the Interests of such Loan Contractor may be opposed to his Duties as Legislator."

"That no Member of Parliament of the Jewish Persuasion shall be allowed to vote on any Question connected with the Interests of the Established Church or of any Christian Sect."

THE EARL OF DERBY thought the noble Earl would see at once that his Amendments did not agree with the title of the Bill; and with regard to negotiating loans, they could not put Jews on a different footing to Christians. The first clause of the Amendment would deprive the House of Commons of some of the most important privileges which it possessed; and as to the second part of the Amendment, he would remind the noble Earl that at the time of passing the Catholic Emancipation Act the subject was fully discussed, and it was considered that if they admitted a man to be a Member at all he should possess all the rights and privileges which the House possessed. He hoped, therefore, the noble Earl would not press his Amendment.

THE EARL OF HARRINGTON, in reply, said, he anticipated and regretted this result. He, however, ventured to remind the noble Earl (the Earl of Derby), and the House, that during the last Crimean war, large sums of money were sent by Jews and others from this country to Holland, as contributions to a Russian loan. An Act was consequently passed, making it a misdemeanour for any British subject to sub-

scribe to a loan raised by the enemy. Could, then, the loan contractor, the head and front of the offending party, he deemed a proper subject to sit in Parliament?

THE EARL OF GALLOWAY said, as this would be the last opportunity he should have, as Member of a Christian Legislature, to express himself upon this subject, he wished to state one reason in addition to those already advanced against this Bill. He would not advert to the religious part of the subject nor to that of its expediency, but he felt conscientiously and foresaw that the time might not be far distant when a profligate Prime Minister of this country might receive a large bribe for recommending the creation of a Jewish peer. It might be said upon the other hand that the House would have the power of rejecting such a peer; but it was by a very small majority indeed that the Jews had been excluded from the House, and when he recalled to mind how many peers might be added to that House in a few years, he could picture the creation of a number of peers, sufficient to vote for the admission of Jews, the Minister for the time being recommending it, so that the House might be inundated with admissions of that description.

Bill *passed*, and sent to the Commons.

"*Dissentient*,—

"1st. Because this House has twice in the present Session affirmed the principle that no one ought to be admitted to sit and vote in Parliament without first declaring his faith in Christ.

"2nd. Because the Reasons which this House has sent to the Commons for insisting on their Amendments to 'The Oaths Bill' appear to me sound and unanswerable, and I accept them as the Protest of the House against the abandonment of that principle.

"3rd. Because this Bill permits either House to abandon that principle at pleasure.

"4th. Because, as neither House of Parliament acknowledges any control over its proceedings but that which long usage has established, it is dangerous to depart in any way from the ancient Rule which requires that the alteration of any existing law or statute shall be made by Bill passing through known and regulated stages, and requiring the joint assent of both Houses; and this Bill, which permits each House singly to determine for itself by Resolution, revocable at pleasure, a question which both Houses have for several years debated legislatively without coming to agreement thereon, is framed on a principle contrary to the recognized practice of Parliament, and establishes a precedent which may hereafter be productive of evil consequences.

"REDESDALE.
"ROMNEY.
"For the Fourth Reason. DENMAN.
"For the First, Second, and Third Reasons - - } J. LICHFIELD. R. RIPON.
"STEWART OF GARLIES.
"For the First, Second, and Third Reasons - - } WINFORD.
"BROOKE & WARWICK."

House adjourned at a quarter-past Eight o'Clock, till To-morrow, half-past Ten o'Clock.

HOUSE OF COMMONS,

Monday, July 12, 1858.

MINUTES.] NEW MEMBER SWORN—for Cornwall (Western Division), John Saint Aubyn, Esq.
NEW WRIT—for Stamford, *v.* John Inglis, Esq., Lord Justice Clerk in Scotland.
PUBLIC BILLS.—1° Law of False Pretences Amendment; County Court Districts; Church Rates Commutation; Sheep, &c., Contagious Diseases Prevention; Ecclesiastical Jurisdiction Continuance; Charitable Trusts Acts Continuance; Turnpike Trusts Arrangements; Copyhold and Inclosure Commissions, &c.; Indemnity; Sale of Poisons, &c.; Ecclesiastical Commission; Army Service; Inclosure of Lands.
2° Railway Cheap Trains, &c.

SUPPLY—REPORT.

MR. FITZROY brought up the Report on Committee of Supply.

(1.) £73,730, Department of Science and Art.

SIR DENHAM NORREYS said, he thought that the time was come for considering whether the Vote might not be reduced in the next Session of Parliament. He was also of opinion that much better arrangements might be made to render the British Museum an institution of greater interest and advantage to the public generally, especially that portion of it that was connected with works of science and art.

Resolution *agreed to*.

On the Motion that the House should go into Committee of Supply,

CIVIL SERVICE ESTIMATES—QUESTION.

MR. WISE said, that before Mr. Speaker left the Chair he wished to put a question to the Secretary to the Treasury. In the Estimates before the House there appeared an item of £19,296 for the repair and restoration of the British Embassy House at Paris. Would the hon. Gentleman be good enough to lay on the table the documents explanatory of this extraordinary item before the Committee were called upon to discuss it? Large sums for the repair and fitting up of the Embassy House at Paris had been voted during the last few years; and in 1856 the House became so alarmed at this expenditure that it referred these Estimates to a Select Committee, when it was thought that the whole subject would

have been got rid of for years. Since the peace of 1815 no less a sum than £135,000 altogether had been spent in the purchase and repair of this Embassy House, which unfortunately was an old building when they first bought it. He had once been puzzled to conceive how so much money could have been laid out upon it; but he had since been given to understand that the sums voted by Parliament had not always been applied to the purpose for which they were intended.

MR. G. A. HAMILTON said, he was not at all surprised that the additional Vote of £19,296 about to be proposed, after the heavy expenditure already incurred for the same object, should have provoked remark from the hon. Member. He should be very happy to lay on the table the reports and correspondence on which the present Vote was founded, and he could only say that the subject had formed one of anxious consideration on the part of the Government.

MR. WILSON said, that this matter had commanded the attention of the late Government, who, after all that had taken place, were certainly surprised to receive early last winter such an account of the state of the Embassy House at Paris as the one that had been sent to them. Mr. Hunt, the surveyor of the Department of Public Works, had been sent over to Paris to inquire into the subject, and the Report ultimately made to the Treasury was that £18,000 or more would have to be expended to put the house in order. When the French architect's figures came to be tested, they amounted to a little in excess of Mr. Hunt's estimate.

COLONEL FRENCH inquired whether it was true that the previous Votes for the Embassy House had not been applied to the purpose for which Parliament had intended them?

MR. WILSON said, he had not heard of any such allegation until now.

WESTMINSTER BRIDGE—QUESTION.

MR. JACKSON said, he observed by the Estimates that the sum of £100,000 was to be voted for Westminster Bridge. He hoped that this might prove to be a final Vote, but he feared that when the bridge was finished there would be an annual Vote for its repair. However, he wished to ask whether the time had not come when the Government should take into consideration the propriety of leaving the cost of the metropolitan bridges to be defrayed exclusively by the districts which used them, instead of by the country at large?

THE CHANCELLOR OF THE EXCHEQUER said, that all the papers explanatory of the circumstances respecting Westminster Bridge had been placed upon the table in the early part of the Session.

Motion *agreed to.*

SUPPLY—CIVIL SERVICE ESTIMATES.

House in Committee; Mr. FITZROY in the Chair.

The following Votes were then *agreed to:*

(1.) £16,474, National Gallery.

(2.) £5,039, Magnetic Observations Abroad.

(3.) £500, Royal Geographical Society.

(4.) £1,000, Royal Society.

(5.) £4,050, Bermudas.

(6.) £6,878, British North American Provinces.

(7.) £3,388, Indian Department in Canada.

(8.) £24,728, West Indies and other Colonies.

(9.) £20,550, West India Colonies and Mauritius.

(10.) £10,230, Western Coast of Africa.

(11.) £7,262, Saint Helena.

(12.) £960, Heligoland.

(13.) £4,376 Falkland Islands.

MR. W. WILLIAMS said, he must complain of the constant increase of expenditure under this head.

LORD STANLEY said, that there was no actual increase of expenditure. It was necessary to maintain those islands in an efficient state, inasmuch as they afforded a most valuable harbour of refuge, on which account solely they had been occupied.

Vote *agreed to.*

(14) £6,021, Labuan.

MR. WILLIAMS complained that the Vote for this colony, the value of which was very questionable, was yearly increasing.

LORD STANLEY said, the island had been occupied for eleven years at a total expense of £50,000. Its occupation as a coal station was but an experiment; but he was bound to say that up to the present time that experiment had not proved very successful. There was not a very convenient access to the harbour, and the difficulty of obtaining coals was found to be very great. Considering, however, the great expense this country had been put to for this colony it was thought unadvisable to give it up without affording a little longer trial to this experiment. If, however, it should continue to cost much, and to give us no return, he thought that it would then become a question of serious

consideration whether the Government should not abandon that place, as regarded the objects for which it was maintained.

Vote *agreed to.*

(15.) £10,000, Hong Kong.

MR. WILSON remarked, that it was quite time that this expenditure should cease. The sum of £10,000 had been granted last year on the express ground that the war in China had entailed burdens upon the colonial treasury in connection with Imperial objects. Now, however, another Vote of £10,000 was proposed, contrary to the pledge given to Parliament, and which was intended for purely local purposes. The revenue of the colony was rapidly increasing, and he thought it should bear the burdens of the expense to which the Vote referred.

LORD STANLEY said, he did not seek to defend the application of Imperial funds for colonial purposes, but he must remind the Committee that there was nothing new in this Vote. The colony of Hong Kong had been established for purely Imperial purposes—in fact for the promotion of our political, military, and commercial relations with China. The colony, however, had never until lately been self-supporting. A heavy expenditure had been incurred upon it, and in 1856 the grant was, for one year, discontinued. An attempt had been made to bring the colonial expenditure within the revenue, and in 1857 a Vote was again obtained nominally for Imperial, but practically in aid of colonial purposes. The management of the finances of Hong Kong had not been entirely satisfactory; but the Government had rigidly examined the proposed expenditure, and had struck out every item not absolutely necessary. This Vote would not be brought forward again, and it would not have been moved even in the present instance but for the great financial embarrassment produced in the island in consequence of the war with China. The population was chiefly Chinese, and great additions had been required in the police force and in the gaol accommodation, while an unusual number of patients from all the consular ports in China had been thrown upon the Hong Kong hospitals.

MR. WILSON said, after the explanation given by the noble Lord, he would not persevere in his opposition to the Vote for this one year more. He would remark, however, that the sooner a colony became independent of the mother country with regard to finance, the better it was for the colony.

MR. W. WILLIAMS said, he had some time ago seen a statement from Sir John Bowring, that the colony would be self-supporting, and therefore he (Mr. Williams) was surprised to see this Vote. It had no doubt arisen out of the Chinese war, for which the present Government was not responsible. We had got into Canton, and what advantage was it? At the same time he must compliment the President of the Board of Control on the frank and straightforward explanations he had given.

Vote *agreed to*, as were also,

(16.) £7,914, Western Australia, and

(17.) £12,828, Emigration Board.

(18.) £11,000, (Captured negroes, &c).

MR. GILPIN said, he must express his strong conviction that our whole system of keeping up a large number of cruisers on the coasts of Africa and Cuba, which endangered our relations with foreign Powers, was a blunder from beginning to end, and would never effect the objects which we had in view. However, as an opportunity would be soon afforded of discussing the whole matter he would not further allude to it.

Vote *agreed to.*

(19.) £117,527 (Consular Establishments Abroad).

MR. WILLIAMS complained of the expense attending some of our Consular establishments. There was a Consul at Cincinnati, with a salary of £400 a year, and yet, he would venture to say, no British shipever went within 150 miles of that city.

MR. FITZGERALD said, he could inform the hon. Gentleman that the office in question had been abolished.

(20.) Motion made and Question proposed,—

"That a sum, not exceeding £20,000, be granted to Her Majesty, to complete the sum necessary for the Extraordinary Disbursements of Her Majesty's Embassies and Missions Abroad, to the 31st day of March, 1859."

MR. WISE said, that the House had determined some time ago that the sum of £180,000 a year should be paid out of the Consolidated Fund to defray the diplomatic expenditure. In addition to that, this Vote of £40,000 for extraordinary expenses was now asked for; while £45,000 more was required for special missions, to say nothing of the charge for outfits. The item of £40,000 was one that had long been steadily increasing. It had increased from £16,000 to £40,000. The corresponding item for last year, which was a very expensive year, succeeding as it did to the peace, was £30,000, and how

an additional £10,000 should now be demanded he was at a loss to conceive. If our diplomatic officers took pains to qualify themselves properly for their situations, the constantly recurring charges in these estimates for "copies of translations," and for "interpreters" would no longer appear. The items for miscellaneous and contingent expenditure under this head ought also to be discouraged; and, indeed, it would be much more satisfactory that the whole Vote for any particular service should be taken together, so that they might at once see what the expense was. He did not know whether the £1,000 included in the item of £3,784 for miscellaneous charges had anything to do with a Vote brought forward last year—that of £2,000 for the chapel at Paris; but he thought it required explanation, as also did many other items, such as £4,267 for postage, £5,990 extra couriers, and £1,229 extra copying. Our system of sending diplomatic agents to the various German Courts did not produce reciprocity. The minor German Courts did not have representatives in England. Bavaria, Frankfort, and Saxony were the only German Courts, besides Austria and Prussia, which sent Ministers to this country. The small Courts of Germany and the German people who desired unity would prefer to have a Minister from the Diet resident here. He had so often sought to reform our diplomatic system, but in vain, that he was afraid it would be useless to divide; but unless he received satisfactory explanations he should certainly wish to limit this Vote of £40,000, which was £10,000 in excess of the largest sum spent in the most expensive year at the close of the war, to £30,000.

Mr. G. A. HAMILTON said, that the chief items commented upon by the hon. Gentleman did not apply to the current year, but to the year 1856-57, for which the present Government certainly were not responsible. The ascertained expenditure under this head for last year was £37,000, and the practice was to take a Vote which, judging from the experience of the past, was likely to meet all the requirements of the coming year. His hon. Friend the Under Secretary for Foreign Affairs would, he was sure, examine this expenditure closely; and if, as he hoped, a peaceful policy was steadily maintained, no doubt means would be taken to effect considerable reductions in this and other heads of charge.

Mr. W. WILLIAMS said, he thought some explanation should be given as to the increased expenditure of £10,000.

Mr. SEYMOUR FITZGERALD said, that though the whole of this sum should be voted, the whole of it would not necessarily be spent. But in the present year circumstances had occurred, and were occurring, abroad which were likely to lead to considerable expense. The Conference of Paris would necessitate constant communication not only with this country, but also with the representatives of the foreign Courts interested in the questions at issue. There were also pending the questions of boundary between Montenegro and Turkey and the settlement of the Danubian Principalities, both of which would probably entail some outlay, which could not well be estimated beforehand. In fact, this branch of expenditure did not come within the ordinary category; and though he promised that it should be carefully and vigilantly watched, with a view to economy, by the Government, it would yet be imprudent and improper to mislead the House by omitting to provide for charges which might have to be met in the current year.

Mr. LOCKE KING said, that the House generally voted about £100,000 per annum for contingencies, and the expenses to which the Under Secretary for Foreign Affairs referred might be defrayed out of that sum.

Mr. A. SMITH remarked, that that explanation was not satisfactory, as he could not see how any heavy expense could be caused by communications with a capital so near at hand as Paris, and he should, therefore, call on the hon. Member for Stafford (Mr. Wise) to divide.

Sir DENHAM NORREYS said, the House had disallowed the £2,000 for the Paris chapel, and he understood that that money had been paid. He should be glad to know from what source? He believed that many Sessions would not pass over before the House would consider the propriety of sweeping away the whole diplomatic body.

Colonel SYKES considered the explanation of the Government unsatisfactory. He wished to know how this Vote referred to 1856-7?

Mr. G. A. HAMILTON said, the Government had framed the best Estimate of the probable expenditure of the current year at which they could arrive; and nothing could be more objectionable than to fix upon an amount lower than they could safely depend upon, and then look to the item of contingencies to make up for any

deficiency. In this way the Vote asked was £40,000 for the present year, and appended to it were some items of expenditure for the year 1856-7, which items had been referred to during the discussion.

MR. WILSON said, that the accounts for 1856-7 were the latest which the Government could possibly now have in their possession. The Estimate for the present year was only £2,500 above that of last year. Last year £37,500 was voted, and that Vote was some time ago exhausted.

SIR FRANCIS BARING said, he would ask whether this Vote included all extraordinary missions on the subject of the Danubian Principalities, or any other matter? He was at a loss to know why there should be voted £40,000 for a service the last account for which was only £30,000. It was very true that £37,500 had been voted last year, but there was no account of the expenditure of that sum.

MR. SEYMOUR FITZGERALD said, he did not suppose that it would. The expenses incurred at such a place as Naples, where, though we had no mission, we had important business to transact, had to be met out of this extraordinary expenditure. He could assure the right hon. Baronet that the sum of £37,500 voted last year had not only been all expended, but a part of this Vote was intended to supplement that of the previous year?

SIR DE LACY EVANS said, a far more important conference had been held in Paris than the present one—namely, that for the treaty of peace in 1856—and the expenses of that year were not so great as those now asked for.

MR. WISE said, that if the right hon. Baronet the Member for Portsmouth would look under the head "civil contingencies" he would find £45,000 charged there for special missions. The ordinary diplomatic expenditure paid out of the Consolidated Fund was £180,000; and then came this £40,000 more for extraordinary expenditure.

MR. ADAMS said, he hoped the late Secretary to the Treasury would give some explanation as to the application of this Vote for 1856-7.

MR. WILSON replied, that he was quite unable to comply with this request. The officers of the Foreign Office had, however, he had no doubt, used great vigilance in regard to this expenditure.

THE CHANCELLOR OF THE EXCHEQUER said, there was really no increase in the item for extraordinary expenditure this year. The Government could not give detailed accounts of all the items spent under this head last year, because they had not received this information themselves. But they had been drawn upon for this expenditure, and it amounted to about £40,000. As they had no reason to believe that there would be a decrease during the present year, they had thought they were pursuing a very proper and provident course in asking for a similar sum.

MR. CONINGHAM said, he wished to give notice that on the bringing up of the Report he would call for explanations from the Chancellor of the Exchequer relative to the Vote for the National Gallery.

MR. SEYMOUR FITZGERALD observed, that the Estimate for extraordinary diplomatic expenditure was this year really smaller in amount than the sum actually disbursed last year.

SIR FRANCIS BARING said, that was the very evil of which he complained. They were advised not to grant small Votes and trust to the civil contingencies to make up any deficiency; and yet they found that, though they granted large Votes, an excess of expenditure was not thereby avowed. He wished to see this Estimate curtailed, but thought £10,000 too large a reduction to make in it. He would, however, vote for a reduction of £5,000.

MR. G. A. HAMILTON explained, that owing to many portions of this expenditure being incurred in the remotest parts of the globe, delay in rendering the accounts to the Foreign Office and the Treasury was quite inevitable. There were in addition items for postage, extra couriers, and other things, which it was impossible to estimate accurately. He submitted that the Government could not properly ask for less than £40,000.

Motion made and Question put,—

"That a sum, not exceeding £10,000, be granted to Her Majesty, to complete the sum necessary for the Extraordinary Disbursements of Her Majesty's Embassies and Missions Abroad, to the 31st day of March, 1859."

The Committee *divided*:—Ayes 55; Noes 85: Majority 30.

Original Question again proposed.

MR. WISE said, that a great many hon. Gentlemen around him thought £10,000 too large a reduction in this Vote. But he had been pressed on all sides to move a

reduction of £5,000 and he now did so accordingly.

Motion made and Question put,—

"That a sum, not exceeding £15,000, be granted to Her Majesty, to complete the sum necessary for the Extraordinary Disbursements of Her Majesty's Embassies and Missions Abroad, to the 31st day of March, 1859."

The Committee *divided*:—Ayes 69; Noes 81: Majority 12.

Original Question put, and *agreed to*.

(21.) £162,889, Superannuations.

MR. W. WILLIAMS said, there was an instance of a person who had received a pension since 1791, and another person had received £750 for thirty-four years in consequence of the abolition of an appointment of the Colonial Office. Why had he not been employed in some other office?

MR. G. A. HAMILTON said, he was not answerable for what had taken place so long ago.

SIR DENHAM NORREYS said, that the late paymasters of the Irish constabulary had been most harshly treated by the late Government. He wished to know whether their claims would be reconsidered, and whether the present Government would rectify the injustice done by their predecessors?

THE CHANCELLOR OF THE EXCHEQUER said, their case had been considered, and the determination communicated to them.

MR. G. A. HAMILTON said, what his right hon. Friend had referred to was the case of the police officers. On the matter alluded to by the hon. Gentleman (Sir D. Norreys) he had seen a deputation the other day, but no opinion had yet been expressed by the Government.

Vote *agreed to*; as was also

(22.) £1,978, Toulonese and Corsican Emigrants.

(23.) £2,000, National Vaccine Establishment.

MR. COWPER suggested that the subject of this Vote might be referred to the sanitary department of the Privy Council. He hoped that there would be an alteration by next year.

Vote *agreed to*; as was also

(24.) £325, Refuge for the Destitute.

(25.) £3,515, Polish Refugees, &c.

MR. A. SMITH suggested that the names of the recipients of this money should be given.

MR. G. A. HAMILTON thought that there would be no objection to that.

Vote *agreed to*.

(26.) £4,281, Miscellaneous Allowances.

MR. W. WILLIAMS asked why at this day we had to pay a pension given by Charles II. without the authority of Parliament. He thought that this matter should be looked into.

MR. GRIFFITH said, he also thought that explanation was necessary.

MR. G. A. HAMILTON said, much of the money was given by the Crown in cases of extreme necessity.

SIR DENHAM NORREYS said, the French refugee clergy on the list must be extremely old. The money they got from this country seemed to be the elixir of life.

MR. G. A. HAMILTON said, a certificate was required before any money was paid in any case.

SIR DENHAM NORREYS asked if the amount diminished at all?

MR. G. A. HAMILTON: Yes, every year.

Vote *agreed to*.

(27.) £2,717, Infirmaries in Ireland.

SIR DENHAM NORREYS suggested whether it would not be better, as they had a perfect medical system in Ireland, to transfer these infirmaries to the Poor Law Board?

LORD NAAS explained that this Vote was for allowances to officers, which would be discontinued under the Medical Charities Act, when the recipients at the time of the passing of that Act ceased to hold their offices.

Vote *agreed to*.

(28.) £2,600, Westmoreland Lock Hospital, Dublin.

MR. W. WILLIAMS said, there was no such charge on the public purse in this country, and he was surprised that the pride of the people in Ireland did not induce them to endow and support their own hospitals.

MR. P. O'BRIEN said, he thought the hon. Member for Lambeth might have spared himself the observation he had made, for he believed there was no hospital in London which was self-supporting except Guy's.

MR. W. WILLIAMS said, that no hospital in England received one farthing of the public money towards its maintenance unless it was connected with the army and navy.

MR. G. A. HAMILTON said, the London hospitals were largely endowed, which was not the case in Ireland. The hospitals

in Dublin were necessary in consequence of the great poverty there, and they were also necessary as medical schools.

MR. BRADY said, he thought the observations of the hon. Member for Lambeth (Mr. W. Williams) were uncalled for and unjustifiable.

Vote *agreed to*, as were also the following Votes:—

(29.) £700, Lying-in Hospital, Dublin.

(30.) £200, Coombe Lying-in Hospital, Dublin.

(31.) £7,600, House of Industry, Dublin.

(32.) £600, Meath Hospital, Dublin.

(33.) £2,500, House of Recovery, Dublin.

(34.) £100, St. Mark's Ophthalmic Hospital, Dublin.

(35.) £1,300, Doctor Steevens' Hospital, Dublin.

(36.) 285, Board of Superintendence of Hospitals, Dublin.

(37.) £9,341, Charitable Allowances.

(38.) Motion made and Question proposed,—

"That a sum, not exceeding £39,400, be granted to Her Majesty, to defray the expense of Non-conforming, Seceding, and Protestant Dissenting Ministers in Ireland, to the 31st day of March, 1859."

MR. BAXTER said, that this Vote was nothing more nor less than a political bribe to the religious denominations which received it, and Lord Castlereagh had acknowledged that it was a means of making the relations between those bodies and the State more pleasant. It formerly appeared under the head of secret service money. There were twelve religious bodies in Ireland, and he objected to four of these bodies being selected to receive what he must call public charity, whilst the others were excluded. There could be no doubt that its effect was to dry up the sources of voluntary liberality among the Presbyterians of the north of Ireland. It had been admitted by an eminent member of that body that they were the most "beggarly denomination in Christendom." The Free Church of Scotland was a much poorer community than the Ulster Presbyterians, and yet since the disruption in Scotland that Church had by the voluntary efforts of its members raised no less a sum than £4,500,000, without any support from the State. He understood that the House had had made up their mind that there should be no fresh endowment, whilst the Vote actually included £346 for new ministers, so that there was actually a new endowment. He begged therefore to move that this Vote be disallowed with the exception of the sum of £366—the item for the widows and orphans of ministers of the Synod of Ulster.

Mr. P. O'BRIEN said, he should oppose the Amendment. Although he was willing to go as far as any man in favour of the purely voluntary system he would never be a party to making this one particular class of religionists in the north of Ireland the only victims to the recognition of that principle.

MR. JOHN LOCKE said, he was also opposed to singling out one particular class for the purpose of sacrificing them to the voluntary system. He would be prepared at any time to consider the question of voluntaryism to the fullest extent, including the principle of maintaining the Established Church in Ireland, but he thought the present a very inconvenient mode of raising the question.

MR. GILPIN said, he was an enemy to all religious endowments, and could not, therefore, vote for the present one. This beggarly pittance compromised the independence and impeded the usefulness of the body which condescended to accept it; for as long as they taught people to rely upon the arm of the State for support, they would sap every feeling of generosity on their part, and make them worse ministers of religion than they otherwise would be. He should support the Amendment of the hon. Gentleman.

THE SOLICITOR GENERAL said, he was quite willing to admit the good temper in which the hon. Member for Montrose (Mr. Baxter) brought forward his Amendment, and that he was only actuated by the one principle of compelling every religion to support itself. He (the Solicitor General), however, thought that so important a question as that involved in the voluntary principle ought to be submitted to the House in the shape of a substantive and distinct Motion, when the Government would be prepared to consider it, and not by such an Amendment as that proposed, upon a vote that concerned only one small class of religionists in Ireland. He could not look upon this Vote as a political bribe. From what he knew of the Presbyterians of the North of Ireland, he believed that they would be prepared to sacrifice ten times the amount of the present Vote rather than surrender one jot of their independence. Still he might state that the mode in which this grant was administered had operated as an inducement to Presbyterian

congregations in Ireland to build places of worship, in the expectation that a portion of the ministers' salaries would be contributed by the State. The interests created under that system ought to be dealt with in an equitable manner, no matter what might be thought of the abstract principle of endowments. This system existed long before Lord Castlereagh was born, the first granter of the *Regium Donum* having been William III. The great majority of the congregations in the rural districts of Ulster laboured under a degree of poverty which rendered it impossible for them, if unaided, to maintain their ministers in a manner befitting their station and profession. The efforts made by the Free Church of Scotland were one of the marvels of the present century, and would be told, to its honour, as long as the history of that country lasted. But those efforts were the fruit of a religious movement which had convulsed a whole country, and to which the case of the Presbyterians in the North of Ireland presented no analogy.

Mr. F. CROSSLEY said, he hoped that there would soon be an end to these grants, which he believed very much injured the ministers who received the money, for he thought they would be much better supported if they were left in the hands of their congregations. Moreover, it was well known that the people in the North of Ireland were better off than the rest of the inhabitants of that island. He could not agree that because the party with which he acted could not get all they sought for in respect to the recognition of the voluntary principle, he thought that they ought, at all events, to seek for an instalment of their demands.

Mr. W. J. FOX animadverted on the inconsistency of the State distributing this grant between Trinitarians and Unitarians, thereby providing these rival theologians with powder and shot to fire at each other. The Solicitor General was right in stating that this system led to chapels being erected which would not otherwise be built; because the parties knew how to manage matters so as to get hold of the largest part of the Vote. The consequence was, that the number of chapels increased without any corresponding increase in the number of worshippers to fill them. He saw no reason why the friends of the voluntary principle should not attack the minor grievance simply because they could not reach the monster one, of which grants like this were the outposts.

The Solicitor General

Mr. EVANS said, he wished to ask for some explanation as to the fact of there being grants for new ministers.

Lord NAAS said, if the hon. Member would look into the report he would see the whole practice of making these grants stated; and he would see also that the rules were exceedingly strict. Those rules were rigidly adhered to, and he did not believe that any abuse existed.

Mr. CHEETHAM said, that the objection was to the principle of the grant; there was no objection to the way in which it had been administered.

Mr. BLACK said, he would suggest that they get rid of the grant by degrees.

Sir WILLIAM DUNBAR said, as this was not a new grant, and as Maynooth College continued to receive a Vote of the public money, he would support the Vote as originally proposed.

Mr. W. WILLIAMS said, the strong reason for stopping this grant was that it was going on increasing year after year. He might also state that seven-eighths of the people of Wales were Dissenters, and yet they had no religious grants.

Motion made and Question put,—

"That a sum, not exceeding £366, be granted to Her Majesty, to defray the expense of Non-conforming, Seceding, and Protestant Dissenting Ministers in Ireland, to the 31st day of March, 1859."

The Committee *divided*:—Ayes 55; Noes 165: Majority 110.

Original Question again proposed.

Mr. GILPIN said, he would then move that the sum of £346 3*s.* 4*d.*, the increase arising upon the Vote of last year on account of new congregations, be expunged.

The SOLICITOR GENERAL said, he must resist this Motion on the same ground as that on which he had opposed the reduction moved by the hon. Member for Montrose. The sum proposed to be struck out was for the new congregations who had been induced to build their chapels on the understanding that they would share in this grant.

Motion made and Question put,

"That the item of £346 3*s.* 4*d.*, for New Ministers, be omitted from the proposed Vote."

The Committee *divided*:—Ayes 69; Noes 147: Majority 78.

Votes *agreed to*, as were also the following Votes:—

(39.) £424,285, Customs Department.

(40.) £712,258, Inland Revenue Department.

(41.) £1,026,031, Post Office and Collection of Revenue.

(42.) £242,875, Superannuations, &c., Departments of Customs, &c.

Motion made and Question proposed,—

"That a sum, not exceeding £7,400, be granted to Her Majesty, to defray the expenses of the General Board of Health, to the 31st day of March, 1859."

MR. W. WILLIAMS complained that the portion of the estimates they were now going into contained a great many items which there had not been time to look into. He hoped that the Government would postpone the matter.

MR. G. A. HAMILTON suggested that they should pass the first three or four Votes, to which there was not likely to be any objection.

MR. W. WILLIAMS was understood to say that there was likely to be a debate on them.

MR. T. DUNCOMBE said, he thought that all events this Vote required explanation. The Board of Health, he was happy to say, expired at the close of next month, and they were now about to ask for a whole year's salary for five months' duty.

MR. G. A. HAMILTON said, no salary was charged for the President.

MR. T. DUNCOMBE: Because an Act of Parliament said he should have none. He had, however, not discharged his duties without salary. In the first place, there were no duties in reference to the Board of Health, but the duties which he had performed were those of Vice President of the Committee of the Privy Council on Education, to which office he had been transferred at a salary of £2,000. When they were told that the President received no salary for doing nothing, he did not think that they ought to be grateful to him. But, apart from the President, why was the Secretary to have £1,000, the Under Secretary £600, and the medical officer £1,500—a full year's salary in each case—for five months' duty? He begged to move that the Vote be reduced one-half.

Motion made and Question proposed,—

"That a sum, not exceeding £3,700, be granted to Her Majesty, to defray the expenses of the General Board of Health, to the 31st day of March, 1859."

THE CHANCELLOR OF THE EXCHEQUER said, if the hon. Member had referred to the papers he would have found that there was a reduction in this Vote of nearly £4,000, as compared with last year. The Estimate had been made in reference to existing circumstances.

MR. T. DUNCOMBE said, he thought that this Board had put the country to expenses which ought never to have been allowed. The Chancellor of the Exchequer had not explained how it was that a twelvemonth's salary should be charged for five months' work. This Board might very well be called the Board of "Pelf," instead of the Board of Health. He thought it was quite enough to give these officers six months' salary for five months' duty.

MR. WILSON suggested that if would be better to remodel this Estimate in accordance with the Bill now before the House.

MR. WALPOLE said, it was impossible to know how much would be wanted before the Bill passed. He proposed that they should not go on with the Vote now, and he would see if any reduction could be made.

MR. T. DUNCOMBE said, the right hon. Gentleman did not understand him.

MR. WALPOLE: Yes, I do.

MR. T. DUNCOMBE: Then if so the right hon. Gentleman ought to be ashamed of this Vote. His objection had nothing to do with the Bill before the House. There was an Act which said that the Board should terminate on the 1st of September next, and this was an attempt of the Board to foist itself on the country for six months more, during which time it would be doing nothing whatever.

MR. WALPOLE said, that the existence of this Board had been prolonged from time to time by continuance Bills. The Government had brought in a measure of a totally new character, which instead of centralizing all these functions in London would localize and transfer them to different parts of the country. This reform would also be attended with very considerable economy, though he could not at that moment say what would be the amount of the saving. If, however, the matter were postponed he would inquire into it, and give the hon. Gentleman any information in his power.

Amendment and Motion, by leave, *withdrawn.*

House resumed.

Resolutions to be reported *To-morrow.*

Committee to sit again *this day* at Six o'clock.

CLOTHING OF THE ARMY.
QUESTION.

CAPTAIN VIVIAN said, he wished to ask the Secretary of State for War, whether it is a fact that 170,000 pairs of boots have been sold at the Tower sales since the conclusion of the late war, and that a portion of those boots have been subsequently re-purchased by the Government and issued to the troops; also, whether it is correct that Captain Marvin, the officer appointed to inquire into the Weedon establishment, did, immediately on his arrival at Weedon, order an addition of ten clerks to the clothing establishment at that station?

GENERAL PEEL said, he had no doubt that the first question of the hon. and gallant Gentleman arose from a statement made by his hon. and gallant Friend behind him (Colonel Boldero), who was justified by the evidence, upon which he founded himself, in making that statement. The facts, however, were that, not 170,000, but only 74,000 pairs of boots had been sold since the conclusion of the late war; that none of these had been received into store at Weedon or reissued to the troops; but that a portion of them had been purchased by Colonels of Militia and supplied to their men, and had, he believed, been found perfectly satisfactory. In answer to the second question, he had to state that, though it was not verbally correct to say that Captain Marvin appointed ten additional clerks in the clothing department, ten clerks had been added to that department just before he went to Weedon.

COLONEL BOLDERO said, as his statements had been questioned by the right hon. Secretary for War he must beg to claim for a moment the indulgence of the House. He had never stated that 170,000 pairs of boots had been sold, but that they had been made away with, and that he could not find where they had gone to. He had before him the evidence of Mr. Howell, of the War Office, who stated that the probable loss in the transaction with the Militia was about half a crown a pair.

TELEGRAPHIC COMMUNICATION WITH INDIA.—QUESTION.

MR. BRADY said, he rose to ask the Secretary to the Treasury if it be the intention of the Government to take into its consideration the proposition of establishing a Submarine Telegraphic line of communication, as suggested by Mr. Serjeant Glover, and sanctioned by concessions from the Government of neighbouring States, from Plymouth to Cape Rocco, near Lisbon, thence to Gibraltar and Malta, where it will join the established line from Malta to Corfu, *en route* to India?

THE CHANCELLOR OF THE EXCHEQUER replied, that it was not the intention of the Government to take the proposition in question into consideration. Their arrangements were already made, and they considered them preferable to the scheme suggested by the hon. Member.

THE ISLE OF MAN.—QUESTION.

MR. TURNER said, he wished to ask the First Lord of the Admiralty what impediments exist which prevent the execution of the various proposed Harbour Works in the Isle of Man, as approved by the Tynwald Court on the 19th day of March, 1857.

SIR JOHN PAKINGTON said, that as to Port Ramsay there were no impediments at all. The plans were approved of, and there was nothing to prevent them being carried out. The plans for Port Douglas were not approved of. It was not thought that they would effect the object sought, and they had been referred back to the Isle of Man. As to the Port of Peel no plans had yet been officially submitted to the Admiralty.

TRUSTEES.—QUESTION.

MR. HADFIELD said, he rose to ask the Attorney General whether he intends to bring in a Bill next Session of Parliament to relieve Trustees from the severity of the present law, affecting them in the discharge of their duties under the instruments empowering them?

THE ATTORNEY GENERAL said, that the important subject referred to by the hon. Member was now under the consideration of a Select Committee, and until that Committee had made its Report it would not be fit for him to offer an opinion, still less to pledge himself to introduce a measure.

MR. HADFIELD said, he understood that the Committee had closed its labours.

THE SITTINGS AFTER MIDNIGHT.
QUESTION.

MR. A. SMITH said, that after what had occurred on Friday evening he wished to ask the right hon. Gentleman the Chancellor of the Exchequer whether the arrangement is to be adhered to with respect

to not proceeding with opposed business after twelve o'clock?

THE CHANCELLOR OF THE EXCHEQUER said, that was the understanding which had been arrived at for the general advantage of the House. Of course it was open to modification, if it was the prevalent opinion of the House that opposed business should be proceeded with after twelve o'clock. With respect to the motion to which the hon. Gentleman referred, and which was made on Friday evening, he could not suppose that when a Minister of the Crown brought forward a Bill, the only object of which was to carry into effect an award of a most learned Judge, that would ever come within the category of opposed business. That was the reason he brought the subject in question forward on Friday night.

BRAY'S TRACTION ENGINE.—QUESTION.

SIR DE LACY EVANS said, he wished to ask the Secretary of State for War whether there is any objection to lay on the table of the House a Copy of any Report which may have been made by the Superintendent of the Carriage Department or other authority at Woolwich, of the result of the late trial of Bray's improved Traction Engine, as applicable to the conveyance of heavy siege artillery?

GENERAL PEEL said, that a Report had been made on the comparative merits of Boydell's and Bray's Engines, and he should have no objection to lay it on the Table if it were moved for.

THE MASSACRE AT JEDDAH.—QUESTION.

MR. LIDDELL said, he wished to put to the Under Secretary of State for Foreign Affairs a question of which he had not given the usual notice, but which, from the importance of the subject, he trusted he would have no objection to answer. He alluded to a telegraphic message which appeared in the daily prints of that morning with reference to a massacre at Jeddah. He wished to know if the attention of Her Majesty's Government has been directed to the alarming occurrence, and whether they have taken any steps in regard to it?

MR. SEYMOUR FITZGERALD:—Sir, the only information which Her Majesty's Government have of the outrageous occurrence is the telegraph message to which the hon. Member has alluded. We have no reason to doubt that the story is, unfortunately, too true; but immediately on the receipt of the communication my noble Friend at the head of the Foreign Office sent to Malta a telegraph message which will anticipate the Overland Mail. It conveys instructions to the commander of the Cyclops, at Suez, to go immediately to Jeddah, and use every means in his power to bring the perpetrators of this outrage to justice. At the same time, instructions have been sent out to Captain Watson, who commands the Indian squadron, to send three vessels to Jeddah to co-operate with the Commander of the *Cyclops* in every way, by aggressive and coercive measures, if necessary; and to assist him in capturing, if possible, those who have been guilty of this crime.

Order for Committee (Supply) read.

Motion made, Question proposed, "That Mr. Speaker do now leave the Chair."

On the Motion for going into Committee of Supply,

THE SLAVE TRADE.—RESOLUTION.

MR. HUTT said, he rose to call attention to the Report of the Committee on the Slave Trade in 1848 and 1849, with the view of moving a Resolution on the subject. Eight years ago, at the request of a Select Committee, he submitted to the House a Resolution condemning all attempts at suppressing the slave trade by means of an armed force. That proposition was rejected by a considerable majority, and, although he retained in their full force the convictions with which he left the Committee-room as to the folly and cruelty of our proceedings on the coast of Africa, he had not thought it right since that period to agitate a subject of so much delicacy. The time had now arrived, however, when he might with propriety revert to the subject. We had now had eight years additional experience of our attempts at suppression, and they had brought with them the usual results. He believed, moreover, that a considerable change had taken place in public opinion, and many hon. Members who opposed him in 1850 had since communicated to him their regret that they were induced to take up a position against him, and their determination to amend their conduct if he would give them an opportunity. It was at one time his intention to test the feelings of the House by some Resolution similar to that which he proposed in 1850, but the late period of the Session, the number of Members who had left town, the jaded appear-

ance of those who remained, still more an apprehension that he might embarrass the Government in negotiations of a critical and delicate nature with a foreign State, had determined him not to attempt to pledge the Ministry or the House to any particular course in regard to the suppression of slavery, but to reserve his efforts for that purpose for some future and more convenient occasion. He had no wish to impugn the views or the conduct of those who, at the close of a great European war, looking solely at the great cruelty and wickedness of the slave trade, thought that England might with propriety step out of the usual course of nations for the purpose of suppressing that traffic; nay, the idea of resorting to an armed force was in the first instance a not unnatural suggestion; but when the experience of forty years had proved that an armed force could not put down the slave trade—that, on the contrary, it extended and aggravated the evil—that the work was fatal to the gallant men engaged in the suppression service, and that we ran the risk of coming into angry collision with powerful maritime States, thereby endangering and compromising the peace of the world; when he remembered, moreover, that all that could be said in favour of the present system was, that it had in some inappreciable degree checked the traffic, he thought the time had come when we ought seriously to reconsider the subject. The statement that after a trial of forty years, we had not succeeded in putting down the Slave Trade, might easily be confirmed by a reference to what was now going on in the waters of Cuba. He regretted that the papers relating to the slave trade, which were annually presented to Parliament, had not been placed in the hand of hon. Members during the present Session, for it was always convenient to have the opportunity of referring to Parliamentary and official documents; but in the absence of any recent papers of this description he must have recourse to the papers of last Session; and he found in them a communication from the Commissioners at the Havannah to the then Foreign Secretary, dated the 5th of January, 1856. In that communication the Commissioners stated that the slave trade with the island of Cuba was carried on with increased vigour, nor could they hold out any reasonable hope of its diminution, unless the local Government lent its hearty aid and concurrence in effecting that result. In a subsequent communication on the 31st of January of last year, the Commissioners observed that they regretted to say that the slave trade was carried on there not only extensively, but almost with impunity. In addition to that information the House had the information communicated by means of the ordinary public organs. He was not aware from official sources what might now be the actual condition of the slave trade with the Spanish West India islands; but the hon. Gentleman opposite, who represented with so much ability the Foreign Office in that House, would contradict him if he made an erroneous statement in asserting that the slave trade with Cuba was never in greater activity than at the present moment. Thus, then, they had established the circumstance that the slave trade was not suppressed by means of armed cruisers. That was proved as a matter of fact; and, as a matter of reason, it could easily be established that they never could succeed by such means. It was remarked by Mr. Burke, in his celebrated letter to Mr. Pitt, that the Slave Trade could only be put down in the country of importation. Cuba and Brazil could put it down, as at different periods they had put it down, but it was impossible for this country, so long as high prices were given in any part of the world for the importation of African slaves, to arrest this kind of merchandise in its progress to the market. Why was it that in this country, with all the means of prevention they possessed, they abandoned high duties on such articles as spirits and tobacco? Because with all their precautions of coastguard and police, they found it impossible to prevent the operations of the smuggler; and they might as well arm a fleet or denounce legal penalties against the flow of the tides or the revolutions of the seasons as attempt to stop, by similar means, the operation of that great law of commercial intercourse—the law of demand and supply. If such was the conclusion at which wise and learned men had arrived by dint of reasoning, the same result had also been arrived at by practical men, who drew their conclusions from the scenes of real life. He found that before the last Committee appointed by that House on the Motion of the late Mr. Hume to consider a subject analogous to the one he now brought under the notice of the House, Captain Hamilton, for several years in command of a vessel engaged in the suppression of the Slave Trade on the coast of Cuba and Brazil,

was called as a witness, and that officer stated :—

"So long as there is a demand for slaves, and money to pay for them, so long they will just as easily be had as hogsheads of sugar or any other marketable article. There never was, either in Cuba or Brazil much difficulty in getting slaves. It was always a question of £ *s. d.*"

Evidence similar to this was given by Sir C. Hotham, who commanded the squadron when it was in its highest state of efficiency. He stated :—

"I consider that the extent of the slave trade depends entirely on the commercial demand for slaves, and that it has little or no relation to the squadron. Experience has proved the present system of suppression to be fruitless."

Comodore Mansell, who preceded Sir C. Hotham in the command of the same squadron, stated :—

"No possible application of force will ever extinguish the slave trade.

The late Mr. Bandinell, who presided for thirty years over that department of the Foreign Office which is charged with suppressing the Slave Trade, told the Committee of 1848, "that the squadron produced on the Slave Trade little or no effect at all." Sir Stephen Lushington, who took a somewhat different view, gave evidence to nearly the same effect. Sir F. Buxton, whose name would not readily be forgotten in that House, and whose intelligence and sagacity were scarcely less admirable than his high moral qualities, bequeathed these parting words to his country :—

"I must declare my conviction that the slave trade never will be suppressed by the system hitherto pursued. You will be defeated by its enormous gains ; you may throw impediments in the way of these miscreants, you may augment their perils, you may reduce their profits, but enough and more than enough will remain to baffle all your humane efforts."

The larger portion of that House would recollect the great meeting held in 1841 at Exeter Hall, presided over by the Prince Consort, and attended by the noble Lord the Member for London, and a large number of the Members of both Houses of Parliament. They knew that the speeches made and the Resolutions carried on that occasion were all animated by the same spirit, and embodied the conclusion that the system of forcible suppression had been and must necessarily be a failure. He could go on with a multitude of quotations to the same effect, but he would not fatigue the House with them. Such a mass of authority, reasoning, and facts was collected on this subject as had never been accumulated before on any other, and it all went to prove that the system had failed. If it had done nothing worse, they might then have said that, though they had expended the money and wasted the resources of the country, they had been animated by good and honourable intentions ; but, in his opinion, they had failed with consequences terrible to contemplate. He could not believe that either that House or the country would ever have sanctioned this proceeding if a few naked facts could have been brought under their apprehension. Mr. Burke remarked on the subject of the American war, that a conscientious man would be careful how he dealt with blood ; and was that House aware of the extent to which for forty years they had been dealing with the blood of their fellow-creatures, under the delusion that they were suppressing the slave trade ? He would read a description of the consequences of this system of suppression given by the late Duke of Wellington. The Duke of Wellington addressed these emphatic words to the Congress of Vienna in 1822, after the armed suppression system had been in operation a few years :—

"The very attempt at prevention tends to the augmentation of the evil. The dread of detection suggests expedients of concealment productive of the most dreadful sufferings to the cargo. The numbers put on board in each venture are so far from being proportioned to the capacity of the vessel, that the probable profits of each voyage are notoriously calculated only on the survivors, and the mortality is accordingly frightful to a degree unknown since the attention of mankind was first called to the horrors of this traffic."

This description given by the Duke of Wellington in the face of Europe and of the British Government, was unquestionably true at the time it was uttered, and was in a tenfold degree true at the present moment, when the resources of steam, and other scientific improvements, had been applied to the prevention of the Slave Trade. The truth was that the British squadron had been utterly unable to prevent the embarkation of slaves from the coast of Africa, almost in proportion to the demand for slaves in America ; but it had tended to increase enormously the revolting circumstances of the traffic. Let the House bear in mind the mode in which the Slave Trade was conducted. Large bodies of slaves were brought down in gangs from the interior of Africa to the coast for embarkation. If that portion of the coast off which the slave vessels were lying happened—as was constantly the case—to be blockaded by British cruisers, the slaves

were deposited in factories, or what were called barracoons, until an opportunity occurred of embarking them, and they remained in these places, chained together, frequently for weeks, and sometimes for months. The consequence was that they died in great numbers from disease and privation, and there were authenticated instances of their having perished by the act of their owners in a universal massacre. Thousands of these unfortunate beings died from fatigue, hunger, and thirst in their hurried marches along the coast and in the boat expeditions which were necessary for their clandestine embarkation to avoid the vigilance of the British cruisers. Then came the middle passage, with its accumulated horrors. Let hon. Gentlemen imagine the miseries of men so packed on board ship, that during the whole course of the Atlantic voyage, they were unable either to change their position or to stir their limbs, while the putrefying dead could not be removed from immediate contact with the living. Let the House think of the sufferings of the survivors, and the permanent injury which their health must have sustained, independently of the agonies of those unfortunate creatures who died under such horrible and revolting circumstances. Mr. Bandinell had calculated that the proportion of slaves who perished in the middle passage was 25 per cent.; Sir F. Buxton estimated the deaths at 33 per cent.; and, although there had been considerable controversy on the subject, he (Mr. Hutt) believed these estimates were substantially correct. The Duke of Wellington was undoubtedly right when he told the Congress of Vienna that in consequence of the attempts to suppress the Slave Trade "the mortality is accordingly frightful to a degree unknown since the attention of mankind was first called to the horrors of this traffic." The responsibility of all these horrors, cruelties, and massacres rested with every man in the country who supported the existing system, and with all the Members of that House who advocated its maintenance, and who might, if they chose, put an end to it. He would not touch upon the position of the British naval force employed in the suppression of this traffic, for he saw below him the noble Member for Sandwich (Lord C. Paget) whose personal experience would enable him to afford the House valuable information upon that subject. There was, however, another very important point with reference to the question to which recent occurrences had lately directed the attention of the country. It was unnecessary for him to refer to the angry quarrel which had recently arisen between Great Britain and America on this subject, and which he was happy to believe had been amicably settled by the wisdom and promptitude displayed by Her Majesty's Government; but he might remind the House that it was notorious that for many years past a perseverance in the system of suppression had been constantly dragging this country to the verge of hostilities with those two great maritime States between whom and ourselves it was most desirable for the highest interests of civilization that relations of amity and good will should be maintained. There was reason to believe that the dispute with America had been concluded; but to-day we were embroiled with America, and to-morrow we might be embroiled with France if the existing system was continued. Unless that system was abandoned, the time would speedily arrive when we should be engaged in an angry dispute on this subject with one or other of those powerful States, from which we could not recede with honour or dignity, and in which we could not maintain our position without entailing upon the civilized portion of the world all the horrors and miseries of war. For his own part he could not conceive any circumstance which could justify us in incurring the risk of such an alternative. Certainly not the maintenance of the suppression squadron and the exercise of the right of search. In order to avoid such a calamity, therefore, he asked that our cruisers should not be furnished with any instructions for boarding foreign ships, except in cases where suspicion of piracy existed. The right of visit, as distinguished from the right of search, in a time of peace, except in the case of vessels with regard to which a strong presumption of piracy existed, was a pretension which neither France nor America would ever permit this country to exercise. They had it on the high authority of Lord Stowell that for the exercise of such a right there was no pretext or foundation whatever in the law or comity of nations. He did not know what arrangement Her Majesty's Government had effected with America, but he hoped that if our pretensions had been called in question they had not hesitated frankly to renounce pretensions so exorbitant and unjustifiable. On the last occasion when this subject was under discussion the hon. Members who ad-

vocated the maintenance of the squadron indulged in a good deal of that declamatory eloquence and national laudation which were at all times so acceptable to the British public, and especially to the religious portion of it. There was no doubt that the British nation was the finest fellows in the world; they were the most sagacious, and, above all, the most consistent. They professed—and no doubt most sincerely felt—the deepest interest in the wrongs and sufferings of the African negroes, and then they passed the Sugar Duties Bill, the necessary consequence of which was largely to increase slavery and the Slave Trade. They relied for the extinction of the Slave Trade upon a system which long experience and the feeling of mankind had denounced as utterly futile and abortive. When this subject was last debated his right hon. Friend the Member for Oxford (Mr. Cardwell) made a most able and effective speech, in which he somewhat exultingly stated that, although General Valdez was no longer Captain General of Cuba, the Slave Trade had been entirely abolished; but General Roncales was the successor of General Valdez as Captain General of Cuba, and it was owing to his honourable and generous exertions, and not to the presence of the British squadron, that a stop was at that time put to the Slave Trade. He remembered also that the noble Lord the Member for the City, on that occasion, intimated that the day was not far distant when France and America, who sympathized so warmly in our efforts, would join with us in such an address to Brazil and Cuba on the subject of the Slave Trade as would constrain the Governments of those two countries to defer to it; and, on that account he, as well as his right hon. Friend, called upon the House to continue the African squadron. The state of the Slave Trade at this hour in the Cuban waters, the well-known feeling of France, and of a large portion of the United States, respecting the Slave Trade, offered, he thought, a very significant commentary on these predictions, and suggested to the House how far they ought to trust their judgments to men who rather took their counsels from the delusions of a false and fatal consistency than from reason and experience. During the quarter of a century in which he had the honour to occupy a seat in Parliament, it had always been declared that we were just on the point of success. We had always been in a state of *paulo post futurum* beatitude. We had always been just on the point of attaining that which, after forty years endeavour, we had not yet succeeded in attaining. In 1850 his right hon. Friend said we had extinguished the Cuban Slave Trade, and called upon us to hail the event as an earnest of the success which was to follow, and of the complete and final triumph of our efforts at suppression). The same language would probably be held to-day, possibly by the noble Lord (Viscount Palmerston). It would no doubt be said, also, that we had extinguished a vast amount of slavery formerly carried on with Brazil. In point of fact we had done neither the one thing nor the other. The Governors General of Cuba, Valdez, Roncales, and Concha did try to put a stop to the Slave Trade, and their names ought never to be mentioned in this country without honour. Since 1850, too, the Emperor and the Legislature of Brazil had put down the Slave Trade in that country; but these results were entirely unconnected with the efforts of the British squadron. In 1848 and 1849 it was proved before the Slave Trade Committee that slaves to the number of 50,000 or 60,000 per annum were imported into Brazil in spite of all the efforts of our squadron. Now, the whole of that branch of the disgusting traffic was, he believed, annihilated. But was it our squadron, our policy, our efforts, which accomplished this? We might as well lay claim to the beneficent operations of nature; we might as well be told that it was our agency which made the fruits of the earth to ripen in autumn, or the flowers to blossom beneath the sunshine of spring. He had now done. He had shown the House that our present system was productive of no good, that on the contrary it was largely productive of evil, and from the nature of things it must necessarily be so. He had shown that for forty years together the system had failed, and he now respectfully but earnestly asked the House if it was to be continued.

MR. MILNER GIBSON seconded the Motion.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words, "it is expedient to discontinue the practice of authorizing Her Majesty's ships to visit and search vessels under Foreign Flags, with a view of suppressing the traffic in Slaves," instead thereof.

MR. CARDWELL said, the Motion was not, like that last submitted to the House on this subject, a Motion for the withdrawal

of the squadron employed in suppressing the slave trade. It proposed that, leaving our squadron on the coast of Africa, the House should yet fetter the hands of Her Majesty's Government in the instructions given to the commanders of those squadrons, and such being the case he thought that under no circumstances would the House of Commons be likely to adopt the Resolution. His hon. Friend, in the course of his able speech, reminded the House of the inquiry as to the efficacy of the squadron which some years ago was instituted. He told the House of the Committee of which he acted as the Chairman, but he made no mention of that other Committee which, at the same time in the other House of Parliament, had conducted the same inquiry, and which, upon (he believed) fuller evidence, came to exactly the opposite conclusion. The House of Lords' Committee, in a unanimous report, expressed in the strongest terms their opinion, as the result of the evidence laid before them, that the squadron was not ineffective; that for the space of 2,000 miles it had cleared the coast of Africa from the greatest curse which man could inflict on man; and while the Committee did not lead us to rely exclusively upon a squadron for the suppression of the slave trade, it pointed out that there were two beneficent influences on which you could firmly rely, namely, commerce and Christianity. It declared that, if the evidence laid before them proved nothing else, it proved that the removal of our squadron would be followed by universal piracy along the coast; that the missions would be driven from the shore; that Christianity would be extinguished; and that the then nascent but now flourishing commerce carried on would be instantly annihilated. That was the unanimous opinion upon the evidence laid before them of the Lords' Committee, who had the great advantage of following, a Session afterwards, the deliberations carried on by this House, and who were therefore able to examine by the light of their inquiry those points which the Commons' Committee might be thought to have considered partially or incompletely. The Report of the House of Lords was unanimous, but what was the nature of the Report of the Commons' Committee? He was sure that some of his hon. Friends had not forgotten how day after day, Resolution after Resolution, was so keenly contested that in innumerable divisions there were seven on one side and seven on the other, until at last the Report came down to the House, rather the Report of the hon. Chairman (Mr. Hutt), by whose single vote it was carried, on each important stage of the debate in Committee, as against the unanimous Report of the other House of Parliament. In this House the Report was fully debated, and by a decisive majority it was rejected, so that he might appeal from the decision of the Committee to the decision of the House. What were the vaticinations contained in that Report? That a negro was like any other cargo, and that as long as there was a demand for him, and as long as money could purchase him, he would be had; that the demand in Brazil had never been so great, and the trade had never been pursued so vigorously; all leading to the conclusion, that to try and put down the slave trade with Brazil was a hopeless undertaking. His hon. Friend had just declared that he and others were not true prophets, and that he therefore hoped the House would not place much trust in their judgment as to the future. Now, it was in 1850 that they were told of the hopelessness of suppressing the Brazilian slave trade; but where was that trade before 1851 had expired? Why, it was wiped out from the dark records of the earth. It was said that its extinction was due entirely to the policy of the Brazilian Government. But in 1850 the argument was pushed still further. In those days it used to be said, "By maintaining the African squadron you are inflaming the pride and insulting the dignity of Brazil. You can but rely for the suppression of the trade on the efforts of the Brazilian Government; yet how can you expect that Government to co-operate with you so long as you are affronting its dignity and rousing the national passions?" That was the argument used by hon. Gentlemen. If hon. Members were to listen to the evidence of Sir Gore Ouseley they would find it to be his opinion that despair would take possession of the advocates of the cause of humanity in Brazil if our squadron were to be removed. But then it was argued that the Brazilian Government would never abolish the traffic in slaves so long as that squadron was maintained. That, however, was fortunately not the view of the matter which had been taken by the Minister of the day or by the House of Commons at the period to which he referred; and what had been the result? Fortified by the large majority which had voted against the Report of the Committee

of his hon. Friend, the Government had sent out most stringent instructions to Sir J. Hudson, who was then our Minister at Rio, calling upon him to act with due vigour; and how, he would ask, had the matter terminated? A Brazilian fort had fired upon the *Cormorant*, the *Cormorant* had instantly returned the fire and annihilated the fort; the Minister for Foreign Affairs had gone down to the Brazilian Chamber, and had said,

"I will do all I can to maintain the honour and dignity of the nation, but you must not suppose that when a country like England is in earnest you can long maintain a traffic which she is anxious to extinguish."

At that moment the knell of the Slave Trade in Brazil was rung. That circumstance occurred either in 1850 or 1851, and from that hour the Slave Trade was at an end in Brazil. He had appealed from the Report of his hon. Friend to the decision of the House, and he would now appeal to another authority, and that was the authority and the decision of his hon. Friend himself. His hon. Friend had referred to the appointment of a Committee in 1853, on the Motion of the late Mr. Hume. His hon. Friend was himself a member of that Committee. [Mr. HUTT intimated dissent.] He supposed that his hon. Friend did not attend the Committee, but his name was on it. He would, however, quote the last decision. In 1849, so great was the failure in suppressing the trade that it was thought that we had nothing to do but to retire in despair. In 1851, the country which had carried on the greatest traffic in slaves was compelled by the adoption of vigorous measures to desist from carrying it on. Two years after, in 1853, a Committee was appointed to inquire into the subject, and he would read an extract from their Report, which was in effect,

"That it was gratifying to find how different was the state of the Slave Trade on the west coast of Africa; how much less it had become; and that those efforts in the cause of humanity which had been carried on for so many years were honourable to the nation, and afforded inducements to continue the interference with that trade until it was abolished."

If you went by the authority of Committees of the House, you had the unanimous opinion of a Committee of the House of Lords, and you had the opinion of the last Committee of that House which had been appointed. On what then did his hon. Friend rely? He had quoted authorities on which if he could have relied entirely, he would have pursued a better course. He had quoted, in support of his views, the evidence of Captain Hamilton, whose testimony must carry with it considerable weight in favour of whatever side it might be given. His hon. Friend, however, had omitted to dwell upon the circumstance that the unanimous Report of the Committee had been in opposition to that evidence. The hon. Gentleman had also quoted from the evidence of Sir C. Hotham, and he no doubt had spoken before the Committee of 1849 in terms of regret at our exertions not having been more complete in putting an end to a traffic the horrors of which he himself had been doomed to witness. But was Sir C. Hotham, he would ask, to be reckoned among the number of those by whom the withdrawal of our squadron was recommended? It was asserted that the sufferings of the middle passage had been greatly increased by the steps which this country had taken, and he trusted those who made that statement had taken pains to examine the evidence upon the subject which had been adduced. He had the honour of being a Member for the City of Liverpool when the Committee of 1849 had been appointed; his nomination as a member of the Committee had been opposed in that House upon the ground that, sitting as the representative for Liverpool, he must be regarded as being favourable to the withdrawal of the squadron. Now, he was ready to admit that his opinion upon the question had at first, before he had thoroughly informed himself with respect to it, taken that direction; but when all the evidence that bore upon it had been laid before him, he had arrived at the opposite conclusion. Much stress was laid upon the evidence of Mr. Bandinell, a gentleman whom he knew well, and much respected; but it was but right in dealing with that evidence to bear in mind that it was based upon statistical information which had been furnished to him by Dr. Cliffe, who was himself interested in the slave trade, and by whose information it was admitted before the House of Lords that Mr. Bandinell had been misled. He might next advert to the circumstance that the average mortality during the middle passage, while our regulations were being carried out under Sir W. Dolbren's Act was computed at 14 per cent, while the testimony of Sir C. Hotham, given in 1853, the year after

he had returned from the squadron, showed that it had become reduced to 5 per cent. The argument which had been adduced from those facts was that the price of slaves, owing to the measures which had been taken by this country, had been increased, and that consequently their inhuman masters set a greater value upon them and took greater precautions for the preservation of their lives than had previously been the case. Now, if Sir C. Hotham was to be quoted as an authority upon the subject, he trusted he should be permitted to read a few sentences from the evidence which he had given before the Committee. He had said,

"I anxiously hope the restriction on the slave trade will never be removed. If you remove all restrictions and take your squadron entirely away small speculators will spring up, who will undersell those who are now in the market; the slave trade will be greatly increased in its horrors, and it is impossible to predict what calamities may ensue. Pirates will abound, and it will become impossible for the legitimate trader to conduct his operations on the coast."

Now, in dealing with the subject, our attention must be directed to that important question the supply of cotton for our manufacturers, a trade in which, of a most remarkable and satisfactory character, was springing up, as the work of native hands, native venture, and native capital, encouraged by gentlemen of spirit in Manchester, and which trade we were told, upon the authority of Sir C. Hotham and other witnesses, must be inevitably extinguished if our squadron were removed. Look, too, at the position in which the missions would be left. His hon. Friend had said that the British public, and especially the religious public, were tired of using and listening to declamatory language on these questions. He (Mr. Cardwell) did not desire to identify himself with that course of proceeding, but he would ask whether something was not due to the labours of our missionaries, who were devoting their lives and energies to the propagation of Christianity among the native Africans. Those zealous men were members of no particular denomination, inhabitants of no particular country. No more valuable information, indeed, with respect to the natives of Africa had been furnished to us than that which emanated from American missionaries, who expressed their regret that their own country was not in a position to extend to them that protection in the discharge of their duties which, owing to the existence of treaties, England was in a position to afford. He would read the words of one of these gentlemen himself, an American:—

"In all these varied ways it does seem to us that the British squadron has rendered important services to the cause of humanity. It has put down piracy in the African seas, has restored peace and tranquillity to a line of sea coast of more than 2,000 miles, has called into existence a large and flourishing commerce, and at the same time has thrown the shield of its protection over the cause of Christian missions, and all the varied agency that has been employed to promote the cause of humanity and civilization among the benighted inhabitants of this continent. It this great object be not worthy of British philanthropy, we know not where to find those that are."

And now, after having paid £400,000 to Spain to induce her to enter into a treaty with us, and having solicited other nations to join with us, they were now asked, at a time when the Slave Trade with Brazil had been extinguished, when the momentary difficulty with America had been happily got over, to go the round of the nations, and ask them to release us from the engagements we had contracted and to reverse entirely the policy we had so long pursued. The House of Commons had been of a different opinion when this question last came before it; it had since had a gratifying proof of the wisdom of that division in the entire cessation of the Brazilian slave trade, and he rejoiced to perceive on the part of the Government signs of a disposition to convey to Spain, in intelligible language, certain suggestions which might lead to a reconsideration of the policy of that country. At all events, without advocating a reliance upon the squadron alone as the means of accomplishing the great object in view, he believed that Christianity and the commerce now springing up in Africa would continue to spread, to the great advantage of those countries. He could not believe that America, which had declared the slave trade to be piracy when exercised by her own citizens, or France, would become enemies of this country on account of our adherence to a policy that had produced such excellent results and so much honour to this country. He sincerely hoped the House would adhere to the opinion it had expressed in 1849, and would not give its sanction to a retrograde policy which would be inconsistent with our material interests, derogatory to our honour, and prejudicial to the best interests of civilization and humanity.

MR. SEYMOUR FITZGERALD: Sir, as the observations which I shall take the liberty of making will be in the same sense and spirit as those which have fallen from my right hon. Friend who has just spoken, I should have preferred to allow some other Member of the House, who takes a different view of the question, to address you before I rose for the purpose; but as my right hon. Friend said that I might, perhaps, have it in my power to present to the House in fuller detail some facts with reference to the present condition of the Slave Trade on the west coast of Africa and our commercial prospects there, I venture to hope the House will excuse my now addressing it. The hon. Gentleman who brought forward the Motion has expressed an opinion that if the House and the country had all the facts of the case before them, there would be a general, if not a unanimous opinion, that the policy which has hitherto been pursued of repressing the Slave Trade on the African coast by means of an armed intervention would certainly no longer be maintained; and if I were of the same opinion—if I thought that there was that general change in public opinion upon this subject which he has ventured to express—if I thought that the country would regard the Slave Trade as the hon. Gentleman seems to imply, as a commerce which is to be regulated by the ordinary laws of demand and supply, I should feel that I had a difficult task before me in asking the House to express its strong dissent from the views which he has put before us. I would say, in the first place, in reference to a policy which this country has so long pursued, even if the subject were one of minor or secondary interest, still I think there would be a general disinclination on the part of the House and the public prematurely and precipitately to come to any decision that should reverse that policy. But the policy which we have been pursuing in reference to the slave trade is not a policy of that kind. It is policy, not of sentiment, but a policy in which we have attempted to assert and vindicate a high principle; a policy in which we have invited the co-operation of all the nations of Europe; and I would also say a policy, the moral influence and effect of which upon the conduct of other nations has been most important. If this country had not taken the firm position which we have occupied on this subject; or, if at this moment we were to reverse our policy, does the House believe that countries like Brazil and Portugal would continue in the course which, following our example, they have adopted? Does not the House rather believe that if England were to exhibit any faltering in her policy, they would reverse their policy also, and the slave trade become as general and as rife as it was a few years ago? The hon. Gentleman had, not directly, but by implication, divided his observations on this subject into two parts. The first question he asked was, whether the policy which we have so long adopted has been a successful or an unsuccessful policy? and in the latter part of his speech he seemed to inquire whether there were any particular circumstances at the present time which militate against the continuance of that policy. With reference to the first of these points I beg to say that, after the most careful consideration, I have come to a totally opposite conclusion to that which he has arrived at: and I will shortly give to the House the facts upon which I base that opinion. As regards the number of slaves exported from the West Coast of Africa, the change, as all hon. Members are aware, has been most remarkable; for whereas only fifteen or eighteen years ago it was considered that the number of slaves annually taken thence approached the enormous number of 135,000, the very highest estimate which the importation of slaves into Cuba—and that is the only market at present—has reached within the last three years—at a time, too, when there were circumstances in existence which tended to give an impulse to the trade—is about 15,000 annually. So that, as regards the mere number of slaves exported from Africa, the difference is as between 135,000 a year and—in consequence of the active means of repression which we have adopted—the small number of 15,000 a year. The fact is, that wherever the slave trade is extinguished there legitimate commerce springs up, and wherever legitimate commerce springs up, there equally the slave trade is ultimately not only greatly diminished, but altogether repressed. Whilst upon this branch of the subject I may also state that within the last fourteen years the value of the exports from the western coast of Africa has so enormously increased, that at the present moment it amounts to considerably more than two millions sterling per annum; and from the Bight of Benin, where twenty years ago not an ounce of palm oil could be got, and fifteen years ago a merchant of Liverpool, after

paying £800 for demurrage, succeeded in obtaining only £1,300 worth, this year the export of palm oil alone will be nearly £900,000. In reference to this point, I cannot do better than quote a few extracts which I have made from the latest reports of some of the able officers who are employed on the African coast. I will first quote an extract from a despatch written last year, by Commander Hinkley, a most zealous, able, and intelligent officer, as my right hon. Friend the First Lord of the Admiralty can testify.

"I have every reason to think that for the present (and we may hope for the future) the thing has ceased. Fisheries, oil factories, and urzella collectors are settling in every bay, and busying themselves in lawful trade."

In another portion of his letter, dated February last year, he says :—

"The European factories are multiplying fast, so much so, that the impression I received on visiting Punta da Lenha, the trade port thirty miles up, a few months since, was such as I should expect on coming on a squatter's clearance on the bank of a North American river, the axe was so busy and skeleton houses rising so fast. Indeed, I should think the future of this fine river safe to be the head-quarters of a mighty trade."

The same opinion is also expressed by Commodore Adams last year. He says :—

"I am happy to be able to state my belief that the native mind is becoming more alive to the real advantages of legal commerce, and that the slave trade is seldom resorted to, except in cases where there is a cessation of legitimate enterprise."

I have similar quotations from Commander Hooker and others ; but this I would impress upon the House, that though we have not succeeded absolutely in putting down the slave trade utterly and entirely, we have so discouraged it that we have made the pursuit of it difficult and troublesome, and the consequence is, that those who were formerly engaged in the slave trade are, on every part of the West African coast, turning their attention to the pursuit of legitimate commerce. To exemplify this, I will refer to two points upon that coast. Only four years ago the port of Lagos was one of the great haunts of the slave dealers, and one of the most notorious slave markets on the coast ; but what was the condition of that port in the year 1856 ? Why, that the exports of palm oil, ivory, and cotton—about which I shall have a word to say presently—amounted to no less a sum than £188,000; whilst at the same time, from the immediate neighbourhood of Lagos, during the period to which the return I quote relates, we did not receive a report of one single slaver having been seen there. Take also the case of Loanda, which, as hon. Members are aware, is a possession of the Portuguese Government, and in alluding to Loanda I wish to express the sentiments of respect which the perusal of the papers before me has created in my mind towards that Government for their zealous and almost chivalrous efforts in seconding us to put down the iniquitous slave trade. And if I might be permitted, I would name one Portuguese statesman at least who has given a great impulse to the movement in Portugal, and who has constantly directed it in a right course for several years. I allude to the Viscount Saldanha whose efforts in this cause have been worthy of the most illustrious names connected with it in this country. Well, at Loanda, legitimate commerce has greatly increased and it has increased exactly in proportion as the slave trade has decreased. Our consul there reports that some of the oldest residents, who in early times were devoted to nothing but the prosecution of the slave trade, have now, in consequence of our squadron, and the repressive measures which have been employed, come to regard it as the most gambling speculation that they can enter upon, and that, consequently, they have turned their attention to fair and legitimate commerce. The exports from Loanda were in 1856, £239,000, and the imports £293,000, making together in that port alone a trade, which has sprung up within a comparatively short period, of the value of a half a million of money, which is the amount that at present represents the annual commerce of Loanda. Now, this is a most encouraging case, because at a very recent date the port of Loanda used to export from 10,000 to 15,000 slaves every year. From Loanda alone, in the course of a few years, there went as many slaves across the Atlantic as are now supposed to go from every part of the African coast. Mr. Gabriel says that he remembers the time when, with this enormous slave traffic, there was nothing but a little ivory and bees-wax exported from there, and the slave trade was fully nine-tenths of the whole commerce of Loanda. I stated just now that one of the articles of export from Lagos and the neighbourhood was cotton. The House is aware that the attention not only of those who are engaged in the manufacture of cotton in this country, but

of statesmen and public men, has of late years been anxiously directed to this subject; and the inquiry has been how, looking at the vast capital employed in the manufacture, and the great population and varied interests which depend upon its prosperity, we can, from one part of the world or another ensure a sufficient supply of the raw material. Now, I do not scruple to say, after having had an opportunity of perusing the papers upon the subject, that it is not to India, or to any other part of the world which has been named, that our attention ought to be directed; but that it is to the west coast of Africa we should look for that large increase in our supply of cotton which is now become not only a thing wished for, but one so absolutely necessary to us that without it I and others who have studied this subject, foresee that, some day or other not far distant, the gravest consequences will ensue to this important branch of our national industry. In support of this opinion I would refer hon. Members to a paper that was laid upon the table in the past year relative to the cultivation of cotton in Africa. In that our consul at Lagos said:—

"The whole of the Yoruba and other countries south of the Niger, with the Houssa and Nuffee countries on the north side of that river, have been from all time cotton-growing countries; and, notwithstanding the civil wars, ravages, disorders, and disruptions caused by the slave trade, more than sufficient cotton to clothe their populations has always been cultivated, and their fabrics have found markets and a ready sale in those countries where the cotton plant is not cultivated, and into which the fabrics of Manchester and Glasgow have not yet penetrated. The cultivation of cotton, therefore, in the above-named countries is not new to the inhabitants; all that is required is, to offer them a market for the sale of as much as they can cultivate, and, by preventing the export of slaves from the seaboard, render some security to life, freedom, property, and labour."

I will not go into the calculations of this gentleman, but I find him saying that it appeared from the best information he could obtain that there had been exported from different ports on the African coast to Brazil an amount of cotton and cotton goods that might fairly be estimated as equal to 7,200,000 lb. weight of cotton. I may state further that another of our consuls, speaking of the trade in the Bight of Benin in 1856, says:—

"The readiness with which the inhabitants of the large town of Abbeokuta have extended their cultivation of the cotton plant merits the favourable notice of the manufacturer, of the philanthropist—and as a means of supplanting the slave trade, by its turning the attention of the native to the value of the soil and of human labour—of Her Majesty's Government."

He points out that in those countries where there is already this large production, that whereas from the year 1784 to 1791, the first seven years of the import of American cotton into this country, only sixty-four bales of cotton were brought from the United States to England; in 1855-56, being the third year only that attention had been turned to this produce in Africa, the town of Abbeokuta alone exported 249 bales, or 38,695 lb.; so that, in a limited district of Africa, one small town, in the first year that their attention had been directed to this export, sent to England nearly twenty times as much cotton as in the early history of the cotton trade was sent by the United States of America. And I think we may fairly say that if we can succeed, as I believe we can succeed, in repressing the slave trade, we shall, before many years are over, receive a most important supply of this article from the West Coast of Africa. I have now shown the House, not by the experience of forty years, but by the experience of only the last few years, we have to a great extent diminished the slave trade, and have also done that which, after all, is the surest means of ultimately putting an end to it—namely, giving birth to a valuable, and rising, and an important trade. But the hon. Gentleman has referred to some circumstances which in his opinion at the present moment more than ever militate against the policy which we have hitherto adopted. He has referred to difficulties which have occurred in the United States, and also to the possible existence of differences with France. It is not my intention now to enter into the merits of the scheme of free immigration which has been adopted by the French Government, but as I informed the House a short time ago Her Majesty's Government, convinced of the impolicy of that scheme, have made a proposition to the French Government, that on the part of both Governments Commissioners should be appointed to inquire upon the spot into the nature and tendency of that scheme. It was not that we conceived the French Government desired by any such system to revive or continue the slave trade. I believe there is no power on the face of the earth which is ready to make greater sacrifices to put down the slave trade than the Government

of His Imperial Majesty. But what we wanted to represent to the Imperial Government was this, that although it was true when those free immigrants, as they are termed, arrived in the French colonies they were most carefully attended to; and I can say myself, having perused the regulations issued by the French Government, that I think nothing could be more carefully devised for the protection of the labourers, and I have every reason to believe that those regulations are strictly fulfilled —yet that the system they had adopted of buying slaves on the African coast, whom they then set free and afterwards apprenticed for six years in a French colony, was one that would necessarily lead to the continuance of the slave trade on the coast of Africa. It is impossible to suppose, if the French purchase from the chiefs on the coast those who are already held as slaves, that the chiefs would not have recourse to those wars to which in times past they were accustomed for the purpose of obtaining slaves to supply the places of those with whom they had parted. The issue of that Commission has, however, for the present been suspended, but I am sure it is only for the present. In support of this opinion, I might refer to an article which appeared in one of the morning papers of this day, from the pen of one of the most eminent authors in France, and first published in the *Revue des Deux Mondes*. In that article the writer expresses the earnest hope which he entertains, and which is shared generally by the philanthropists of France, that the French Government will at once inquire into this matter, and take care that that which is intended for the benefit of the colonies in obtaining a supply of free labour shall not be perverted into a repetition or extension of the slave trade. I feel no doubt, therefore, as regards the difficulties which the hon. Gentleman dreads may arise between us and France in reference to the free immigration scheme, that his fears will turn out to be entirely without foundation. The hon. Gentleman has also referred to difficulties which have arisen between us and the United States of America, and which appear to him to throw additional obstacles in our way. As I stated to the House not long ago, as soon as Her Majesty's Government found that the right which we have hitherto asserted, of verifying the national flag, was one which we were not entitled to put forward, they thought it only becoming the dignity of a great nation at once to say so, and not to put forward a right which we could not justly and legitimately assert. At the same time we were perfectly ready to proceed in the spirit and manner which has been suggested by the Secretary of State of the United States; and where there was cause of suspicion—a suspicion which amounted almost to proof —that the flag of America was not legitimately and fairly borne by a vessel—at once to exercise the right, and take upon ourselves to run the risk of seeing whether that vessel had a right to the flag it bore or not. That is the position which General Cass himself pointed out as a fair position for this country to hold; and not only that, but in documents which were laid on the table of the House of Representatives by the American Government, they have shown that it was a right which they themselves had not scrupled to exercise; and if you refer to that correspondence you will find that the captains of American cruisers, when they thought that certain vessels did not fairly make use of the flag they bore, had searched vessels carrying the French flag. But to-day I have received the opinion of General Cass in reference to the course which this Government have taken on that difficult question; and so far from showing that we have any new difficulties in our way, I think the House will see not only that the course taken by this Government has been properly estimated by the Government of America, but that it will lead to the adoption of some course which will sweep away, I trust for ever, all those difficulties to which the hon. Gentleman has alluded as likely to impede the continuance of our policy. In a despatch received from Lord Napier, he says:—

> "General Cass stated to me that the course taken by Her Majesty's Government was worthy of a great and generous country—of one whose unquestioned power and promptitude to repel aggression was accompanied by the disposition to recognise an error and redress an injury, if inconsiderately committed. He assured me emphatically that after the satisfactory declaration that had been made by Her Majesty's Government, the Government of the United States would give their attentive consideration to any proposal which Her Majesty's Government might suggest for the verification of the nationality of vessels and their right to the flag which they displayed."

I think, therefore, the hon. Gentleman may disabuse his mind of the idea that there is any prospect of such difficulties occurring between England and America as would prevent our continuing in the course of maintaining that just and humane policy which has for so many years

been the pride and the boast of this country. A short time ago I informed the House that it had been a matter of consideration with Her Majesty's Government whether it would not be necessary perhaps to withdraw our squadron from the coast of Cuba. It was obvious that as long as we were there on that coast unsupported and uncountenanced by the American Government in the very highway of their commerce, we might run the risk very often, in attemping to verify the flag, of detaining vessels which were, perhaps, engaged in lawful commerce. That difficulty, I am happy to say, is not likely any longer to occur; because, as Lord Napier says:—

"General Cass has since informed me that on inquiry he learned that the ships despatched to the Cuban waters had been furnished with the usual instructions issued to the vessels employed on the coast of Africa."

Therefore there is at this moment an American squadron on the coast of Cuba prepared to co-operate with you if you will continue to maintain the policy which has hitherto so nobly distinguished you. I will only express the earnest hope that this House will not give its sanction or countenance to the proposition of the hon. Member. The policy which we have pursued has been adopted from no sordid motives. It is one we have maintained solely with a view to the rights of humanity, and to promote the objects of Christian civilization. And for myself, Sir, I can only say, that it is a gratification to me that thus on the threshold of public life, although in a subordinate position, I have been enabled to express on the part of Her Majesty's Government their firm determination not to give up in any respect that policy for which so many great men in this country have struggled, and which I hope will always be the pride of this country to maintain.

MR. MILNER GIBSON said, that judging from the speech of the hon. Under Secretary, he was induced to believe that there was no great difference, after all, between the Government and the hon. Member for Gateshead with respect to the substance of the Resolution before the House. The hon. Member proposed that we should discontinue the practice of authorizing Her Majesty's ships to visit and search vessels, sailing under foreign flags, but he did not include in his Resolution ships of those nations which had granted us the right of search by special treaty. He simply condemned the indiscriminate right of search hitherto exercised by our naval officers. That was precisely what the Government were going to do. They were going to discontinue the indiscriminate visiting and searching of vessels under foreign flags, because, if they did not do so, they knew they would inevitably get themselves into a very serious scrape. He was glad that the only rational course was now to be pursued—that American men-of-war were to exercise the legitimate jurisdiction which they possessed over American vessels, and that English men-of-war were to confine themselves to English vessels. He was also glad that the indiscriminate visiting of American vessels in the Cuban waters had been discontinued by our Government, because it could not have been persevered in without the most serious consequences, and he thought the course which had been taken was a carrying out to a considerable extent of the principle of the Motion of the hon. Member for Gateshead. It was clear that this country had never had any right of visit or search over any but English vessels, except in cases where the right was granted by other nations by special treaties. He therefore considered that the recent proceedings in the Cuban waters had been a violation of the law of nations, and the Government deserved the thanks of Parliament and of the country for ordering them to be discontinued. With respect to the general policy pursued by us on the coast of Africa, the hon. Gentleman the Foreign Under Secretary observed, that many favourable results had been the consequence of maintaining the squadron on that coast, and the hon. Gentleman stated that there had been a great increase of lawful trade, and a great augmentation in the exportation from Africa of cotton and other articles. He hoped that the hon. Member might not discover that those articles had been themselves the produce of slave labour, but he believed that there was very little of free labour or of working for wages in Africa. The hon. Gentleman said, that so many slaves were not now exported from Africa as formerly. There was a very good reason for that, as the demand for slaves on the part of Brazil had totally ceased; but all who now carried on the slave trade, the Spaniards in the Cuban waters, and, to a great extent, "our dear friends" the Turks in the Mediterranean, got as many slaves as they required. He defied any one to assert, that at the present moment those who desired to import slaves from Africa to Cuba could

not get as many as they required. If that were so, then this country was paying about £1,000,000 a year—maintaining a very expensive system of maritime policy—to put down the slave trade, and yet at the same time those who required slaves obtained all they wanted. There must be something wrong in this. Either the present system was totally inadequate and should be carried to a greater extent, or it was an unmitigated evil in itself. He doubted whether this country would ever consent to incur the enormous expenditure necessary for carrying on anything like an effective blockade of such an extensive coast as that of Africa. What was the effect of maintaining the slave trade squadron? Cuba, the only market, got as many slaves now as she required, notwithstanding the vigilance of our squadrons; but in order to supply the demand, a greater number had to be exported from Africa to allow a margin for the number that might be captured and liberated on the passage; the Africans were sent in less roomy vessels; various expedients, fatal to the slaves, were resorted to, in order to enable the slave ships to evade the cruisers, and, thus, for the sake of capturing and liberating a small percentage of slaves, a great increase of suffering and death was inflicted on all the Africans exported for Cuba. They were extending the miseries of the slave trade to an increased number of Africans, and they fancied that, because they captured and liberated some, therefore they were checking the slave trade. If it was the squadron that put down the slave trade with Brazil, he did not understand how it allowed so many slaves to be imported into Cuba. The fact was, that the Brazilian slave trade was abolished by the Brazilian people—by the gradual force of public opinion among them, for it was a mistake to suppose that England monopolized all the moral feeling in the world. Other nations were capable of viewing the slave trade in the same light as the English. A great party in Brazil did so view it, and the Government there passed laws in accordance with the public sentiment. As soon as those laws took effect the slave trade with Brazil ceased, though it had remained undiminished for years under the operations of the squadron. He believed that the measures adopted by this country, among others the passing of the Brazilian Act of 1845, which enabled English cruizers to capture Brazilian vessels and English law courts to deal with Brazilian subjects, had the effect of irritating public feeling in Brazil, and prolonging the existence of the slave trade there; and his principal object in now rising was chiefly to call on the Government to repeal that offensive Act, a reason for abolishing which was furnished, according to the opinion of the Committee of 1853, by the abolition of the slave trade in Brazil. The state of our relations with Brazil in reference to the slave trade consisted in a general promise on the part of Brazil that the carrying on of the slave trade by Brazilian subjects should be unlawful, and be deemed by the Brazilian law piracy. That engagement Brazil had fulfilled to the letter. The slave trade was now piracy by the Brazilian law, and adequate machinery had been established to give effect to that law. Therefore there was no reason whatever for maintaining the Brazilian Act of 1845, which was only passed on the ground that Brazil had failed in fulfilling its treaty obligations to this country. He, therefore, called on the Government to lose no time in erasing from the statute-book that most offensive and improper Act, which he believed constituted a violation of the law of nations, and which, as the late Lord Truro had distinctly and authoritatively observed, was a wanton attempt on the part of a strong Power to put down the independence of a weaker one. When that Act was passed, the Earl of Aberdeen, then Foreign Minister, made a promise, which was communicated to the Government of Brazil, that when either the Brazilian slave trade ceased or Brazil entered into mutual treaty engagements with this country to put it down the Act should be repealed. Both those events had occurred. In 1851, the noble Lord the Member for Tiverton (Viscount Palmerston) stated in a despatch to Lord Howden, which despatch was to be communicated to the Spanish Government, that the Brazilian Government had obtained from the Brazilian Parliament a more stringent law, declaring the slave trade to be piracy, that it had promulgated important facilities for the punishment of offenders, and seized slave vessels, slave trade barracoons, and newly imported negroes. The noble Lord further said, there could be no doubt that if the same system was energetically pursued for twelve months longer, the Brazilian slave trade would be almost entirely extinguished. That system had now been in operation for some years, and the trade had ceased. He, therefore,

thought the time had arrived when the Brazilian Act ought to be repealed, which caused deep irritation in the minds of the Brazilians, and deprived British subjects of many advantages in that country which other foreigners possessed. In consequence of its maintenance the Brazilian Government would not conclude any commercial treaty with this country, nor would they adopt any law with reference to the property of British subjects dying intestate in Brazil. The import and export trade of Brazil amounted to from £12,000,000 to £13,000,000 annually; Brazilians had borrowed in England some £6,000,000 sterling on bond; there were persons in this country possessing an interest to the amount of about £1,000,000 in the internal debt of Brazil; and a large amount of Brazilian railway shares were held by British subjects. He thought, therefore, that, with the view of obtaining for the commercial classes of this country the advantages which were possessed in Brazil by the subjects of other States, Parliament ought to erase from the statute-book the objectionable Act to which he had referred, in order that our relations with Brazil might be placed upon a more friendly footing. The right hon. Member for Oxford (Mr. Cardwell) had stated that Christianity and Christian missionaries were supported by our armed ships on the coast of Africa; but he (Mr. Gibson) could inform the right hon. Gentleman that missionaries and the members of the British and Foreign Anti-Slavery Society were uniformly opposed to the system of armed interference for the suppression of the slave trade. The right hon. Gentleman had come forward as the champion of the missionaries, but they were rather disposed to rely upon the influence of Christian teaching as tending to the suppression of the slave trade than upon the broadsides of men of war. The British and Foreign Anti Slavery Society had only a few days ago presented a Report to the Earl of Derby, in which they spoke very slightingly of the operation of our naval squadrons. The Committee of that society stated that in so far as the foreign slave trade could be affected, while slavery—the great incentive to it—existed, its extinction rested with the local authorities of the countries to which it was carried on, and that effective measures for this object were more to be anticipated from the influence of moral conviction than from the operation of an armed force or the demonstration of a hostile diplomacy. The right hon. Gentleman, however, came forward as the champion of the missionaries.

MR. CARDWELL explained that he had merely referred to the evidence of missionaries given before the Commission; he had said nothing at all about the British and Foreign Anti-Slavery Society.

MR. MILNER GIBSON continued:—The Committee of the Anti-Slavery Society submitted the facts to Her Majesty's Government, commending them to its serious attention, and praying for the repeal of the Brazilian Act of 1845, in consequence of the efforts of the Government of Brazil to suppress the slave trade. He wished to call the attention of the noble Member for Tiverton (Viscount Palmerston) to some passages in the Report of the Anti-Slavery Society with reference to the Ottoman Porte. He knew it was the opinion of the noble Lord that, as a great political necessity for the salvation of Europe, Turkey must be supported, and this country had expended a considerable amount of money in maintaining what was called the independence and integrity of the Ottoman empire. Now, what was the conduct of the Turks with regard to the slave trade? The report of the Anti-Slavery Society stated that, during the late war hopes were entertained that the Ottoman Porte would adopt decisive measures for its suppression; but negroes were still brought from the far interior of the peninsula, and, owing to the length of the journey across the desert and the tender age of a large number of the slaves, the mortality was excessive. They stated that the strongest representations on the subject had been made by Lord Stratford de Redcliffe, and prohibitory firmans were issued, which did not appear to have produced appreciable results, as according to the latest accounts the traffic in young negroes was more active than it had been previously to the war. When they found that the only two nations which now carried on the slave trade were Spain and Turkey, both of them being under great obligations to this country for its support, he thought it was not worth while to continue the petty system of cruizers which was now maintained, but he believed that by appealing to the moral convictions of the rulers of those States they might, by patience and perseverance, induce them to discontinue this cruel and degrading traffic.

MR. A. MILLS observed, that with reference to the present state of the question

as regarded Cuba and Brazil, we should remember that, so far from our efforts being seconded by public opinion in Cuba, the treaty obligations entered into between this country and Spain had been violated in every way. It was an established fact that the Captains General of Cuba with the knowledge of the Spanish Government derived a large proportion of their remuneration from a per centage on the slaves landed on the island of Cuba, and as long as this practice existed it would be nugatory for us to think of wholly suppressing the slave trade by means of an armed squadron in the African waters. In Brazil, however, there had arisen a public opinion in favour of the abolition of the slave trade, and he thought that as the object of the Brazilian Act had been attained it would be a proper course to repeal it. He confessed when he heard that our efforts had failed in Cuba, and that we had an unfaithful ally regardless of treaties in Spain, he was gratified to hear that with respect to America we had the promise of a better day. At the same time, he was bound to say that a circumstance had come to his knowledge with reference to the latter power, calculated, if true, to shake his confidence in that direction. He had been informed that the ships of the United States which had been co-operating with ours on the shores of Africa, took care to keep clear of those portions of the coast in which they knew the slave trade to be carried on. He trusted that the noble Lord the Member for Tiverton would give his assistance towards the continuance of that policy which had already been productive of such beneficial consequences, and that he would be found on the side of those who were in favour of maintaining the past policy of England with reference to this subject.

Mr. J. H. GURNEY said, the real question raised by the Motion and speech of the hon. Member (Mr. Hutt) was the success or non-success of the whole system hitherto pursued on the western coast of Africa. Now, he agreed with the Under Secretary for Foreign Affairs, that there was good evidence that that system had not, as was argued, proved an entire failure. What was the legitimate test of success? Surely the state of that part of Africa upon which our efforts had for the longest period been concentrated. Everybody agreed that the slave trade and legitimate commerce could not flourish in the same locality. Sir Charles Hotham, when

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questioned on this point before the House of Commons Committee said,—"I think wherever the two are together the slave trade would have the preference, and would beat the other out of the market." This and other evidence showed clearly that, as these two trades could not co-exist, if we saw in Western Africa a marked increase in legitimate commerce we could only infer that there was a corresponding decrease in the slave trade. It might be that, to a certain extent, the two trades had gone on together; but all experience proved that as the one flourished the other would dwindle away, and that the two had not permanently extended in the same locality. What, then, had been the increase of legitimate trade on the coast of Africa during the last few years? It had been calculated that between 1830 and 1850 the increase of the exports of British manufactures to that part of the coast lying between Senegal and the Portuguese colony of Loando amounted to 87 per cent, and since that time the progress made had been much more rapid. Between 1850 and 1856 the total exports from Great Britain increased 49 per cent, and during the same six years the imports of African produce into Great Britain had increased 60 per cent. The hon. Gentleman (Mr. S. FitzGerald) had stated that the imports of African produce into this country amounted to £2,000,000 per annum; but it should be remembered that that calculation did not include the trade carried on between the coast in question and other countries, which was considerable. For instance, in 1855 the exports to the port of Marseilles alone amounted to £280,000 in one single article—ground nuts. As to the growth of cotton in Central Africa, he had received from Mr. Thomas Clegg, of Manchester, a few figures, from which it appeared that while in 1852 only 1,800 lb. of cotton had been brought into Great Britain, the quantity increased in 1856 to 11,500 lb. in 1857 to 35,400 lb., and in the first five months of the present year it was 94,400 lb. Mr. Clegg further stated that the quality of this cotton, between December, 1856, and April 1858, had been such that its average price had reached within one halfpenny that of the middling quality of cotton brought from New Orleans. At the same time, the native manufacture was carried on to a considerable extent, so that within a period of twelve months 200,000 pieces had been exported

to Brazil, besides 200,000 pieces which were sent to the people living beyond the cotton-producing districts, while the inhabitants of those districts had themselves been also kept supplied. Another abundant article of produce which had not yet made its way into this market, but which must do so before long, was indigo. It was extensively grown in the countries bordering on the cotton district, and it only required a continuance of the present system to develope the export of that produce. It might be said, "Is this developement of trade attributable in any degree to the operation of our squadron?" There seemed to him to be abundant evidence of this. It was strongly set forth in one of the Resolutions of the Lords' Committee, and illustrative of the same view was an incident, communicated to him on good authority, which took place immediately before the breaking out of the Russian war, when Admiral Bruce was in command of the squadron. This officer had blockaded a certain part of the coast about 150 miles north of Sierra Leone, where a considerable number of slaves were congregated. The blockade was so effectual that these slaves could not be shipped, and the native owner agreed to allow them to purchase their freedom by gathering a certain quantity of ground nuts. An English gentleman who visited the locality eighteen months afterwards found, accordingly, that the slaves had purchased their freedom in this way, had built a village on the coast, and there were then thirty French vessels lying off the village taking in ground nuts for the port of Marseilles. One great feature in this commerce was the class of African merchants who had sprung up for the purpose of carrying it on. He had been informed of an instance in which a native merchant had laid out £10,000 in the course of a single year in the purchase of English goods, the money having been remitted to England before the goods were sent; while another had spent £6,000 in the year in a similar manner. He himself had received many letters from Christian negroes which were as well written as if they had been penned by a Member of that House. So far as the future was concerned, he thought it was desirable that the system which had been carried out under Admiral Bruce should be maintained, and the embarkation of negroes prevented, instead of any attempt being made subsequently to capture them. He wished also to observe that the dues which were now levied at Sierra Leone and Bathurst upon the native commerce which was springing up in Africa tended to affect that commerce most injuriously; the charge being at the former place at the rate of 1*s.* 6*d.*, and at the latter 1*s.* per ton. The great hardship of the charge consisted in the circumstance that a vessel going to Sierra Leone, for instance, and breaking bulk there, was obliged, even though she should unship but a very small portion of her cargo, to pay dues upon the whole of her tonnage, as if she had been completely unloaded. He might, in illustration of the severity with which the tax operated, mention the case of the *Armenia*, upon that portion of whose cargo which had been delivered at Bathurst some time since dues at the rate of 66 per cent had been charged, while 33½ per cent had been levied upon that portion of it which was to be delivered at Sierra Leone. He trusted the matter was one of which the Government would not lose sight, and that they would take steps to relieve the African trade from the burden which was thus imposed upon it.

SIR GEORGE PECHELL said, he thought this an inopportune time for altering their policy on this question; it was inopportune as regarded the intentions of Spain. If they were to give up the right of visiting vessels on the coast of Africa, they might as well give up all endeavour to stop the trade. He would suggest to the First Lord of the Admiralty one mode whereby our cruisers might tell whether a vessel was a slaver. No one could pass under the lee of a slaver without his olfactory nerves informing him that there were slaves on board. Still, there was a great difficulty in ascertaining the character of vessels on the Cuban waters, owing to the fact that the vessels belonging to the United States which traded to that island were similar in outward appearance to slavers. He did not view with any feeling of regret the increase that had lately been made in the number of war vessels belonging to the United States in those waters, for he thought it most desirable that the American Government should aid us in the suppression of the slave trade, and by keeping a watch over the ships belonging to her citizens she would really be carrying out our object. He had always said that, as we had paid £20,000,000 for the emancipation of our own slaves, more than £400,000 to Spain, and £1,000,000 to Portugal and Brazil, to put down the slave

trade, we ought to carry out our policy by keeping up a squadron to prevent the continuance of the trade.

SIR CHARLES NAPIER said, he would recommend the employment of a large number of steamers on the coast of Africa. If that class of vessels had been employed when the squadron was first formed, the slave trade would long have ceased to exist. One objection he had to the present system was the mode of rewarding officers and men by prize-money. He did not desire to see slavers captured so much as to prevent slavers from leaving the coast. No doubt the officers and men employed upon that station deserved reward, and he would give them double pay, but at present the prize-money was an encouragement to officers (although he did not say that they acted upon it), to allow the embarkation of slaves. He was informed that the extent of coast to be watched was only about 1,500 miles, and fifteen or twenty small steamers would soon put an end to the slave trade there. The right hon. Gentleman the Member for Ashton (Mr. M. Gibson) appeared to confound the right of search with the right of visit. We had never possessed the right of search as regarded America, but the right of visit was a different thing. A ship might pass ahead of a vessel whose character it was desirable to know, and dropping a boat might send on board and ask to see her papers without at all delaying her voyage. They had no right to open a hatchway. If England had been allowed to search American vessels, and America to search English vessels, the slave trade might have been soon put down. He was glad to hear that the Under Secretary of State was about to take a course satisfactory to both parties, and hoped that henceforward England would not be called upon to apologize for every trifling excess of duty on the part of English captains. All chance of quarrelling with America would be removed if strict orders were given to all captains of English vessels to follow suspected slavers, and if they were found to be American, not to interfere with them.

MR. ROEBUCK said, he felt very strongly on this subject. He had long considered this question and had always put himself in the position of the slave. He had asked himself what he would not do to his enslaver, and the answer he had given himself was that there was nothing at which he would stop short for the purpose of effecting his liberation; that he would make it so terribly dangerous to any man to make him a slave that the experiment was not likely to be repeated by the same person against any other individual. That being his view of the matter he trusted the opinions he was about to express in reference to the Motion then before the House would not induce any one to think that he was a friend of the slave trade. It was an unholy traffic, degrading to all engaged in it, whether slaves, slave-sellers, or slave-buyers, and the greatest stain humanity had ever cast upon itself. But what was the question he was asked by this Motion? If he understood it rightly it asked that we should order our vessels to cease from all inquiry as regards slave-trading vessels. He differed entirely from his hon. and gallant Friend (Sir C. Napier) who had endeavoured to draw a distinction between the right of search and the right of visit. We had no right to either, and we were about distinctly and formally to give up all pretensions to the right of visit in the case of the United States. If he was wrong in that supposition he hoped some hon. occupant of the Treasury bench would disabuse his mind of the error. We were about, then, once and for ever to renounce the right of visit as regarded American vessels. He would ask what did we attempt to do by our squadron, first of all on the coast of Africa, and lastly on the coast of Cuba? We had endeavoured to prevent the exportation of slaves; the exportation, not the importation, and if it should prove that our endeavours had led to a greater exportation of slaves than would otherwise have taken place, it would be clear that our endeavours had been mischievous. Well, then, the Brazils had given up the slave trade; Cuba had continued it. And he wanted to know whether Cuba had not received just as many slaves as she wanted? That was the real question to be determined; because, if she had, then it was clear that, as far as regarded the importation of slaves, our endeavours had been of no effect whatever. But as regarded the exportation they had; because in creating difficulties between one shore and another we had rendered it necessary to embark a larger number of slaves in order to meet the demands of the importer, and therefore our endeavours had been clearly mischievous. We had increased the number of slaves exported from Africa, but had not diminished the number imported into Cuba, and he concluded from that circumstance that

we had spent our money and ran the risk of war with other Powers to no purpose. We have done no good; nay, our efforts had been absolutely mischievous. It was not correct to say that the slave trade and honourable commerce could not go on together, for he believed that the increase in the exportation of African produce did not arise from the presence of the squadron, but from the increased demand for those commodities. Our endeavours to put down the slave trade had been in no way the cause of the legitimate trade in Africa: but here he must advert to what he considered the real stain upon England—to wit, her conduct towards Brazil, which had been the conduct of an overpowering State towards a weak one. America interfered, and England at once succumbed; and why? Because she was afraid of America, and was not afraid of Brazil. In the case of America she had truckled — in the case of Brazil she had bullied, because the one was weak and the other was strong. And mark the difference. Brazil had imported slaves, but she agreed with England to make that importation a piracy. What did England do? She passed an Act of Parliament giving to herself the power to search her vessels, to take them into our ports, and to condemn them by our tribunals. Now, the noble Lord the Member for Tiverton had acknowledged that the slave trade in Brazil was put an end to, and this country, in its overweening vanity, supposed that result to be due to its efforts; but so far from that being the case, our efforts as long as we were unaided by the people of Brazil, were wholly futile. The Brazilians, when they found that the black population was increasing to an extent which rendered it probable that they would overpower the whites, put an end to the slave trade themselves. Slaves were imported in spite of all our cruisers, but so soon at the people of Brazil said there should be no further importation, there was an end of the slave trade in Brazil. He thought that England was now called upon in honour to repeal that Act with regard to Brazil. At the time she was conceding a demand of a powerful people she ought to concede the demand of a weak one. It behoved her at once and immediately, during this very Session, to repeal that Act of Parliament. Now, with regard to the general question, he must say that he should like to hear somebody answer the statements he had made. The right hon. Gentleman the Member for Oxford (Mr. Cardwell) had not met any of its points by anticipation. The right hon. Gentleman had made a speech of great ability, which appealed to many of their prejudices and passions, but he was bound to, and he did not, encounter a great many facts that stared everybody in the face; in fact, he had given the go-by to the question at issue, as did also the Under Secretary of State for Foreign Affairs (Mr. S. FitzGerald). They endeavoured to show that there was a great increase in the legitimate traffic in those regions. That he was prepared to admit —but they had not succeeded in showing that there was a decrease in the traffic in slaves. The hon. Gentleman (Mr. S. FitzGerald) had not even attempted it; but he (Mr. Roebuck) contended that, unless it were proved that our cruisers were a benefit in keeping down the slave trade, they were an unmingled mischief. He need not attempt to harrow the feelings of the House by dwelling upon the horrors of the middle passage. Great orators had often described those horrors, and with such success that Englishmen had been led to endeavour to put down the slave trade. But we had failed in all our efforts. We had sent large fleets, we had expended much money, and had incurred great risk—and with what result? Why, an augmentation of all the miseries from which the African was suffering. The hon. Under Secretary of State shook his head, but he would ask him, were not those unhappy men packed in slavers like herrings in a barrel? Would they be so packed if the trade were open? If the trade were open would those miseries be entailed upon the wretched Africans who were the victims of this horrid traffic? He regarded the Motion of the hon. Member for Gateshead (Mr. Hutt) as humane. It would, in his opinion, redound to the honour of England, having made the attempt to put down this unholy traffic, to say "We have failed, but the great cause of that failure has been France and America." We could not help that; they were too strong for this country to cope with upon that particular point. It was our duty to consider the horrors of a war with America as compared with the horrors of the slave trade, and he for one thought that, to the interests of humanity, a war with America would be ten times more disastrous. He admitted, therefore, that we were wise in yielding to America, for he was sorry to say, she was strong enough to carry out her bad intentions.

She had no intention of putting down the slave trade. He said it advisedly; and his hon. Friend (Mr. S. FitzGerald) would be deceived if he thought that anything would be done by her to give us the right of search and visit. She would not permit it; and now any trader laden to the very gunwale with slaves had only to hoist that bit of bunting — the stars and stripes —and our officers would be obliged to retire and make their bow to the slaver. Why, we were about to remove our ships from the Cuban waters. He thought he was right in that statement. His hon. Friend (Mr. S. FitzGerald) was silent. During his short tenure of office he had acquired all the reserve peculiar to that bench; but he defied anybody upon that bench to deny that they were about to be withdrawn from Cuba and confined to the West Coast of Africa; and thus every trader in human flesh might hoist that flag of freedom — the stars and stripes — and cover over with that splendid emblem all the horrid misery below. Thus, the freest State in the world would be the cause of propagating all that misery. He congratulated his free cousins upon this worthy consummation of all their great forefathers' efforts. He hoped the House of Commons of England would set them a bright example. It had endeavoured to put the slave trade down. It had failed through the opposition of America, and it was not our shame but hers that it had done so.

SIR JOHN PAKINGTON said, that the speech of the hon. and learned Member for Sheffield formed an exception to the almost unexampled unanimity which had distinguished the debate; but although he had complained that the right hon. Member for Oxford (Mr. Cardwell) did not, in his speech in the early part of the evening, answer that which the hon. and learned Gentleman had just delivered, he hoped that the House would be of opinion that although he had supported the views of the hon. Member for Gateshead, yet his speech had contained no answer, nor a shadow of an answer, to the speeches of the hon. Member for Oxford and of the Under Secretary of State for Foreign Affairs. As to the speech of the right hon. Member for Ashton (Mr. M. Gibson) though it also was in favour of the Motion, every one must have felt that it was delivered in an entirely different sense from the speech of the hon. Member for Gateshead. The House had reason to complain that the speech of the hon. Member for Gateshead (Mr. Hutt) was not in accordance with his Motion. If he remembered, the first notice given by the hon. Member was to call the attention of the House to the continuance of the African squadron. Since then he had changed it to one respecting the right of visit or search. But no one could have heard the hon. Gentleman without feeling that the whole of his argument was devoted to the same object as the report of the Committee of 1848, and that his object was to do away with the squadron on the coast of Africa. The hon. and learned Member for Sheffield had spoken openly and fairly in the same sense. He told them that our efforts to put an end to the horrors of the Slave Trade had entirely failed, that our money had been thrown away, that our efforts had been fruitless, and that the Slave Trade was flourishing in spite of us, and that the best way was to cease those exertions for the future. He (Sir J. Pakington) was prepared to state his most decided opinion that those statements were not supported by facts. They might not have succeeded to the degree they desired. But he maintained that they had accomplished great things, and that had it not been for the honourable and continued efforts of this country, the Slave Trade would have been far more prosperous. The House had heard a good deal that night of the amount of the Brazilian Slave Trade in 1846-47-48. No doubt in those years the Slave Trade with Brazil was carried on to an enormous extent. What was the result? That the squadron on the coast of Africa was increased to an amount never reached before. In 1847 we had between forty and fifty vessels on that station with nearly 6,000 men; and what followed? In the course of a very few years the Slave Trade with Brazil was at an end. When the noble Lord the Member for Tiverton gave evidence before the Committee presided over by the hon Member for Gateshead in 1848, he said that he thought it might be a sanguine view to expect that the Brazilian Slave Trade could in ten years be reduced as low as the Cuban Slave Trade was at that time. But mainly by the efforts of that squadron—aided, no doubt, by circumstances in Brazil—the anticipations of the noble Lord were exceeded, and in two or three years from that time that trade had ceased. At that time the Cuban Slave Trade was very low. No doubt it had been revived—that revival

having followed close upon the fact that in consequence of the demands upon our navy, in consequence of the Russian war, our squadron on the coast of Africa was in 1854-55-56, reduced to a minimum. The hon. and learned Gentleman who had spoken last had told the House that the Cubans could, notwithstanding the cruisers, get as many slaves as they liked at any time. The fact was the reverse. The late accounts from Cuba had brought intelligence that notwithstanding the revival of the Slave Trade to a considerable extent, so difficult had it been found to import into Cuba sufficient slaves to maintain the cultivation that they had recently been induced to try as an experiment the introduction of Indians from Yucatan. Therefore, for the sake of that policy which England had so long maintained; for the sake of the great object which this country had so long had at heart, he did hope that the feeling of the House would be almost unanimous against doing away with that squadron. But let not the House imagine that the only good they accomplished by that African squadron was the suppression of the Slave Trade. They had heard a good deal in the speech of the Under Secretary of State with respect to the improved state of trade on the coast of Africa. To one part only of that subject he (Sir J. Pakington) would again advert. He alluded to the growth of cotton. Nothing was at the present time of more importance to England than to secure a continuous supply of cotton, and there was reason to believe that if our efforts on the coast of Africa were maintained, the introduction of civilization supported, and the African Slave Trade not allowed to revive, Africa was the country to which we may look with a more sanguine feeling than to any other part of the world for the supplies of cotton which are so essential to the trade of this country. The Committee presided over by the hon. Member for Gateshead admitted that it was essential even in the interests of trade, that we should have a squadron on the coast of Africa. But it had been said that the maintenance of the squadron was injurious to the navy, that the climate was injurious to the health of our sailors, and that the whole system was detrimental to the interests of the navy. That, however, was not the conclusion at which he had arrived from the inquiries he had made. No doubt, to those who went on shore, or navigated the rivers, the climate was most deadly, but to those who kept at sea, as was the case with the crews of our cruisers generally, whose duty was to guard the coast, the climate was by no means more injurious than many other climates our sailors were exposed to, and there was, therefore, no reason why the blockade should not be maintained. While, as to discipline, he had been lately informed by naval officers uponwhose opinion he could rely, that the African station was by no means unfavourable to the discipline of the navy. And here he could not but pay a tribute to the conduct of the naval officers engaged in the suppression of the Slave Trade. Though on a late occasion there might have been some excess of zeal and of their instructions, he thought the greatest credit was due to the commanders of our cruisers, bearing in mind that the duty they had to discharge was one of the most delicate and difficult character, and that the command of these ships was generally entrusted to young officers of low rank, and of no great experience. The hon. and learned Gentleman who preceded him said that in the late negotiations the Government of England truckled to that of the United States. He (Sir J. Pakington) distinctly denied that. Our Government had not truckled to the United States, and there was nothing in the speech of the Under Secretary of State to justify a statement which was altogether unfounded and unjust. The Government of this country had met the Government of the United States in a frank and conciliatory spirit, and he was bound to admit that the Government of the United States had responded in the same spirit. There was reason to hope that the result would be, arrangements will be made between the countries under which some definite mode of verifying the character of vessels would be established. and that the extreme difficulty which had hitherto beset that part of the question would be obviated. If that result were obtained he thought the House would admit that there would be reason for feeling grateful that the slight difference which had momentarily interrupted the relations of the two countries had arisen. He had only to express his regret that the hon. Member for Gateshead had intimated his intention not to press his Motion to a division, because he thought it would have been satisfactory to the country to see the overwhelming majority in favour of that policy which England had so long maintained. He believed that the interests of Christianity,

the interests of benevolence and charity, the interests of trade and commerce, and the honour of England demanded that they should not recede from that policy.

MR. BUXTON said, there could be no question that the first thing for us to do was to act in the most conciliatory manner possible towards the United States. By all means let us take this opportunity, and every opportunity, of showing our hearty good-will towards that great country. In this matter we had no choice but to make every concession on which they deliberately insisted. It would be perfect madness for us to go on examining ships that hoisted the American flag if the American Government was resolved not to allow it. That he granted at once, and also that we should be wise to withdraw our cruisers from the coast of Cuba. But though he would on no account persist in doing anything that could give reasonable annoyance to the United States, he trusted that our Government would not act in a hurry, and make concessions which might not, perhaps, be really required. No doubt there had been an effervescence of feeling in the United States, but it seemed to be sinking down as rapidly as it rose. By the last accounts people were beginning to be ashamed of the bluster that had been made. The outrages turned out to be gross exaggerations, or rather the inventions of speculators, and the judicious demeanour of our Government had disarmed resentment. Might it not be hoped that if we went on treating them with due respect, but at the same time pointed out to them the serious evils that might ensue if any pirate or slaver could shelter himself by hoisting the American flag, the people of the United States would meet us half way, with their usual good sense and feeling? As he understood, we had never had any right of visit, but if our men-of-war made the mistake of suspecting a ship wrongfully of carrying colours to which she was not entitled, we should be bound to make ample compensation for any inconvenience or annoyance to which she had been put. Were this clearly set forth to the American people, it was likely that they would leave the matter on this footing provided we withdrew from the Cuban seas; but if not, then we should ask them to confer with us in the most friendly way as to what other means could be found of preventing the abuse of their flag. Serious evils would undoubtedly arise were it known to the ruffians of all nations that they could shelter themselves from all unpleasant interference by simply hoisting the American flag. There was pretty sure to be a rapid growth of piracy in the African waters. Sir C. Hotham, among others, had reckoned that ten or twelve men-of-war would always have to be kept on the African coast merely to repress piracy. But, waving that, of course there would be an utter end of all our endeavours to put down the slave trade. Now, it had been maintained by some hon. Members that those attempts had been very costly, yet had failed. As to the cost, it seemed forgotten that our cruisers, after all, formed a constituent part of the defences of the country. Should war break out, then we should have ships ready equipped and ready manned, and the crews all the better for having had active service, instead of merely loitering about the Mediterranean or elsewhere. As to the alleged failure, he thought full and frank inquiry ought to be made. He himself had felt great doubts on the subject, but these had been driven away by a thorough study of the case. One effect, it had been said, of our cruisers was to increase the horrors of the middle passage. Hon. Gentlemen who made that statement could hardly have read the debates which took place in that House before the slave trade was abolished, or they would have found descriptions of the horrors of the middle passage still more distressing than those which were now witnessed. There was this great advantage now, that the vessels were smaller, with only one deck, instead of, as before, two or three decks, and the passage was usually performed in one-third the time that it used to occupy. It must be acknowledged that their attempts to suppress the slave trade had not been altogether successful, but at the same time it could not but be admitted that the obstructions which the cruisers placed in the way of the slave trade necessarily tended very materially to diminish it. Of course, some slavers did escape, but there seemed strong reasons for thinking that but for the cruisers the slave trade would reach four or five times its present amount. Cuba was a very large island, with a most fertile soil and climate. It was ten times the size of Jamaica, and so terrible was the life on the sugar plantations that the imported slaves were used up, as it was called—that is to say, were worked to death in eight years. Could slaves be had freely at a low price, it was probable that, as Dr. Livingstone had cal-

culated, 50,000 slaves could be absorbed by Cuba every year. Now, in the new slave trade blue-book he found our Commissary Judge at Havannah, who had ample means of approximating to the truth, reckoning the number imported at 7,304. Again, on the West coast of Africa slaves sold for £2 or £3—those bought for the *Regina Cœli* cost £2 10*s.*—whereas in Cuba the price of a negro varied from £50 to £80. By the blue-book it appeared that the price in Brazil now was £70, and in Cuba it was about the same. That enormous difference was the clearest possible measure of the value of our squadron. But for the obstacles we threw in the way, there could be no earthly reason why negroes should not be sold in Cuba for a few pounds, and, if so, the demand would be very large indeed. That difference of price could not be explained except by the efficiency of our endeavours to reduce the slave trade. Again, people thought of Africa as a quarter of the globe, and laughed at the idea of our blockading her coasts. They forgot that it was only from a limited portion of the coast that slaves could be got; and that portion was inaccessible, except at the mouths of rivers. The slaver now had to approach those points at great risk. He lay at anchor at great risk. He ran great risk in going away. Did it stand to reason that a trade so harassed could be as flourishing as if the slaver could come and go as he pleased, and anchor where he pleased and engage in transactions at his will? Again, the testimony of those intimate with Africa seemed decisive as to the value of the cruisers. Dr. Livingstone said, "I had imbibed the idea that our squadron, so far from diminishing, had rather increased the evils of the Slave Trade." But he gave the proofs which were thrust upon him, and which, he said, "forced me to a different conclusion from that to which the really very plausible statements of various parties had led me." Again, it was matter of experiment, for during the Russian war the squadron had lessened, and the Slave Trade at once revived. While, on the other hand, the remarkable development of commerce with Africa had dated since 1842, when we began a much more vigorous series of efforts for the suppression of the Slave Trade. For all these reasons it appeared to him that, were our attempts to keep down the Slave Trade given up, it would, in all likelihood, spread to three or four, or even more, times its present amount. Now, that would be a heavy calamity, not to the negroes alone, but to England and to the whole world; for in the last fifteen years West Africa had been making most unlooked-for and rapid progress. Trade had been striking root, and would evidently in a short while become of immense value, were it not withered by a renewal of the Slave Trade. It had been demonstrated that the forty or fifty millions of negroes in West Africa were an industrious race of men, and eagerly devoted to trade, while the wealth of those regions in the things that Europe needed was boundless. Palm oil, corn, timber, of valuable kinds, ivory, gold, ground nuts, indigo, pepper, rice, coffee, sugar, and a multitude of other articles, were only waiting a market to be produced in any quantities. The trade in palm oil was already valued at £2,000,000. ["No, no!"] He spoke of the home trade. But the most important prospect was that of the supply of cotton. There was no question now that any required amount of cotton, equal to that of New Orleans in quality, might be obtained. A very short time ago, Mr. Clegg, of Manchester, aided by the Rev. H. Venn and a few other gentlemen, trained and sent out two or three young negroes as agents to Abbeokouta. These young men taught the natives to collect and clean their cotton, and sent it home to England. The result was that the natives had actually purchased 250 cotton gins for cleaning their cotton, and lately these natives of Abbeokouta had sent to England and procured four presses, for pressing it for exportation, at a cost of several hundred pounds. Mr. Clegg stated that he was in correspondence with seventy-six native and other African traders, twenty-two of them being chiefs. With one of them Mr. Clegg had a transaction, by which he (the African) received £3,500. And the amount of cotton received at Manchester had risen hand over hand, till in 1856 it came to 35,000lb., and last year to nearly 100,000lb. Well might Mr. Clegg say that this was—

> "A rare instance of the rapid development of a particular trade, and the more so because every ounce of cotton had been collected, all the labour performed, and the responsibility borne by native Africans alone."

The fact was, that the West African natives were not mere savages. In trade no men could show more energy and quickness. And a considerable degree of social organization existed. He could give a

thousand proofs of this, but he would only quote a word or two from Lieutenant May's despatch to Lord Clarendon, dated the 24th of November, 1857. Lieutenant May crossed overland from the Niger to Lagos, and he says :—

"A very pleasing and hopeful part of my report lies in the fact that certainly three-quarters of the country was under cultivation. Nor was this the only evidence of the industry and peace of the country: in every hut is cotton spinning; in every town is weaving; dyeing, often iron smelting, pottery works, and other useful employments are to be witnessed; while from town to town, for many miles, the entire road presents a continuous file of men, women, and children carrying these articles of their production for sale."

He added,—

"I entertain feelings of much-increased respect for the industry and intellect of these people, and admiration for their laws and manners."

Here, then, we had a splendid prospect of happiness to Africa and wealth to Europe. But should the slave trade break out afresh with trebble or quadruple violence, all these hopes would be baffled. He could bring forward endless evidence, of naval men, merchants, missionaries, travellers, &c., to show that the slave trade made legitimate commerce impossible. It kept the people in constant excitement and alarm; it withdrew them from peaceful pursuits; it filled the land with anarchy, misrule, and ruin. Hon. Gentlemen might have read Dr. Barth's terrible account of the slave-hunting expedition which he accompanied. He described "the beauty of the country and the cheerful happiness of the natives in the well-cultivated and thickly-peopled district" which the slave-hunters had selected for attack. In a few days all was utter ruin. The villages were burnt, the crops destroyed, the people murdered or carried off as slaves, and of the latter the useless ones in great numbers were killed by cutting off their arms or legs and letting them bleed to death. All accounts concurred in describing the vast amount of desolation which the slave wars caused, and the death-blow they gave to industry and trade. The question, then, they had to deal with was plain enough. There was very strong ground indeed for believing that but for our efforts the slave trade would increase till 50,000 or 60,000 slaves were year by year carried to Cuba, instead of 7,000 or 8,000, and that if our cruisers were withdrawn, a state of lawlessness and confusion would once more arise in West Africa, and her rising commerce would be extinguished in blood. We could adopt which course we pleased. We could announce to the world that we thought our work a failure; that we now remembered it was no business of ours to save the negro race; that our benevolence proved expensive—in short, that we were tired of the whole affair. We might do that; and to be sure we should save all the difference between placing the cruisers on the African station and placing them elsewhere. On the other hand, we should lose that vast traffic of which as yet we had only seen the germs. In letting loose the slave trade we should be letting loose on West Africa war, havoc, ruin. We should nip the bud of a mighty commerce, of a mighty civilization. We should lower ourselves in our own eyes and in the eyes of the world. There was another course which we might pursue. We might make our minds up that it was not because a duty proved hard and painful that England would shrink from doing it; that, deeming it right and wise to stand out still against the slave trade, believing that we did really keep it from growing to a fearful size by our resistance, holding it unworthy of us because of some discouragement and cost to throw overboard that policy which was one of the most noble and unique features in the career of England, we would never cease from our war against the trade in man till that foulest of crimes had been cleared off the face of the earth—till Africa was freed from her spoilers, and commerce, civilization, Christianity bore sway in the land which the slave trade had formerly filled with desolation and ruin. That was the course which he thought Her Majesty's Government would find it at once prudent and right to pursue.

Lord CLARENCE PAGET said, he could not understand how hon. Members all round the House should state that naval officers were of opinion that the efforts of our squadron on the coast of Africa were likely to put an end to this horrible traffic. His pockets were full of letters from officers imploring him to use what arguments he could to convince the House of Commons that our efforts, though noble and sublime, were utterly futile, and that there was no hope that, by any force of arms, we could put an end to the Slave Trade. He would not quote the opinion of junior officers, such as captains, although he had many; but would only add the testimony of the last Admiral but one upon the station (Admiral Bruce), a most

zealous officer, who, writing on the 23rd of June, said :—

"My experience of the Coast of Africa station serves to convince me that while the Government of the United States permit their vessels and flag to be abused by their encouragement of the slave traffic, and while Spain continues to import negroes into Cuba, our labour for the suppression of the Slave Trade is all in vain."

Captain Hope, who had been cited as a witness on the other side by the Under Secretary of State for Foreign Affairs, wrote almost to the same effect. But he wanted no evidence except his own. It had fallen to his lot to command a ship on the African station, and to capture two slavers; and the scenes that he witnessed on boarding them beggared all description. He chased one, a brig, with a cargo of 480 slaves, for seventeen hours, during all which time these unfortunate creatures were not allowed to move, and were kept without either food or water. The result was, that when he captured the vessel they were 480 raving mad creatures. That was not an isolated case—such scenes were presented to every officer who chased a slaver—and he maintained that our proceedings caused untold misery to the slaves themselves. No one living in this country could realize, no pen could describe, their sufferings. So much for the slaves. Now, he would take the case of our own officers and men. The right hon. Gentleman the First Lord of the Admiralty had told them that the officers reported that the men were very healthy, and that the mortality was not greater than upon other stations. As regarded mortality that statement was correct, but he maintained that the returns furnished to the Admiralty were no criterion of the sufferings of the crews upon this station. He had lately consulted many officers upon this subject, and they all agreed that, although the great majority of the crews did not die and were not actually invalided, yet of nine-tenths of them the constitutions were broken when they returned; and, instead of being the gallant Englishmen who were sent out, they were poor, broken-down, decrepit invalids. The Admiralty knew well that the greater part of the drunkenness which was to be found in our service was among the men who had been on the coast of Africa; and he maintained that the loss by deaths gave no idea of the sufferings which were produced by this horrible cruising. Let him tell the House what were the duties of a ship on the coast of Africa. She left Ascension, St. Helena, or some other of the English stations, and was sent to the coast, where she cruised for six long months, up and down within sight of a sandy beach, with a heavy surf rolling, and never seeing a living mortal. The effect of this upon the *morale* of the officers and men was even worse than that which it produced upon their *physique*. He read in the papers only the other day that the *Hecate* had returned from the West Coast of Africa on account of the sickly state of the crew, having got the coast fever on board, and it being impossible to clear her of it. The former commander (Captain Gordon), the Assistant Surgeon, and two boatswains had died, and forty of the crew were in hospital at Ascension. After this, to say that the officers and men did not suffer in health more upon this station than any other was really to mislead the public. If this Motion had been brought forward earlier in the Session, he believed that there would have been a large majority in its favour; and if it were repeated next spring, he should be prepared to give his humble testimony to its support.

SIR JOHN PAKINGTON explained, that he had not said that the African station was as healthy as any other. What he did say was, that when the ships kept at sea, and the men did not go on shore, it was not more unhealthy than several others—such as the Chinese and West Indian stations.

LORD CLARENCE PAGET: It is called "The grave of the white man."

VISCOUNT PALMERSTON: Sir, there can certainly be no mistake as to the purport and object of this Motion, because my hon. Friend who introduced it desires to put a stop to all naval operations for the suppression of the Slave Trade, and the right hon. Gentleman the Member for Ashton (Mr. M. Gibson) urges the House to ask the Government to rescind the law applicable to the Slave Trade in Brazil. Undoubtedly, if these two objects were accomplished, the Slave Trade would become rampant to the utmost degree, and, as we all know, commerce up the coast of Africa would in proportion diminish. In fact, the Motion of my hon. Friend is a parody upon the sentiment which was ascribed to Mr. Wyndham, who is reported to have said, "Perish commerce; live the constitution." My hon. Friend makes a little variation and says, "Perish commerce; live the Slave Trade." Now, Sir, if mere assertions could convince the House my hon. Friend

would have made out a complete and unanswerable case. He has gone from assertion to assertion till he had completely established the conclusion at which he wished to arrive. Unfortunately all his assertions happen to be diametrically opposed to the facts. He began by saying that our policy has been a complete failure. Our policy has been eminently successful. He said that we have increased the horrors of the middle passage. That assertion also, as has been proved in the course of the debate, is diametrically opposed to the fact. Then he said that the Cubans get as many slaves as they want, that demand will produce supply, and that no efforts of ours can prevent the application of a politico-economical maxim. That assertion also has been shown to be directly opposed to the fact, because the high price of slaves in Cuba is demonstrative evidence, on the most commercial principles, that the supply falls short of the demand. I say that our policy has been eminently successful. It has been eminently successful, because for three or four years past we have put a stop to the enormous Slave Trade which was carried on with Brazil—a trade which I believe landed in that country not less than 70,000 negroes every year. And when we consider the misery which has thus been prevented we must not confine our view to the 70,000 who were landed, because to land 70,000 it is necessary to bring from the interior of Africa, by means which are well-known, nearly three times that number. The general calculation is, that of the slaves captured in the interior one-third perish on the journey, another third in the barracoons and on the voyage, and only one-third are landed on the other side of the Atlantic. What was the method by which these slaves were obtained in Africa? They were not captured on the coast, where the chiefs used their slaves for their own purposes, but the bulk of them were brought from many hundreds of miles in the interior. They were obtained by wars—not wars for conquest, not wars for extermination, but wars in which peaceful and thriving villages were attacked in the dead of night, the houses set on fire, the aged and infants murdered, and the middle-aged and grown children carried off to the coast, subjected on the way to every kind of misery, whitening the road with their bones, imprisoned in wretched barracoons until the arrival of the traders, exposed to the horrors of the middle passage, and at last consigned to hopeless and cruel captivity in a foreign land. The noble Lord who spoke last says that our operations are productive of great cruelty to the negroes, and exemplifies that by the fact that he captured two vessels—I presume not far from the coast of Africa—in which the negroes were huddled together in a state of great misery. These people were, no doubt, undergoing great cruelty at the hands of the slave-traders, but my noble Friend restored them to liberty, and therefore, so far from our operations having the effect of aggravating their sufferings, they were equivalent to an act of mercy. But my noble Friend says that the First Lord of the Admiralty is mistaken when he supposes that the African station is not more unhealthy than many others which our ships are obliged to frequent, and he adds that every man who comes from the coast of Africa is a broken-down invalid. I am happy to say that the example which he affords in his own person does not corroborate his statement, and I would rather take his own personal appearance, coupled with the facts stated by the First Lord, than any general assertion which he may choose to make. I say that we have been eminently successful, inasmuch as we have entirely put a stop for the last three or four years to the importation of slaves into Brazil, thereby rescuing about 200,000 Africans annually from the misery to which they would have been otherwise exposed. But it is said that we have no right to take credit for what has occurred in Brazil; that it is not the result of any naval operations on the part of the British Government; it is the result of the improved state of opinion, and the prevalence of a more humane feeling among the Brazilians; it is the spontaneous act, we are told, of the Government and people of Brazil. I utterly deny that statement. Anybody who takes the trouble to look back to the papers upon the slave trade, which are laid annually before Parliament, will see exactly how the thing was accomplished. Up to 1850 the Brazilian slave trade was carried on to the utmost possible extent. What happened in 1850? The Government of that day told the Government of Brazil that an Act of Parliament was passed in 1845 by which we had the power of seizing their slavers on their coast, in their creeks and rivers, and of trying them before an English Court of Admiralty. The Brazilian Government professed not to care much about that;

Viscount Palmerston

but what was the consequence? In about three months after our operations were commenced the Brazilian Government came to our Minister at Rio and said they were prepared to comply with any conditions we liked to impose, provided we withdrew our squadron. Four or five articles were drawn up; they were agreed to by the Brazilian Government, and Mr. Hudson then told our admiral to suspend his operations. Those operations were suspended, but the moment that was done the Brazilian Government paid no attention to their engagements, and the slave trade was immediately resumed. In the December or January following, Mr. Hudson told the Government that unless they carried out the arrangement which had been entered into the British admiral should recommence his operations. They were recommenced, and the result was that the Brazilian Government, finding we were determined to use the power which the law of England gave us, immediately persuaded the Brazilian Assembly to pass very stringent laws, which were at once put into execution, and from that time the Brazilian slave trade has utterly and entirely disappeared. That is a proof of the eminent success of our naval operations. Tell me that it is the result of improved opinion in Brazil! I treat that assertion with the contempt which it deserves. No man who knows anything of Brazil or of the facts of the case will entertain such a position for a moment. I do not mean to say that there was not in Brazil a party then growing and of considerable influence that did entertain reasonable and rational opinions upon the subject of the slave trade, and saw that it was not for the interest of Brazil to pursue that crime. I do not mean to say there were not many persons in that country who were most anxious to put an end to that atrocious custom, and who rejoiced when they saw the English Government adopt measures to compel their own Government to take steps to put down the slave traffic. And the result has justified their views, for I am sure that the process has conferred an immense benefit, not only upon the people of Africa, but upon the inhabitants of the Brazils likewise. One satisfactory result of the process was that an enormous amount of capital, which up to that time had been employed in the capture of slaves and in inflicting misery upon a large portion of mankind, was directed to purposes of industrial improvement; roads, cultivation, public and private enterprises of all kinds were immediately begun, and I am happy to say that the improved state of the interior of Brazil shows that the course we pursued, so far from injuring the people of that country, has conferred upon them invaluable benefits. It is entirely incorrect to say, therefore, that our policy has failed, because, although we have not succeeded in utterly extinguishing the slave trade with Cuba, we have extinguished the slave trade with Brazil, while that with Cuba is not one-tenth of what it used to be. The right hon. Gentleman the Member for Ashton (Mr. M. Gibson) says that the slave trade with Brazil having been put an end to, the British Government is bound by a verbal engagement to propose to Parliament to rescind the Act of 1845. I deny his conclusion, and contend that the maintenance of that Act is the only security we have, for the present at least, that the Brazilian slave trade shall not be revived. I do not call upon you to enforce that Act, but I ask you to reserve it as a power to be used in case the Brazilians should revert to their bad courses. So long as you have that Act in reserve so long will the Government of Brazil pursue the policy which you compelled them to adopt; but if you were to repeal it, depend upon it from that moment the Brazilian slave trade would recommence with all its attendant evils. Then, Sir, while our policy of suppression has been eminently successful in putting an end to the slave trade with the Brazils, it has been equally successful in encouraging legitimate commerce and industry in Africa itself. The hon. Gentleman the Under Secretary for Foreign Affairs has explained in detail the immense progress being made on the coast of Africa in the cultivation of valuable articles of export to this country; and I venture to say, that though at present the trade between England and Africa is less than that carried on with Brazil, yet, if we continue our existing policy and the slave trade is kept down it will in a few years greatly exceed it. The commercial resources of Africa are of vast importance to this country. The production of such articles as palm oil, coffee, and cotton is increasing every year. We are told that these productions increase only because a demand for them has begun. Begun! Why, we should have had a demand for them at any time if the people of Africa had been able to produce them; but when the industry and agriculture of the country were para-

lyzed—when there was no security for life, liberty, and property, how could we expect that they would grow articles to meet the demands of commerce? The demand was for flesh and blood, not for cotton and coffee; and when the demand for flesh and blood in some measure ceased, then the people were able to meet the calls of legitimate commerce. I venture to say that you will find on the West Coast of Africa a most valuable supply of cotton, so essential to the manufactures of this country. It has every advantage for the growth of that article. The cotton districts of Africa are more extensive than those of India. The access to them is more easy than to the Indian cotton districts; and I venture to say that your commerce with the Western Coast of Africa in the article of cotton will in a few years prove to be far more valuable than that of any other portion of the world, the United States alone excepted. Now we are called on to reverse a policy that has been eminently successful, not only in regard to putting an end to the crime against which it was levelled, but in creating a commerce that did not before exist, and which cannot fail to be of great and increasing value to this country. On commercial principles, then, I say it would be most injudicious, nay, the height of folly, to concur with the hon. and right hon. Gentlemen in the view they have taken, and call on the Government to reverse the policy we have hitherto pursued. But how does the case stand in a political point of view? This country, from 1815 down to the present time, has stood honourably forward among the nations of the world, not only by setting a good example, but by inducing as far as her influence extended other maritime and commercial countries to concur in treaties for the suppression of the slave trade. We have been eminently successful in that respect also, because several countries have followed our example in abolishing slavery, and all civilized countries have either by treaty, or by law of their own, or by declaration joined us in reprobating—and many of them as far as they could in preventing—the atrocious trade in slaves. France was at one time a great slave-trading country. She began first of all by prohibiting the slave trade, and then she followed our example and abolished slavery within her dominions. Portugal, a great offender, has left off the slave trade; and I was told within a very recent period that the Portuguese Government are contemplating to propose to their Legislature a law for the prospective abolition of slavery itself in their colonies. I say, then, we have been eminently successful in our endeavours to enlist all the Powers of the world in a condemnation of this great crime; and it would be dishonourable to this country, and abandoning the high position in which we have hitherto stood, if we were suddenly to turn round at the moment of success and say we would retrace our steps, let slavery take its course, and set an example to the world the very opposite of that which has redounded so much to our honour. The hon. Gentleman who brought forward this Motion treated rather cavalierly and with something like a sneer the religious part of this question. I must say that in general there are no considerations that ought so little to be brought before the Members of this House as those founded on religious questions. Our sphere is politics — our sphere is commerce — our sphere embraces simply matters of national interest; but at the same time there are occasions on which higher considerations than those ought to be impressed on the minds of the Members of this House and the country. There are those who believe —I do not know whether the movers of the Motion are of that opinion—that the world is governed by a Divine Providence, and that good deeds and bad deeds meet with their appropriate reward or punishment—that nations are made to suffer for their misdeeds, and derive advantage from the good deeds which they perform. Now, it is a curious coincidence—though there may be no real connection between the two—that from the time when this country first began to abolish the slave trade, followed up by abolishing slavery within the dominions of the Crown, and to use its influence for the suppression of the slave trade elsewhere,—from that period this country has prospered in a degree which it never experienced before. I must say, then —though feeling these to be topics which should be lightly touched on in this House—that, considering the determination we have so nobly carried out, both by example and by precept, to put an end to the slave trade, if the English nation were now to recede from its high position, and re-establish by its own example and its own sanction that abominable crime, if it were to incur the guilt of bringing upon the world the vast amount of human misery which would be the consequence of adopting the Motion of the hon. Member for Gateshead, I think it

is not assuming too much of the functions of a prophet to say that the crime would be visited on the people of this country in a manner which would lead them to repent of having been guided by the counsels of the hon. Gentleman. I am happy to see that the opinion of the House, as manifested in the course of the debate, is such that there is no danger of the Government either being disposed, of their own accord, or of being urged by Parliament, to pursue the policy recommended by the hon. Gentleman. I am convinced that if we persevere in the course we have hitherto taken we shall ultimately succeed; and that the Spanish Government, which has hitherto shown indifference upon this question, and none of that chivalrous sense of honour on which the nation prides itself so much, will at last awaken to see the disgrace it has brought upon itself by the breach of its engagements, and that it will assert the authority which it possesses in a manner to insure success. If so, we shall see the slave trade of Cuba banished like the slave trade of Brazil, and this country will have the satisfaction of knowing that its labours have not been thrown away, and that it has accomplished one of the noblest works in which any nation ever engaged. To effect this will, no doubt, require great exertions. What great object can be accomplished without exertion? And if our exertions and sacrifices should succeed in completing this object, I am persuaded the people of this country will not grudge them. On the contrary, I am persuaded that if you appeal to the people of England on this great question they will tell you to go on pursuing the policy you have hitherto followed, and, so far from grudging the small amount of money that may be required, they will say it is well applied for the promotion of so noble an object.

Mr. GILPIN said, he must protest against the imputation conveyed by the observations of the noble Lord, who had spoken as if those who supported the Motion were not as thoroughly opposed to the slave trade as himself. The noble Lord endeavoured to cast a slur upon the Motion of the hon. Member for Gateshead, by saying that his policy was "perish commerce, but live slave trade;" but the noble Lord could not but know that the hon. Member for Gateshead and those who supported him were quite as much opposed to slavery and the slave trade as he was himself. The whole question was whether the facts alleged were true? And notwithstanding the scorn with which the noble Lord treated those who differed from him, he (Mr. Gilpin) maintained that the system adopted by England had not answered the purpose for which it was originally designed. The noble Lord had also misstated the pledge which Lord Aberdeen gave to the Brazilian Government respecting the repeal of the Act of Parliament. It was not a verbal promise, but in a formal despatch Lord Aberdeen distinctly stated that the Act of Parliament would be repealed as soon as Brazil showed evidence of a sincere desire to put down the slave trade. Now, could any one deny that evidence of such sincerity had been shown by the Brazilians. His opinion was that the policy of this country towards Brazil had retarded rather than promoted the efforts of the anti-slavery party in Brazil, to whom, much more than the English policy, the suppression of the trade was to be ascribed. As to Cuba, they were recently told by Mr. Consul Crawford that the slave trade had not been so active there for years as it was now. The great question for the House to consider was, as had been stated in the course of the debate, whether Parliament should go on spending 1,000,000 a year to achieve an object which it had not achieved and scarcely even promoted. That was a remark that he had not yet heard answered. If self-denying exertions—never exceeded—were to be taken as any proof of the interest which the Anti-Slavery Society felt in the abolition of slavery, then he gave them credit for being earnest and hearty in support of that great cause. But when the progress of Christianity in Africa was spoken of, he would only say he did not believe in the Christianity that was propagated by the guns of cruisers. The First Lord of the Admiralty had said the facts were against his hon. Friend the Member for Gateshead, but the right hon. Gentleman had not attempted to prove that, nor in what way our efforts had been crowned with the success he had claimed for them. He (Mr. Gilpin) contended that when they took a million of money from the hard earnings of the people it ought to be for no questionable object, and that the means employed ought to be somewhat commensurate with the end they had in view. There was something like unanimity in the House as to the necessity of pressing Spain to fulfil her engagements with this country in reference to the slave

trade. That was as it should be, but all would not be gained so long as America continued to be the foremost bulwark of slavery. Much, however, would be gained as soon as the slave trade was stopped in Cuba; and if the House was prepared to adopt an exclusive policy with reference to the produce of Cuba until Spain gave up the slave trade, he thought that would go a great way towards attaining the end in view, and it would only be prohibiting the produce of the stolen labour of stolen men from coming into the English market. He believed, after all the attention he had given to this question, that the House would not put an end to slavery by the means they had adopted. They might make the traffic more difficult and dangerous—and he believed their system went to intensify the horrors of the middle passage—but he repeated his belief that they would fail in future, as they had failed already, in putting a stop to slavery and the slave trade by the course they had adopted.

Mr. P. O'BRIEN said, he had a notice of Motion on the paper that it was inexpedient to maintain the naval force at present in the West India waters for the suppression of the slave trade, but it was not now his intention to bring it forward; and, with reference to a statement of the hon. Member for Gateshead (Mr. Hutt), that it was not his wish to divide the House on his Motion, he thought it but due to hon. Members that they should be afforded an opportunity of recording their opinions on so important a subject.

General THOMPSON said, there must be a grievous commercial fallacy in the argument advanced in support of the Motion. They were told, perhaps with some degree of pardonable hyperbole, that the inhabitants of Cuba were obliged to embark four negroes for one that they got in Cuba. He would ask the House whether that circumstance was not enough to operate as a check on the trade. It had been urged in times when there were restrictions on the importation of food into England, that the English people had as much food as they wanted; which meant only that they had as much as they chose to pay for. So with respect to the Cubans; they had as many slaves as they chose to pay for; and if the expense of landing a slave in Cuba was increased something like four to one on the original cost, he left it to the House to say whether that was not something effected by the squadron.

Mr. DRUMMOND was glad to hear the voice of the hon. and gallant Gentleman who had just sat down exerted in the same cause in which both the hon. and gallant Gentleman and he (Mr. Drummond) had been labourers for fifty years. Although the hon. Member for Northampton (Mr. Gilpin) might whitewash himself, he could not whitewash the hon. Gentleman who brought forward the Motion before the House. That hon. Gentleman distinctly laid down the grand idea that the way to govern this country was by the commercial principle of getting whatever we could, no matter by what means. The great principle of commercial intercourse, said the hon. Gentleman—the principle of supply and demand—must over-ride everything. [An hon. Member: He said nothing of the kind.] There were hon. Members now in the House who were not present when the hon. Gentleman spoke, but those who were present when he addressed the House would remember that he said they ought not to interfere with that principle, because they would be intertering with the great principle of free trade. [Mr. Hutt: The hon. Gentleman misrepresents me.] He would leave that difficulty then and pass on to another. The hon. Gentleman and some who supported him dwelt on the horrors of the middle passage, and imputed them to the policy pursued by the Government; but the horrors of the middle passage at present were nothing compared with what they were before the Government entered on the present course. The hon. Gentleman also said that it would be a dreadful thing to incur the risk of a war on this subject; but he (Mr. Drummond) maintained that the bloodiest war ever waged—the capture of Ismail by Suwarrow, the storming of Magdeburg by Tilly—was nothing in comparison with the daily miseries of this slave traffic and the sufferings of the negroes when they arrived in that country which was often held up as a model of advanced civilization and the great pioneer of human liberty and progress. He happened to be present at that great meeting to which the hon. Gentleman had alluded, and he there maintained the argument he now maintained. He there said that if a man stole another's watch or horse, and sold it to A, and A afterwards sold it to B, did not the owner try to follow his property and get it back? The same principle held good with regard to a matter far more important than a

watch or a horse. Personal liberty was the first right of man; and if any one attempted to make him a slave he had a right to kill that person, and kill him he would if he could. His firm conviction was, as he stated at the meeting referred to, that this thing would never be got rid of, except by a rising on the part of the blacks themselves, and he should heartily rejoice when he heard that they had risen and inflicted some poor measure of short justice on the people who now held them in slavery. The hon. Gentleman said that the English boasted exceedingly of their morals and humanity. Now, he thought that if there was any part of the community which liked to be flattered more than another it was the honest old English merchant and the honest old English manufacturer or trader, who were willing for profit to trade with the Devil himself. It was his firm conviction that the love of money and trade—carried on under the name of free trade—really ate out of the country anything like moral and religious feeling, and the arguments of the hon. Gentleman were chiefly addressed to that point, which he held in utter detestation.

MR. COGAN said, he was slow to believe that the House would sanction the Amendment and thereby give such an impulse to the slave trade as must necessarily ensue from an acknowledgment on the part of Parliament that all the efforts to repress that traffic had been useless, and that the contest must now be given up. However anxious they might be for the advancement of commerce, he trusted that they would not forget the interests of justice and humanity, and the Legislature ought to interfere to prevent cargoes going from this country to the West Coast of Africa to supply the slavers. The hon. Member, amid repeated calls for a division, referred to the Report of the Committee of 1842, for the purpose of showing that slavers had been supplied with necessary articles by British merchants.

Question put, "That the words proposed to be left out stand part of the Question."—The House *divided*:—Ayes 223; Noes 24: Majority 199.

Main Question put, and *agreed to*.

SUPPLY.—CIVIL SERVICE ESTIMATES.

House in Committee.

Mr. FITZROY in the Chair.

The following Vote was *agreed to*.

£11,050, Mixed Commissions.

House *resumed*.

Resolution to be reported *To-morrow*.

On the Question that Supply be taken at twelve o'clock *To-morrow*,

MR. WILSON said, that the House had been going on with Supply from day to day, which was a somewhat unusual course, but he did not complain of that so much as taking Supply at the morning sitting. As there were a good many Committees sitting in the morning of to-morrow, he hoped the Government would not go into Committee of Supply till the evening.

THE CHANCELLOR OF THE EXCHEQUER said, that in arranging the business of the House he had no wish but to do that which was in accordance with the disposition of the House, and in going into Committee of Supply at the morning sitting it was not the convenience of the Government that he consulted, but he believed he was consulting the feeling of the House. Believing that, he put it to the House to decide the question, but, as at present advised, he proposed to go into Committee of Supply at twelve o'clock, and by completing Supply opportunity would be given to go on with other business, and he should be able to afford hon. Gentlemen opportunities for discussing subjects which they could not otherwise possess.

VISCOUNT PALMERSTON said, he really thought the proposition of the right hon. Gentleman rather unreasonable. No doubt if the right hon. Gentleman asked the confidence of the House so far as to vote all the remaining Estimates in a lump, the proposal would be agreed to. But if they were to keep up the semblance of a discussion of the Estimates they should be taken at a time when hon. Gentlemen could attend, which they could not do in the morning when many Committees were sitting, as they could not, like that Irish bird, be in two places at once. He thought that on reflection the right hon. Gentleman could not press on Supply at the morning sitting. There was very little business remaining to be disposed of—unless the Government had some to bring forward of which they were not aware—and he did not see the necessity of going on with the Estimates in the morning.

THE CHANCELLOR OF THE EXCHEQUER said, the noble Lord argued as if the arrangement had had been made to suit the convenience of Government, and not of the House itself. However, the opinion of the noble Lord had great weight with him

in a point of that kind, and he would therefore consent to there being no House tomorrow morning, but that they should go into Supply in the evening. It was probable that the Oaths Bill, and another important Bill connected with it, would come down from the House of Lords in the course of the same evening, and it would be necessary to make some arrangement for their discussion. He himself, too, intended to introduce in the course of the week a measure for the purification of the river Thames.

MR. MILNER GIBSON said, that he was desired by the noble Lord the Member for the City (Lord John Russell) to state that he would, to-morrow, announce the course which he meant to pursue with regard to the Oaths Bill.

Committee to sit again *To-morrow.*

GOVERNMENT OF NEW CALEDONIA BILL—COMMITTEE.

Order for Committee read.

House in Committee.

Clause 1, fixes the boundaries of New Caledonia—on the south, the frontier of the United States; on the east, the watershed between the streams which flow into the Pacific and the Atlantic and Icy Oceans; on the north, the 55th parallel of north latitude; and on the west, the Pacific Ocean.

MR. CHRISTY moved an Amendment, making the eastern boundary "the main chain of the Rocky Mountains," and the northern boundary "Simpson's River, and the Finlay branch of the Peace River."

SIR BULWER LYTTON said, he did not object to the Amendment.

MR. ROEBUCK suggested that it would be desirable to comprise the whole of the British territory up to the Russian boundary.

Amendment *agreed to.*

MR. BERESFORD HOPE said, he wished to draw attention to the name which had been assigned to the new colony. He considered New Caledonia an inappropriate designation, and would suggest Pacifica, or any other name which might have some natural connection, as in the case of the name assigned to Australia, with its geographical position.

MR. ROEBUCK said, he wished to direct the attention of the right hon. Baronet to a proclamation of Governor Douglas, which, it appeared from the papers of that morning, had been issued to the gold-diggers, and expressed a wish to know whether any instructions had been sent out from the Colonial Office with respect to that document. So far as he (Mr. Roebuck) understood the Proclamation, it referred to the mainland, over which the Governor had no control.

SIR BULWER LYTTON said, he had seen the Proclamation to which the hon. and learned Gentleman referred, and that it would appear to be formed upon a misconception of the rights of the Hudson's Bay Company, which did not justify a blockade of Fraser's River. He thought, however, that great excuse should be made for Governor Douglas in the difficult position in which he was placed, while he could assure the hon. and learned Gentleman that the Proclamation would receive the serious consideration of the Government.

MR. CROSSLEY said, he wanted to know whether the right hon. Baronet would not accede to the proposition of calling the territory with which the Bill proposed to deal by a more appropriate name than that of New Caledonia?

SIR BULWER LYTTON said, several names had been suggested, but none had been very favourably received. The last proposition to call the territory Pacifica had not been received with enthusiasm. Respectful consideration would, however, be given to the subject, and possibly the name might be altered.

MR. ROEBUCK recommended that the Indian name should be sought out and adopted in a translated shape.

MR. CHRISTY said, he did not see so much objection to the name. The whole territory had received the name of New Albion from Drake 300 years ago.

Clause *agreed to*, as were also the remaining clauses.

MR. ROEBUCK asked, whether it was intended to introduce any provision into the Bill securing to the colonists the benefits of English laws as far as they were applicable to the circumstances?

THE SOLICITOR GENERAL said, the very fact of establishing the colony would carry by its own force all English laws that were applicable to the state of the colony. The Bill also provided that the Governor should have power to make laws suitable to the emergency, but it required that those laws should be submitted to Parliament as speedily as possible.

The House resumed.

Bill *reported*, as amended, to be considered *To-morrow.*

House adjourned at Two o'clock.

HOUSE OF LORDS,

Tuesday, July 13, 1858.

MINUTES.] PUBLIC BILLS.—2ª New General Post Office (Edinburgh); Joint Stock Banking Companies; Universities (Scotland).

3ª Funded Debt; Leases and Sales of Settled Estates Act Amendment; Nisi Prius Court, &c., (Ireland).

THE 100TH REGIMENT.

THE MARQUESS OF CLANRICARDE said, he wished to ask the noble Lord the Under Secretary for War (Viscount Hardinge), whether it was true that orders had been given by the War Department to provide the 100th Regiment with complete clothing upon their arrival in this country from Canada, but that when the clothing came to be unpacked there were no buttons, owing to which the clothing was perfectly useless. That might not be the fault of the Secretary for the War Department; still it was the fault of some one; and when he (the Marquess of Clanricarde) recollected that numerous cases of similar neglect had occurred during the last few years without any person having been dismissed or punished for them, he thought it was his duty to mention in that House the rumour with regard to the 100th Regiment. He believed that until some person was punished for blunders of this kind they would be repeated. He remembered that great inconvenience was occasioned three years ago to the camp at Aldershot from the want of some wheelbarrows. The bodies of the barrows were sent from the Ordnance Department, and the wheels were sent down from the Engineers' Department. He wished to know whether the mistake of which he had heard with respect to the clothing sent to Liverpool had really occurred, and, if so, whether any person would be punished for the blunder?

VISCOUNT HARDINGE replied, that no clothing was sent to Liverpool, because it was known that the regiment would disembark at that port fully equipped with fatigue clothing and necessaries. That dress clothing, tunics, and trousers, were sent immediately to Shorncliffe, from London, in order that no delay might take place in fitting the men when the regiment had arrived. That the buttons were immediately sent for from Weedon by telegraph, but that a delay was unavoidably occasioned by Sunday intervening, and the stores being closed. That another delay took place in London, which was entirely to be attributed to carelessness on the part of carriers employed by Messrs. Pickford to convey the stores from one terminus to another. That the buttons had certainly arrived forty-eight hours after the clothing, but that no practical inconvenience could have taken place, from the fact that it would take some weeks to fit the clothing to the men. That the Secretary of State was not aware that any blame attached to any officer in any department. That steps were now being taken to reorganize the clothing system, which would no doubt obviate any further complaints.

CHURCH RATES.

LORD PORTMAN said, in consequence of an announcement which had been made in the other House of Parliament by the Chancellor of the Exchequer that it was the intention of Her Majesty's Government to propose at the commencement of the next Session a plan for the settlement of the church-rate question, he thought it would be presumptuous in him to lay on the table a Bill relating to that subject as he had intended to do. As long as the intentions of the Government remained doubtful, he considered it his duty to assist in resolving those doubts by placing his measure before the House; but under the altered circumstances he felt that it would be wrong in him to take that course. He had no objection to communicate to his noble Friend at the head of the Government the scheme which, after consultation with a great many people holding different opinions on the subject, he had intended to propose. His sole object was to assist in the settlement of the question, and the main feature of his plan was, that the rate for the fabric would be thrown upon Churchmen, and Nonconformists would be relieved from all compulsory payment. He thought there was a mode of doing that which would be satisfactory to both parties. He proposed that the rate should be exclusively for the fabric, and that the expense of the services should be provided for in another mode. He proposed that those who declined to pay church rates should not be eligible to vote in vestry on church business.

THE EARL OF DERBY said, he thought his noble Friend had overstated the effect of the statement of his right hon. Friend in the House of Commons. His right hon. Friend did not say more than that it was the hope and intention of Her Majesty's Government to propose some means of grap-

pling with this most difficult question. It would have been saying more than could have been said on the part of the Government to give a pledge, on their behalf, at that moment, that they would submit to Parliament a Bill. They certainly did intend to give their attention to the subject and, if possible, to bring in a measure, and as the subject was one of such very great importance, and on which such a variety of opinions was entertained, he should feel grateful to his noble Friend (Lord Portman) if, notwithstanding that it was the intention of the Government to deal with the question, he would lay his Bill on the table, and thus enable them to derive assistance from the examination of its provisions. He perceived that in the other House of Parliament notice had been given by an hon. Gentleman wholly unconnected with the Government of his intention to bring forward a measure for the commutation of church rates; and the more attention was bestowed on the subject the greater probability would there be of their arriving at a satisfactory conclusion.

JOINT-STOCK BANKING COMPANIES BILL.—SECOND READING.

Order of the Day for the Second Reading read.

EARL GRANVILLE, in moving the second reading of the Bill, said the object of it was to apply to joint-stock banking companies that principle of limited liability which Parliament had already applied to other joint-stock companies. It was not necessary that he should enter into any argument on the subject. A noble Lord of high authority in these matters (Lord Overstone) had admitted that if the principle of limited liability were once conceded to joint-stock companies in general, there could be no valid reason for refusing to extend it to banking companies, and the same admission was made by his noble Friend near him (Lord Monteagle). Speaking generally, there was no doubt that the joint-stock banks had been conducted with considerable prudence, but the great temptation they had to contend with was to speculate beyond their *bonâ fide* resources on the credit of their shareholders. He had no wish at the present moment to advocate the exclusive adoption either of limited or unlimited liability by these banks; but he saw no reason why, with the enforcement of full publicity, the shareholders should not have limited liability; and it would then be for the public to determine whether they would deal with those establishments which were conducted with limited liability or with those that were not. The only object of the Bill was to give them the power of conducting their business on that principle if they chose, after full notice given to the public.

Moved, That the Bill be now read 2ª.

LORD MONTEAGLE said, the noble Earl had overlooked the great distinction between banking companies and joint-stock companies in general, namely, that the former received the money of others on deposit. There was also this peculiarity in joint-stock banks, that they were founded by the creation of shares, but owing to the practice which prevailed of making advances to the shareholders on the deposit of shares the general public were deprived of the security which they would otherwise have had from the calling in of the capital not paid up. He begged the noble Earl opposite (the Earl of Derby) to pause before he assented to this measure.

THE EARL OF DERBY said, he confessed it was not without some hesitation that he gave his assent to the second reading of this Bill. But he could not help thinking that the dangers arising from the excessive speculation of banks must be incurred whether those establishments were founded on the principle of limited or of unlimited liability. They were all aware that some of the greatest commercial frauds that had been perpetrated of late years had followed from the practice of giving undue credit to the shareholders in banks whose liabilities were unlimited. That was an evil which attached not to a vice in the system itself of banking, but to a vice in the mode in which banking was conducted. He confessed that he could not draw a distinction between credit to be given to banks and credit to be given to other commercial bodies, in reference to the limited or the unlimited liability of the proprietors. The public must be left to decide for themselves on the amount of confidence which should be bestowed on any commercial establishment. Under all the circumstances of the case, although he thought that the subject ought to be considered very carefully, he could not take upon himself to refuse his support to the second reading of the Bill which merely extended an existing system to joint-stock banks.

LORD WENSLEYDALE said, he did not mean to oppose the second reading of the Bill. It appeared to him to be framed

in conformity with that principle which had been generally adopted in our recent commercial legislation, of allowing the public to determine for themselves what was the amount of credit they should give to any commercial body. But he should observe that he thought it was desirable to introduce some clause into the measure under which joint-stock banking companies should be compelled, at stated periods, to declare the extent of their capital as well as the extent of their obligations, and should not be allowed to confine the information which they afforded the public to the mere names of their subscribers and the amount of money which had been subscribed.

LORD STANLEY OF ALDERLEY said, he deplored what had taken place in the Scotch banks, but it should be recollected that all those were banks of unlimited liability. He believed that where banks were limited the public would feel it more incumbent on them to inquire into the affairs of the bank, and that in this way, to a certain extent, limited liability would be a security against false confidence. The colonial banks were banks of limited liability, though not in the sense to be established through this Bill, and he had not heard of any failures amongst them. The only proper protection for the public was, that they should not remove the obligation which rested on every one to look after his own interests.

Motion *agreed to.*

Bill read 2° accordingly, and *committed* to a Committee of the Whole House on *Thursday* next.

CONFIRMATION OF EXECUTORS, &c., BILL.

House in Committee (according to Order)

Clauses 1 and 2 were *agreed to.*

On Clause 3,

LORD CRANWORTH warned their Lordships that the use of the word "domicile" in the Bill would give rise, ere long, to many doubts and the greatest possible confusion and litigation. He would strongly recommend that the Bill should be referred to a Select Committee. He would move that their Lordships disagree to the clause.

THE LORD CHANCELLOR feared that if this Bill were sent to a Select Committee, where it would be considered more in the light of English than of Scottish law, they would have an English instead of a Scotch Bill. The Faculty of Advocates had thoroughly examined the Bill, and he might state that no difficulty whatever existed regarding it in Scotland. His noble and learned Friend proposed that an Amendment should be introduced into the third clause, by which, as was originally proposed in the Bill, executors should have an option of going either before the county or the Edinburgh Commissary. There was, however, no central Commissary Court in Scotland. The Sheriff of Edinburgh had no more power as Commissary than any other sheriff. This state of things had existed since 1830, previous to which the Sheriff of Edinburgh had a commissarial power over the counties of Haddington and Linlithgow, and no complaint had ever been made of the alteration which then took place. To enable parties to go to Edinburgh would be attended with great inconvenience, and he hoped his noble and learned Friend would not propose the Amendment of which he had given notice.

LORD CRANWORTH said, he held it to be of the highest importance in matters of this kind that there should be in Scotland, as in England, a tribunal to which persons might resort for a grant of executorship about the validity of which there could be no possibility of doubt or question; and he thought by far the wisest course would be to refer that part of the Bill to the consideration of a Select Committee.

On Question, whether the said Clause shall stand part of the Bill? *Resolved* in the *Affirmative.*

Bill *reported*, without Amendment, and to be read 3ª on *Thursday* next.

UNIVERSITIES (SCOTLAND) BILL.

Order of the Day for the Second Reading read.

THE DUKE OF MONTROSE said, that in moving the second reading of this Bill, he must be allowed to express the interest he felt in this question, from his personal connection with Scotland. He felt a similar interest, for the same reason, in the state of the Universities of Scotland, and all that was connected with them; and, therefore, he begged their Lordships' indulgence while he shortly explained to them the objects and intentions of this Bill. Although those Universities were each of them small, as compared with the great Universities of England, yet it would perhaps surprise their Lordships to learn that there were no fewer than six Universities in that country. There were not only the Universities of Edinburgh and Glasgow, but there were two in St. Andrews and

two in Aberdeen. It was right to say that those Universities had, upon the whole, been eminently successful, as would be known to all their Lordships who were familiar with the history of Scotland. They had each of them produced many eminent men—men distinguished in every walk of literature and science; while the Professors also had been distinguished for the highest talents and acquirements. But although this was the general state of the Universities, and although it was undoubtedly true that to the influence of the Universities the progress of Scotland and the high rank she had attained among the nations was to be attributed, still there were various defects in the condition of those Universities which their best friends deplored, and which it was the object of this Bill to remedy. Various Commissions had to be issued to inquire into the state of those Universities, and to report upon what remedies were required. One of those Commissions was issued in the year 1832, another in 1851, and another so lately as last year, with the special object of inquiring into the condition of the two Colleges of Aberdeen. He mentioned these facts to show that the idea of reforming the Scotch Universities was not a new idea, that it had been entertained from time to time, and that by persons who were most friendly to these Universities, the best acquainted with their internal condition, and the most solicitous for their welfare. A large and influential public meeting was held last year in Edinburgh, to press upon Parliament and the Government the necessity of some reforms being applied to these eminent institutions; and such was the strength of the general feeling, that a Bill was prepared by the Lord Advocate under the late Government; but owing to the fall of that Ministry, it was not brought into Parliament. The defects that required reform were various. There were Professors of classes who had no pupils; but the greatest defect of all was that when Professors who, when they were first appointed were probably able and eminent men, and distinguished in the branch of science to which they were attached, became unable, through the infirmities of age or disease to discharge their duties, no provision was made for their retirement, and they remained at their post, to the great detriment of the class. This, indeed, was the greatest defect of all, and it was one under which all the Colleges suffered, while even in cases where a Professor retired, or rather appointed a substitute to discharge his duties for him, it could not be expected that that substitute would be very eminent in his special range of science, because the portion of his own salary that the retiring Professor could allow was necessarily small, and there was great uncertainty about the substitute eventually succeeding to the professorship; so that there were few men of eminence who would accept a situation so doubtful. The consequence of this was, that at all times there were several Professors who were unable to perform their duties, and this was one of the points on which the various Commissions had laid great stress. Well, it was intended by the Bill to remedy this state of things. At the same time, it was considered a matter of great importance to give a certain control over the whole system—a body that should have some permanent survey and control over the professorial body. At present there was no superior body that could check them. These, as he had said, were the defects chiefly dwelt upon by the different Commissions, and to remedy these defects was the object of the Bill now before their Lordships. For the purpose of providing retiring allowances for aged or disabled Professors, a Vote would be taken in the House of Commons. It was also intended to constitute in each University a University Court, which would regulate and control the powers of the Professors, or, as their collective number in each college was called in Scotland, the *Senatus Academicus*. This court would consist of persons of eminence and distinction, and their duty would be to see that the Professors did their duty and carried out the system of education as it was prescribed in the University. There was another court also to be constituted, which was to be called the Council of the University. Its members would be composed of the graduates of the University; and one good effect of this court, it was hoped, would be, that it would give the students and *alumni* of the different Universities a deeper interest in the affairs of their college, and a greater inducement to them to take the honours provided for the graduates. These were the general principles of the Bill, which he might mention had been received with general approbation in Scotland, and in the Universities themselves. It had passed with general approbation through the House of Commons; and though he did

The Duke of Montrose

not mean to say that it had encountered no opposition, yet he would affirm that it was only opposed by persons whose local interests were affected by the changes proposed, and even they only opposed those clauses which affected their own interests. With respect to the union of the Universities, he might say that it had been recommended, or at least strong arguments had been brought forward in its favour by the Commissioners, when the whole matter was inquired into. He had always considered that that would be a very proper mode of dealing with the matter; but at the same time he did not wonder at persons connected with that part of the country, or who had taken degrees in either of the Universities, feeling some sort of jealousy at the idea of their particular University being merged into another. With respect to Aberdeen, he was extremely anxious that there should be a faculty of Arts still kept up both in King's and Marischal Colleges. The intention at present was that there should be only one Professor of each branch of education when the two colleges were united. There was this advantage in the union, that each University had several professorships, which the other did not enjoy, and by combining the two, there would be a Professor of each branch of education. But the Bill gave very great powers to the Commissioners, because they might, if they thought it advisable, institute a double professorship in the faculty of Arts, so that, in fact, the elementary branches of education, with Greek, Latin, and mathematics, might be taught in both of the colleges, which would no doubt be a very great convenience to the persons resident therein; whereas, by confining the teaching of that branch to King's College, considerable difficulty might be felt. Inasmuch as the Commissioners possessed the power, he was inclined to think that if they went to the extent of that power, almost the whole of the objections still felt to the Bill would be removed. He repeated that the powers of the Commissioners were extremely great, and subject only to the approbation of the Queen in Council; and he conceived they would be very much inclined to exercise them in the direction he had indicated. There was only one other point in the Bill with respect to which objections had been raised, and to which he would refer, namely, that which had reference to the patronage—the appointment of Professors in the Edinburgh University by the corporation of that city. He did not wish to detain the House by entering into a lengthened detail of those objections, which would be more properly discussed in Committee, when that clause was considered. It was agreed to only after considerable discussion in the House of Commons, and it was regarded very much in the light of a compromise between the two parties, one being anxious to denude the corporation of that patronage altogether, and the other to retain it in its entirety. This clause, however, addressed itself to a practical solution of the difficulty. The power of the appointment of the Professors was still left in the corporation, only it was put under a better system and more stringent control. It was given to seven curators, four of whom were appointed by the Town Council, and three by the University; so that the Council would at all times have a majority in respect to the medium through which the appointment of Professors was made. The other three would act merely as a check upon the former. It was true that the appointment was taken away from the Council as a body corporate; but it was done in such a manner as to retain their influence, while it put an end to the complaints of those who thought that it was in reality a very objectionable thing that candidates for Professorships should be obliged to canvass individual members of the Town Council for those appointments. As far as the power of appointment went, it seemed to him that it was essentially the same in this Bill as at present. He admitted that the Bill interfered very much with vested rights and interests; but at the same time he reminded their Lordships that it was difficult to pass any Bill without interfering with vested rights more or less, and he did not conceive that any sound objection could be urged to the measure upon that ground. There was just one more point to which he would address himself before he sat down, and that was with reference to the grant which it was proposed to make for retiring allowances to Professors, and for the general expenses which the Commissioners might think proper to authorize in carrying out the Act. The amount which it was proposed to place on the Estimates for this purpose was £10,000. He must confess that he thought that was a very small sum indeed. It might perhaps be sufficient for the immediate wants; and the first objects which the Commissioners had in view was to do what was necessary and proper in

the first instance; but he could not say he thought it would be sufficient after the new system had been established,—especially when he compared it with the large sums voted for educational purposes in Ireland, both as regarded Maynooth and Queen's Colleges. He was convinced that this small sum of £10,000 would not be found sufficient for Scotland, and he alluded to the subject now because he knew how difficult it would be, when such a Vote had once been granted, to increase the amount in the House of Commons in succeeding years. He had now explained the general principles of the measure, which, as he conceived, was all that was necessary for him to do on the present occasion; it being the second reading of the measure, and having had the earnest consideration of all the Scotch Members in the House of Commons. Although he did not pretend to say that some of its provisions were not objected to, yet it was the fact that a very large number of persons approved not only of the Bill itself, but of this particular clause, in the localities in which the Universities were situated. He trusted that their Lordships would pass this Bill in the form in which it had come up to them from the other House, because, although it certainly was a great interference with the Universities, and introduced an entirely new system of government, and although the Scottish Universities had been a success in past years, yet there was every reason to hope that under this measure their continued prosperity would be ensured.

Moved, That the Bill be now read 2ª.

THE EARL OF ABERDEEN thought that every friend to education in Scotland must feel grateful to the Government, and especially to the late Lord Advocate, who had introduced this measure into Parliament, and had carried it through the House of Commons. The Bill was one which met with general approval. No doubt that some of its provisions had met with very great opposition, and he was sorry to say that the opposition had come principally from that part of the country, and had reference principally to the provisions connected with the University of Aberdeen. He must say that he did not recollect ever having witnessed any degree of exitement so great in intensity, or feelings so strong, or so perfectly unanimous in the public mind as with regard to this measure. He must say that he shared in some of those conflicts; but he thought that which had been mentioned with respect to the great powers the Commissioners would possess, would tend to allay that excitement; for, in his opinion, the proper exercise of those powers would effect all that alteration, and modify all those operations of the Bill to which so much objection had been expressed. The persons connected with the University of Aberdeen did not object to the Bill generally; they only wished to preserve to each College that system of tuition which at present existed. It was a great many years since he was Chancellor of the University of Aberdeen; but he had never ceased to feel an interest in its prosperity. Both Colleges had been eminently useful in the north of Scotland; they had accomplished great good; and he should view with deep regret any alteration consequent on this Bill which would have the effect of destroying the system of education which at present prevailed in the University of Aberdeen. As far as he was concerned, he approved of many of the principles contained in the Bill, and even of the union of the two Colleges; but only in the hope that such alteration would be made by the Commissioners as would obviate the objections felt, and conduce to the interest of the University. They would scarcely believe the excitement which the questions had created in a city of 70,000 or 80,000 people, who felt, almost to a man, that they were being deprived of an ancient institution, under which their forefathers had lived, and from which they had received the greatest benefits. It could not be the wish of their Lordships to destroy a system that had worked so well, and proved so beneficial to the whole of the country. He did not wish, by any means, to throw any opposition in the way of passing this Bill, for he was one of those who had recommended a measure which, in principle, was similar to the present. Some years ago, when he was at the head of the Government, he projected a Bill something similar in character to the present; but he found the opposition so strong in the district to which he had alluded, that he thought the good which would result from it would not counterbalance the evil that it might give rise to. He felt, at that time, the necessity of having one general University for Scotland; but yielding to the feelings, or as they might choose to term it, to the prejudices of the inhabitants of the cities in which the Universities were situated, he did not persevere in a measure which he believed, as far as

he recollected it, to be very similar to the one now lying on the table. He, therefore, saw no objection either to the principle or the details of this measure, because he thought that the Amendments which had been introduced during its passage through the Commons were sufficient to enable the Commissioners to obviate the objections felt with respect to the Aberdeen University clause. He had had, however, a petition entrusted to him, which he had presented, by the Provost and Corporation of Aberdeen, praying that, as an act of justice, they might be heard by themselves or their counsel at the bar of the House; and he thought, considering the interest felt and the strong feeling which had been excited, the prayer of the petition was a reasonable one.

EARL STANHOPE said, he thought the Government entitled to the greatest praise for bringing in this measure, and great credit was especially due to the Lord Advocate, who, it gave him great pleasure to see, had just been chosen by Her Majesty to fill a high official post, and who, he had no doubt, would be found eminently deserving of that honour. He desired to express his cordial approval of the principle of the measure; but at the same time there were some points in which he, in common with a great many persons in Scotland, could not but think some amendment necessary. The Scotch Universities were quite differently situated to those in England, where the advantages of a first-class University education were not extended to persons of the same rank in the social scale as was the case in Scotland. For that reason he should be very sorry to see such a fusion of the Universities as would make the Colleges difficult to enter. In respect to the great benefit resulting from the present system, he would read to their Lordships the extract of a letter he received from a minister of the Church of Scotland, in a parish near Aberdeen, dated July 9, 1858, accompanying a petition against the fusion clause in the Bill. In the petition their Lordships would observe that there were numerous signatures from servants. The extract was:—

"I take the liberty of informing you that many of my servants availing themselves of instruction from the minister and schoolmaster, after the labours of the day, have qualified themselves for entering the lists as competitors for the bursaries for King's and Marischal Colleges, and it comes within my personal knowledge that not a few of this class are now occupying situations as clergymen and teachers with very great success."

He could not help thinking that facts like that were quite sufficient to induce their Lordships to provide the best possible means for continuing so admirable a system, and one which had been productive of so much good. This Bill had received, since its first introduction, very considerble amendments during its progress through the House of Commons, and he would mention one thing, namely, that provision which left the election of Lord Rector to the students. It was also his profound conviction, that the clause introduced by his right hon. Friend (Mr. Gladstone), giving to the Commissioners the power under the Bill of establishing a general University for Scotland was a most valuable one. He was rather surprised that the noble Duke (the Duke of Montrose) had not made that a great feature in his general exposition of the measure, for he thought it was one which had received general assent, provided it could be carried out consistently with the preservation of the rights of the existing Universities. He looked upon this as one of the vital points of the Bill, and gave his right hon. Friend the greatest praise for having introduced it. He did not deny that there would be immense difficulties to overcome in the way of patronage, but he thought that if properly worked out nothing would prove more advantageous for Scotland. Learning had advanced with rapid strides in Scotland, but had not yet reached its full development. A central University would be a great gathering point, and it might exist in intimate connection with the present Universities. Believing that the Bill, as amended, was an extremely good one, he viewed with great regret the opposition to which some portions of it had given rise in Scotland, and he thought he should satisfy their Lordships that a very small alteration in the Bill should be all that was necessary. The noble Duke had not quite accurately stated the feelings of the people of Scotland with respect to the measure. He said that there was a feeling of objection with respect to the friends of the two Colleges in the University of Aberdeen. So far as he could understand there was a unanimous feeling in favour of the union; everybody agreed that it would be a great improvement, the only difference being whether or not the Faculty of Arts should be fixed. On this point he had received a letter from one of the principal functionaries of the northern University—a man held in the highest respect by the

entire community of Aberdeen. He wrote under date the 10th July,—

"The excitement in Aberdeen, and in the north generally, is very great on this subject. Even if I had held the opinion that there should be but one College, I should deem it highly inexpedient to force the measure against the deliberate and expressed desire of the inhabitants of the north of Scotland. I humbly and respectfully submit that it would be better at present to do what all are agreed about, namely, to endow the University with the higher faculties of theology, law, and medicine, and to leave the Colleges separate, which I think would give great satisfaction."

The question, then, was really this, whether there should be one or two faculties in the University of Aberdeen. Now, he did not at all mean to say that arguments might not be adduced on the one Bill as well as on the other in that case. He readily admitted that there were arguments of considerable weight in favour of the establishment of a single faculty in the University of Aberdeen, and he only maintained that there were also arguments of considerable weight in favour of the double faculty. He could at all events state, without any doubt or hesitation, that the feeling in Aberdeen, and throughout the north of Scotland generally, in favour of maintaining a distinct Faculty of Arts, was of the strongest and most decided character. Upon that point their Lordships had already heard the statement of his noble Friend (the Earl of Aberdeen); and although he could not of course pretend to possess the same amount of local knowledge as his noble Friend, he had reason to know, from the communications which he had received, that there was no exaggeration in the language of his noble Friend, and that there prevailed a very determined opposition to that proposal. The question that their Lordships had to consider was whether it would be worth their while to run counter to such a feeling, and thus to endanger the popularity and the success of the whole measure? The Bill, as it stood, would give the Commissioners power to keep the two faculties distinct if they should so think fit; and the assent of the people of the north of Scotland would be attained, if, instead of giving that permissive power to the Commissioners, it were made obligatory on them to maintain the two faculties. He believed that, under such an arrangement, all traces of dissatisfaction in that matter would disappear, and that only one feeling would prevail throughout Scotland, of cordial satisfaction with the Bill, and of deep gratitude to Her Majesty's Government for its introduction. That change in the measure might not, indeed, be as much as the Town Council of Aberdeen had asked; but he had reason to believe that a mere provision of the kind he had stated, making that obligatory on the Commissioners, which by the Bill was left permissive, would answer every necessary purpose. He confessed that he did not think it would be worth while to persist in the proposal contained in the Bill against the strongly pronounced wish of the great majority of those whom it would immediately affect. A measure of that kind, if it were very unpopular, could not work well. There were, no doubt, cases in which coercive legislation was absolutely necessary, and it might even happen when outraged justice was to be vindicated, that the more unpopular a measure was the more would it be becoming and effective. But a Bill of the present character stood in an entirely different position. It could not be carried successfully into effect unless the public sympathy was enlisted in its favour. He really believed that in such a case a less perfect measure which received the popular support would work better than a more perfect one which excited popular opposition; and they ought not to look for legislation which would be unexceptionable in theory, but for the legislation which would be most successful in practice. He had himself no wish in that matter except to render the measure as efficient as possible, and he was glad to find that a Bill for the settlement of this important question had been brought forward by Her Majesty's Government. They could be influenced by no personal or political feeling in the course which they were pursuing; their only object must be to promote the welfare of the people of Scotland, by providing the best possible system of public education in that country. And he would ask them what advantage they could expect to derive from the most perfect theoretical measure, compared with that which must result from their securing for their scheme the goodwill of those whom it immediately concerned? He did not wish to oppose the Bill. On the contrary, he should be sorry to do anything to endanger its passing; and he would give his cordial assent to the Motion for its second reading. He hoped, however, his noble Friend at the head of the Government would allow him to direct his attention to the point to which he had been spe-

cially adverting, and to ask him to reconsider it in the interval which was to elapse between the second reading and the Committee, with a view to render the measure as acceptable as possible to those whose interests it would specially affect.

THE BISHOP OF LONDON said, that as it had been his good fortune to have been educated at one of the Scottish Universities, he wished to say a few words upon the subject. He could not but feel with the noble Earl who had last addressed their Lordships, that great thanks were due to Her Majesty's Government for having prepared a measure likely to be so beneficial. But he would observe, that there was one provision in the Bill of which the noble Earl had spoken in terms of the highest commendation which appeared to him to be of very doubtful advantage. The establishment of a central University for the whole of Scotland was proposed by one of the clauses, and the noble Earl seemed to think that such a measure was likely to be productive of great benefit to the people of Scotland. That clause, as it at present stood, was merely permissive. For his part, he had felt that it was not probable it could ever be carried into effect, and he had therefore thought that it would not be necessary to take any notice of it. But as the noble Earl was himself one of the Commissioners for carrying out the Bill, it became much more important after his statement of his deep conviction that this was one of the most valuable provisions in the measure. Now, his first objection to the clause was, that he could not understand from it what was meant by a "central University for the whole of Scotland." It was not, he presumed, to be a local University to which the students in the different Colleges would have to go for the purpose of obtaining degrees. One of the greatest advantages of the Scottish system of education was, as he had always understood, that, by the extent of the sphere which it embraced, it enabled persons in a very humble condition of life to receive a university education not far from their own homes. He was sure that there could be no intention of establishing a central Scottish University, which would interfere with the individual life of the existing Universities; and if any such intention were entertained, he should consider that the scheme would be attended with the greatest possible evils. But then was it to be a mere board of Examiners, who were to be called a University? He could not but think that such an establishment would be repugnant to our ideas of a University on this side of the border. It was true that we had such an establishment in the London University, of which he wished to speak with every respect. But still our old Universities from which we derived our general ideas of such institutions were not mere examining bodies; they were actual places of education; and most of the advantages they offered were derived from their associations, and from the actual education they communicated. He thought, therefore, that it would be a great mistake to interfere with the individual life of the existing Universities in Scotland in order to establish a central University institution, which would in truth be no University at all. There was another very important point involved in the measure to which he wished to take that opportunity of adverting, although he would not express any decided opinion with respect to it. By the third clause of this Bill, as it now stood altered, the connection which had hitherto existed between the Universities and the Established Church of Scotland, seemed to be seriously interfered with. The principals of the different Colleges had been, he believed, from time immemorial, Divinity Professors connected with the Established Church of Scotland; and it was proposed by the clause to which he was then referring, that the principals might hereafter be persons not members of the Established Church, nor in any way connected with it; and as the duty attached from ancient times to their office was to give instruction in divinity to the students, that must be considered, at all events, as a very serious alteration in the Bill, as it had been originally introduced by Her Majesty's Government.

THE EARL OF DERBY said, it was very satisfactory to Her Majesty's Government to know, that on the whole, a Bill of very important character, for the improvement of the Universities of Scotland had been found generally acceptable. He believed, that not only in the two Houses of Parliament, but throughout Scotland, the general principle of the measure had been regarded as satisfactory. It was also very gratifying to the Government to find that the objections made to the Bill reduced themselves within the narrowest possible compass. One clause to which the reverend Prelate had adverted, was not contained in the measure as it had been originally pro-

posed by the Lord Advocate. That clause had been opposed by Her Majesty's Government, but contrary to their wish and their opinion, it had been passed by a majority of the House of Commons. With respect to the case of Aberdeen, he had to observe that his noble Friend (Earl Stanhope) was quite correct in saying that the objection was to the union of the colleges in that town. He should also say that his noble Friend was quite right in stating that Her Majesty's Government could have no other wish in that case than to produce a measure which, in the judgment of those best acquainted with the subject, would be the most conducive to the welfare of the people of Scotland. Now, the only objection he had heard urged to the union of the two colleges had been founded not on the injurious character of the proposition, but on the general hostility entertained to it by the inhabitants of Aberdeen. Both his noble Friends opposite seemed to think that the proposal was not in itself of an objectionable character, and they rested their opposition to it solely on the ground of the strong feeling of disapproval with which it had been met among those whom it would immediately affect. Under these circumstances, the point which their Lordships had to consider was whether the feeling—perhaps the not unnatural feeling—of the people of Aberdeen and of its neighbourhood — ought to be allowed to preponderate over the calm judgment of those persons who were best acquainted with the subject, and also over the discretion of the Commissioners who had formerly inquired into the question, and who had invariably expressed their belief that it was a matter of the greatest importance that there should be a union of the two colleges. He confessed that he attached more importance to those recommendations than to the feelings of the people of Aberdeen. However much he might be disposed to respect those feelings, he was the more inclined to adhere to that view of the subject, when he remembered that the Bill contained—as his noble Friend had remarked—a clause giving the Commissioners a permissive power to retain the two Professors in the Faculty of Arts. His noble Friend seemed to think that in order to allay the discontent which prevailed upon the subject, it was only necessary to convert that permissive power into an absolute injunction. But the feeling among the parties most interested did not appear to be altogether unanimous upon that point, for he had himself presented a petition from the Senatus Academicus of Marischal College, in which they stated that the only clause in the Bill to which they objected was the one which gave the Commission that permissive power. When he remembered who were the persons who had been selected Commissioners, their connection with Scotland, and their intimate knowledge of the question to which that clause referred, he could not but think that such a subject which was not a very extensive or important one, had much better be left in their hands than be decided absolutely by their Lordships. It should also be borne in mind that any conclusion at which the Commissioners might arrive was subject to the sanction of the Queen in Council; so that any person who might object to it would have an opportunity of memorializing Her Majesty in Council against its adoption. On the whole, therefore, and not having any personal interest or predilection in the matter, he was inclined to adhere to the Bill as it had been drawn by his right hon. Friend the late Lord Advocate, whose retirement from Parliament no man could regret more sincerely than he did, because no one was more fully aware of the value of his services. His right hon. Friend, however, with many other distinguished personages, would be a member of the Commission; and he believed the question of the union of the two colleges of Aberdeen might be safely left to their consideration. With regard to the proposal that the Town Council of Aberdeen should be heard against the Bill, he would put it to the noble Earl (the Earl of Aberdeen) whether he really thought the body whom he represented upon that point stood a chance of being benefited by such a proceeding. In the first place, it was extremely doubtful whether they had any claim to be so heard. His noble Friend the Chairman of Committees had expressed great doubt whether, according to precedent, the House ought to grant that request. But he should further say that he had never known a petitioner who had obtained leave to be heard by his counsel at the bar against any particular measure, derive the smallest advantage from the lengthened speech which was delivered on his behalf; and he believed that no address of the kind had ever changed the opinion of a single Member. If, however, their Lordships should be determined on hearing counsel in that case, the result would be that they should meet

The Earl of Derby

for the purpose at four o'clock instead of five o'clock, and he had no doubt but they would aferwards in the Committee on the Bill, give their best consideration to any arguments that might have been addressed to them. He hoped that under all the circumstances of the case, the noble Earl would not think it necessary to press that request, but if he should do so he (the Earl of Derby) would not oppose the Motion.

THE EARL OF ABERDEEN said, that after the statement of the noble Earl, he should not press that request. He had thought it right to state the views of the petitioners, although he confessed he did not think they had established their case. He had himself been placed in a false position, for he had been advocating a cause of which he did not approve.

Motion *agreed to.*

Bill read 2ª accordingly, and committed to a Committee of the whole House on *Monday* next.

House adjourned at a quarter to Eight o'Clock, to Thursday next, half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, July 13, 1858.

MINUTES.] PUBLIC BILLS.—1° Jews; Returns to Secretary of State; Turnpike Acts Continuance.
2° Sheep, &c., Contagious Diseases Prevention; Ecclesiastical Jurisdiction Continuance; Charitable Trusts Acts Continuance; Turnpike Trusts Arrangements; Copyhold and Inclosure Commissions, &c.; Indemnity; Army Service; Inclosure of Lands.
3° Militia Ballots Suspension.

LOSS OF THE BARK "VARNA."

QUESTION.

MR. ROBERTSON said, he would beg to ask the President of the Board of Trade if, in consequence of a Letter dated 1st July, addressed to the Secretary in the Marine Department of the Board of Trade, his attention has been drawn to the loss of the British barque *Varna*, of Greenock, on the coast of Tasmania, on the 24th December, 1857, through the ignorance of navigation of the officer who held his position as first mate under a certificate of service issued by the Local Board of Greenock, and succeeded to command on the death of the master; and if any steps will be taken to withdraw the said certificate of service, under authority of which the chief mate held his position on board the *Varna?*

MR. HENLEY said, he had had his attention called to the circumstance which the hon. Member had alluded to, and had had a copy of the protest sent to him. It appeared in the protest that the master of the vessel died, and the mate, who had a certificate of service, not of competency, took his place. The mate did not know navigation, and could not take an observation, but it did not appear from the protest that the ship was lost in consequence of that ignorance. The ship was off the land for a day or two, when a gale of wind came on, and in consequence the ship was driven on shore; but it did not appear on the face of the protest whether from ignorance of navigation or stress of weather. When the mate came to England the matter would be investigated, and his certificate would be withheld until proper inquiries were made as to his competency. The man had been several voyages to the West Indies as mate, and in consequence of that, probably, it was that his certificate had been granted.

NEW ROADS AND NAVIGABLE CANALS IN INDIA.—QUESTION.

MR. CHEETHAM said, he wished to ask the President of the Board of Control, why the Return respecting New Roads and Navigable Canals in India, ordered by the House last Session, has not yet been laid upon the Table?

LORD STANLEY said, the reason was that sufficient materials did not exist in England to enable the Returns alluded to by the hon. Member to be made out. An order, had, however, been sent out to India for the information desired, and he had a letter from Colonel Bateman, in which he called on the local authorities in every part of India to furnish the details necessary. Probably, however, the disturbed state of the country had caused delay, and all he could now say was that they had not the information at present, but as soon as it was obtained it should be brought forward.

THE CHAIRMANSHIP OF THE CAMBRIDGE UNIVERSITY COMMISSION.

QUESTION.

MR. W. VANSITTART said, he would beg to ask the President of the Board of Control whether it is his intention, considering the important duties of the office he now holds, to continue any longer Com-

missioner for the University of Cambridge ?

LORD STANLEY said, at the beginning of the present year, when it devolved on him to undertake the duties of a Secretary of State, he proposed to the other members of the Cambridge Commission to resign the position he held in that body. There, however, was, he was entitled to say, an unanimous expression of opinion that it was not desirable he should cease to be a member of the Commission. That desire was founded upon two reasons —the first was, that no new member coming into the Commission after a period of eighteen months from its first sitting could have cognizance of all that had been done; and the second was, it was not thought advisable in the event of any of the subjects considered before the Commission coming under discussion in that House, that that Commission should lose its Parliamentary representation. It was, therefore, urgently desired that he should continue a member of the Commission, and he had consented to do so.

DESTRUCTION OF BRITISH PROPERTY IN THE BALTIC.—OBSERVATIONS.

SIR JOHN PAKINGTON said, he wished the hon. Member for London (Mr. Crawford) to postpone his Motion with regard to the destruction of property of British subjects in the Baltic during the war with Russia. The papers on the subject had been delivered to Members that morning, but he had not yet been able to obtain the opinions of the Law Officers of the Crown, and he should be sorry if the House came to a decision on the matter in the absence of those opinions.

MR. CRAWFORD said, his Motion referred to a matter of great public importance, but, under the circumstances, he could hardly decline to accede to the request of the right hon. Gentleman. He hoped, however, that the further consideration of this matter would not be indefinitely postponed.

THE CHANCELLOR OF THE EXCHEQUER said, he would undertake to give the hon. Member an early day for his Motion.

THE OATHS BILL AND THE JEWS BILL. OBSERVATIONS.

LORD JOHN RUSSELL: Sir, I perceive by the votes of the other House that two Bills have passed the House of Lords, with regard to which it is at this period of the Session so important that I should state the course I intend to pursue, that, although, in consequence of some informality, they have not yet been received by us, I shall make a formal Motion for the adjournment of the House, in order that I may do so. The House is perfectly aware that for some years—for nine years I think—this House has agreed to Bills for the relief of Her Majesty's Jewish subjects, and to admit them to offices and to seats in Parliament on condition of their taking the oaths, omitting only those words in the oath of abjuration which Baron Rothschild declared not to be binding upon his conscience. Although these Bills were recommended by great authority in the House of Lords, and the reasons for adopting them were enforced by the ability and eloquence of Lord Lyndhurst, they failed to obtain the assent of that House. At the end of last year, after such a measure had been rejected by the House of Lords, a Committee was, upon my Motion, appointed to consider whether this House had not the power to substitute a declaration for the oath, and to admit a Member upon his taking that declaration. In the course of the proceedings of that Committee, over which I presided, very able arguments were used on both sides of the question; but more especially the Attorney General of that day, Sir Richard Bethell, enforced, with great legal learning and with great force of reasoning, the opinion that this House had the power to administer a declaration to a person objecting to take the oath, and that declaration would be sufficient to admit him to his seat. The decision of a narrow majority of the Committee was against that opinion, but the hon. and learned Gentleman's view was supported by many persons of great weight in this House, and among others, by three members of the present Cabinet—the Chancellor of the Exchequer, the First Lord of the Admiralty, and the President of the Board of Control. Had the Motion of the Attorney General been carried, it was the intention of the present First Lord of the Admiralty to move a Resolution, declaring, although it was competent to this House to receive a declaration in lieu of the oath, it was not desirable to use that power until all other constitutional remedies had been tried. I was not at that time called upon to give an opinion upon this subject, but it appeared to me that that was the right and true view of the question then before the House; that the legal power was in the House of Com-

mons, but that it was not expedient to use it until all other constitutional means had been exhausted. That proceeding appears to have had, as it naturally would have, great weight with those who had to consider this question. In the present Session there was another step in advance. Baron Rothschild, though he had not taken the oaths, was appointed a member of a Select Committee. A Bill similar in purport to those previously passed by this House, but calculated, if possible, to remove the objections of the House of Lords, was sent up to that House of Parliament, and was rejected by a majority, I think, of thirty-nine. But after that took place, this very grave question seemed to have made a great impression upon the minds of many members of the House of Peers. I had communications with some noble Lords, and they seemed to be affected by the inconvenience, not to say the danger, of the situation in which the Houses of Parliament were placed; because it was impossible not to see that, if on the Motion of the hon. and learned Member for Aylesbury (Sir R. Bethell), the majority of this House decided that a declaration might be substituted for the oath, very great difficulties might arise. I believe that after this House had come to such a Resolution, the Courts of common law would have been disposed to think the authority of the House of Commons sufficient for the interpretation of an Act of Parliament which was supposed to give them the power in question. Still the contrary might have been the case. The fancy of the noble and learned Lord Chief Justice of England even went so far as to induce him to fear that he might be imprisoned by the House of Commons for having delivered an opinion contrary to the wishes of the House, and that the people rising in insurrection would deliver him from the prison in which he had been confined by the representatives of the people. Although that was rather a stretch of imagination, and believing this House would not have proceeded to such an extremity, yet I think it is obvious that if this House had come to the resolution that Baron Rothschild could take his seat upon a declaration, and if he had so taken his seat, it would have been incumbent upon us, in pursuance of our Resolution, to protect the Member so seated from the consequences that might have ensued, whether from a decision of the courts of law, or otherwise. It is clear that that state of things would have been injurious to the public interests, and that, although this House has the supreme power in the country, the exercise of that power of seating a Member would have been attended, in the first place, with no little disturbance of the public mind; and, in the second place, with no little inconvenience to the public business. Because we must always bear in mind that it is no longer like those questions of privilege which occurred in former ages, when this House was struggling against the undue prerogative of the Crown, and when the courts of law were the subservient instruments of the Sovereign. On the contrary, in the present day the House of Commons has so much power that there is a tendency in the public mind to apprehend that this House may absorb more authority in the State than ought properly to belong to it, and the courts of law, being filled by independent Judges, have a weight and influence to which the people bow with the greatest reverence. So a contest between the House of Commons and the courts of law would have been no longer what it was in former days, and must have been attended with great public inconvenience. I believe there would hardly have been any mode of settling that question, supposing the House of Commons to be determined to protect its Members, and the Judges conscientiously holding a different opinion, except the House resolving that it could not proceed to other business until its Jewish Members were seated, and thereupon a Bill being introduced and receiving the assent of both branches of the Legislature by which the power claimed by the House of Commons should be ratified by an Act of Parliament. If I am right in supposing that this must have been the course pursued, I think great credit is due to those who, in the House of Lords, have believed that it was their duty to prevent that embarrassment, and who have done at once that which might otherwise have been the result of a long and dangerous controversy. I allude to those Members of the House of Lords who, though they had previously voted against the Jews and opposed every legislative measure on their behalf, conceived that there might be a mode of relieving the two Houses from this difficulty which would not be repugnant to the feelings of the House of Lords, and which at the same time would satisfy the wishes so long expressed by the House of Commons. It appears from the Votes of the House of

Lords that on the 31st of May the Earl of Lucan, considering the refusal of the House of Commons to give up the principal clauses of the Oaths Bill, proposed Amendments by which the difficulty might be removed. I think it was unfortunate that those Amendments were not taken into consideration, and that the Oaths Bill was not amended in the sense proposed. The House of Lords has taken another course, intending, no doubt, to arrive at the same end. Instead of adopting, on the 31st of May, the Amendments proposed by the Earl of Lucan, they resolved to insist upon their own Amendments to the Oaths Bill, and appointed a Committee to draw up reasons. A Bill was afterwards introduced into that House which gave the two Houses of Parliament the power, if they should think fit, upon the declaration of a person of the Jewish persuasion who had been duly elected, that he could not conscientiously take the oaths in the form in which they now stand, to relieve him from saying the words "upon the true faith of a Christian," and to allow him to take his seat upon the oath so made. The Bill in question did a great deal more, because it permitted persons of the Jewish persuasion to hold all the offices for which the Oath of Abjuration is now required, with the same omission of the words "upon the true faith of a Christian," excepting always those few offices which cannot be held by Roman Catholics. This Bill, therefore, was in effect a Bill for the relief of Her Majesty's Jewish subjects, because it gave them admission to a number of civil offices to which they cannot at present be admitted, and likewise enabled them to sit in Parliament upon a Resolution of either House to that effect. It is not certainly a concession of the whole principle of religious liberty for which the House of Commons has been contending; but it is a practical solution of a very grave question, and, as such, it is my intention, when the Bill comes down from the other House, to move its second reading, and to endeavour to carry it through all its stages. I propose, if the Chancellor of the Exchequer will allow me to take precedence on that day, to move the second reading of the Bill on Friday next, giving ample time for discussion and division, if necessary. Supposing a majority of the House to affirm the principle of the Bill, I hope the measure will be allowed to proceed through its remaining stages with that rapidity with which Bills are often pushed forward at so late a period of the Session, and that no further obstacle will be interposed. I now come to say a few words upon the inconvenience of the mode in which the House of Lords has dealt with the Oaths Bill sent up by this House. Singular to say, that House not only has not concurred in the clauses by which the disabilities of the Jews were removed; but, instead of saying that it has omitted those clauses because it thought—which it might fairly do in the exercise of its privilege—that the object would be better provided for in a separate Bill, it has given all the reasons why no Bill of this kind should pass at all. Certainly that is a course that might be said to be insulting to the House of Commons. I have heard it stated, on the highest authority, that it is not intended as an insult to the House of Commons; but, at all events, it is a course which might place this House in some difficulty, and which still more exposes a singular inconsistency on the part of the majority of the House of Lords. I may quote from the Votes of the House of Lords one of the reasons for omitting the principal clauses of the Oaths Bill. It is, "because, without imputing any disloyalty or disaffection to Her Majesty's subjects of the Jewish persuasion the Lords conceive that the denial or rejection of that Saviour"—

LORD JOHN MANNERS: I rise to order. I wish to know whether the Reasons from which the noble Lord is quoting are before the House?

LORD JOHN RUSSELL: They would have been had the Bill not been unfortunately delayed in the House of Lords, but they are to be found in the Votes of that House, and therefore I think I may be allowed to refer to them. I remember Lord Castlereagh, upon being interrupted while quoting the Votes of the House of Lords, declaring that that House was a court of record, and that therefore no Member ought to be interrupted when referring to its Votes. The Reason concludes thus—

> "That the denial or rejection of that Saviour in whose name the Legislature daily offers up its collective prayers for the Divine blessing on its councils constitutes a moral unfitness to take part in the legislation of a professedly Christian community."

I certainly cannot understand the consistency of the House of Lords in saying that the Jews have a "moral unfitness" to take part in our legislation, and, at the

same time, sending down a Bill by which Jews are allowed to take part in the legislation, not only of this House, but also of the House of Lords, if a majority of either House shall think fit to allow them to sit, omitting the objectionable words "upon the true faith of a Christian." It appears to me a matter of doubt, whether in agreeing in the course proposed by the House of Lords we should not place some Resolution on our Journals, in which, without answering the Reasons adopted by that House, we might state our reason for not taking notice of those Reasons; saying, for instance, that, as the Lords have passed a Bill carrying into effect the object of the House of Commons, it is not necessary to consider their Reasons. I think that with some guard of that sort—a guard for our own dignity and consistency, we might consent to waive insisting on our Bill, and we might concur in the Amendments of the Lords. That is to say, that when we have passed the Bill to admit the Jews, we might fairly consent to the Bill for altering the form of Oaths, though not containing any provision for the admission of the Jews, because by so doing we both secure an alteration of the Oaths, and the admission of Jews to Parliament. In proposing this course, I propose a course which I think it is our duty to follow—namely, to agree as far as possible with the Lords in the particular mode they suggest, so long as we attain our object. While it was a question of principle, we could do nothing else but insist on that principle of religious liberty for which the majority of this House contended; but when the Lords only make a difficulty with respect to the admission of a Jewish Member into their own House, if any should present himself for admission, I think we ought, waiving that point, to agree to the settlement of a question so long agitated. I shall rejoice if, after having admitted the Protestant Dissenters without the degradation, almost the profanation, of taking the Sacrament according to the rites of the Church of England—after having relieved the Roman Catholics from those heavy disabilities under which they once laboured—we should, by the admission of Jews to Parliament, consecrate the principle that religious opinion and religious faith do not constitute a disqualification for holding civil offices or for occupying a seat in the Legislature. I believe that the majority of this House have been quite right throughout in this contest, and that the House of Lords have been in darkness up to the present time. Yet we may hope that when the Jews have seats in this House, and when it shall be found by experience that those portentous consequences which have been predicted therefrom do not happen, the Lords may think right to put in a better and more consistent form their provisions on the subject. I now move the adjournment of the House, and beg to inquire whether the Chancellor of the Exchequer will allow Friday to be fixed for the discussion of the Bill.

Motion made, and Question proposed, "That this House do now adjourn."

THE CHANCELLOR OF THE EXCHEQUER said, that though the Reasons in reference to the Bill to which the noble Lord had referred had not yet reached that House, still he felt it his duty to answer the appeal of the noble Lord. Since the House had placed at the disposal of the Government all the time usually devoted to private Members for the transaction of their business, of course he thought it his duty, when a question of public importance arose, to make arrangements conducive to the convenience of the House, and therefore he was ready to say that Friday should be at the service of the noble Lord.

LORD JOHN MANNERS said, that he had interrupted the noble Lord, because he believed that the noble Lord was out of order in referring to Reasons which had not yet come down to that House, and because he was sensible not only of the great irregularity of which the noble Lord was guilty, but of the great inconvenience and unseemliness of the course taken by the noble Lord. It was impossible for a debate to be raised—and the noble Lord seemed to be about to raise one—on the propriety of Reasons which had not yet come down to the House, without the greatest possible inconvenience. With respect to the statement made by the noble Lord, he should not enter upon that subject further than to say, as a Member of the Committee to which the noble Lord referred, that he did not think that the noble Lord's version of the transactions of that Committee was perfectly correct. He heard one sentence fall from the noble Lord with great surprise. If his ears did not deceive him, he heard the noble Lord say that that House was the supreme power in the country, against which no other power could contend. He certainly was not aware until the present moment

that, either by law, custom, or fact, that House was the supreme power in the country. If those words escaped from the noble Lord unadvisedly and hastily, he had nothing more to say on the point; but, having heard them, he thought it necessary to observe that he did not concur in the noble Lord's view, and he hoped that that House would not allow it to go forth that as a deliberative assembly that House concurred in such a representation of its power as that given by the noble Lord.

LORD JOHN RUSSELL said, that he must beg to be allowed to say a few words in answer to the noble Lord. With respect to the point of order he believed that he was perfectly right, and that what Lord Castlereagh said was strictly in conformity with the Orders of that House—namely, that the votes of the House of Lords were matter of comment in that House. There was a great difference between commenting on speeches delivered in the other House, the reports of which might be totally incorrect, and quoting from documents printed by the Lords as part of their proceedings, the House of Lords being a Court of Record. He believed, therefore, that he was quite in order in the reference he had made. The noble Lord said that his statement with regard to the proceedings of the Committee which had been alluded to was incorrect, but the noble Lord did not mention in what particular. He (Lord John Russell) stated that the majority was against the opinion of the late Attorney General, but that in the minority were the present Chancellor of the Exchequer, the present First Lord of the Admiralty, and the present President of the Indian Board. He believed that these were facts, and that no member of the Committee would contradict them. He also stated that the speech of the late Attorney General was distinguished by great ability, and he did not believe that any one who heard that learned Gentleman speak would deny that it was a speech of great ability. The noble Lord went further and said that he thought that he (Lord J. Russell) must have inadvertently stated that that House had a power with which no other body in the country could contend. Now, he always understood, and he thought that the whole history of the constitution showed, that if that House, when there was a Ministry or when there were laws which did not please it, resolved not to pass the Mutiny Bill or vote a single shilling of Supply until a change took place, it was impossible for any power in the constitution that he knew of to resist the expression of its will. He certainly thought that that House, because it had such power, was bound to exercise it with the greatest moderation and deliberation; but that House, freely elected by the people, and having the confidence of the people (if it had not it might be dissolved), possessed a power in the constitution which no other body could resist.

Motion by leave *withdrawn*.

SUPPLY—REPORT.

The Report of the Committee of Supply was then brought up by Mr. FITZROY.

£16,474, National Gallery.

Resolution read a second time.

LORD ELCHO said, he wished to say a few words with reference to several matters connected with this Vote. In the first place he wished to ascertain what were the intentions of the Government with reference to the report of the Royal Commission which had been appointed to inquire as to the most eligible site for a National Gallery. The Commission was appointed in consequence of a Resolution adopted by that House, that it was desirable that further inquiry should take place before the site of a National Gallery was finally determined upon. In his opinion that commission had discharged its duties most honestly and independently, and its recommendation that the site of the National Gallery should not be changed had been ratified generally by the public out of doors, and, as far as could be judged from what had fallen from the Chancellor of the Exchequer on a former occasion, by Her Majesty's Government. If, however, it was decided that the site of the Gallery should not be changed, some steps must be immediately taken in order to provide space upon that site for the national collection of pictures, which was at present scattered in different parts of London. It had been the intention of the late Government, judging from a notice of Motion which had been placed upon the paper in the name of the late Chancellor of the Exchequer, to propose the appointment of a Committee to inquire into this question, and also whether further accommodation was required, and in what manner it could be provided at the British Museum. The change of Government prevented this proposition from being submitted to the House, and the present Government determined to settle the question without referring it to any

Lord John Manners

further Committee or Commission. It was, however, absolutely necessary that immediate steps should be taken to provide accommodation for the national collection of pictures. The Director of the National Gallery, in his report which appeared in the Estimates, made this statement :—

"The present crowded state of the pictures, and the necessity of removing many to inferior places in order to display new acquisitions, abundantly shows that the time is arrived when it is necessary that measures should be taken to build temporary accommodation for the pictures till the new National Gallery can be built. With regard to the means of providing space, under the circumstances, for pictures in the gallery in Trafalgar-square, I am still of opinion that the most feasible plan, while it would also be the least expensive, would be to add on the north side of the gallery, and on a level with the present rooms, a long room or corridor, supported on iron columns, so as to encroach as little as possible on the barracks. An estimate of the cost of such a room, about 120 feet long, was in the course of last year prepared under the direction of the Office of Works, the entire proposed cost being £3000."

The Director evidently entertained a strong opinion that the time had arrived when it was necessary without delay to provide accommodation for our rapidly increasing collection of pictures. He (Lord Elcho) would suggest a very simple mode of providing the requisite accommodation with trifling expense to the nation—the suggestion having been made on a former occasion by the hon. Member for Brighton (Mr. Coningham) — namely, by giving notice to quit to the Royal Academy, which at present occupied one-half of the National Gallery. He did not entertain the slightest feeling of ill-will towards the Royal Academy, but the position of that body with regard to the National Gallery had always been false and unfair. In the first instance, a sum of money was voted for the erection of a National Gallery, but at that time the whole of the building was not required for the national collection of pictures, and at the suggestion of the architect, who was himself a Royal Academician, the Royal Academy obtained accommodation within the building. The consequence was the sacrifice of a considerable amount of space, for there were in the National Gallery two staircases, one leading to the national collection, and the other to the Royal Academy, and a great deal of valuable space was lost in the hall, which was common to both. The Royal Academy had no legal or Parliamentary title to occupy the National Gallery, and he thought the simplest course would be to give them notice to quit. Discussions had frequently taken place in the House on this subject, and in 1834, Mr. Warburton inquired of Mr. S. Rice whether the Royal Academy had any title to the rooms which they occupied. Mr. S. Rice said—

"He was very glad that his hon. Friend had put that question to him. An arrangement had been entered into which he supposed his hon. Friend would approve—namely, that the Royal Academy should obtain only the use of the rooms, but that the property of them should rest in the public, and that if the resumption of these apartments became desirable the Academy should resign them."

When the same question was raised in 1850, the noble Member for the City of London (Lord John Russell) stated, on behalf of the Government, that they—

"Intended to act in conformity with the recommendation of the report to which the hon. Member (Mr. Hume) had alluded. The Royal Academicians would be obliged to find suitable accommodation for themselves out of the National Gallery, and the Vernon pictures would ultimately be placed in that building."

If the National Gallery were rendered exclusively available for the national collection of pictures, it would be unnecessary to incur any expenditure for the erection of a new building, at all events for some time to come.

MR. CONINGHAM said, he rose to express his concurrence in the views of the noble Lord, and he wished to direct the attention of the House to the constitution of the Royal Academy, which was in reality a private society, enjoying the privileges of a public body. The Academy occupied—he might say to the injury of the public—a portion of a public building which was intended for another purpose; and in consequence of the privileges which it possessed, it was enabled to exercise a pressure upon the profession at large, which he believed, was extremely injurious to art. The Academy was also an unincorporated society, and was therefore totally irresponsible to any power in the State. It levied large contributions upon the public at the doors of its annual exhibition; and it had realized considerable funds, which he believed were amply sufficient for the erection of an edifice adequate to the purposes of the institution. The Royal Academy had, however, refused to allow any investigation of its accounts or any inquiries as to its duties, and it was for all practical purposes a totally irresponsible body. The National Gallery was originally intended for the exhibition of ancient pictures, and one of the great faults always found with the Royal Academy was, that it had not supplied adequate means for studying antique sculp-

ture as well as antique painting. One of the causes of the difference which occurred between Mr. Barry, the well-known painter, and the Academy, and which ultimately ended in his expulsion, was his attempt to enforce upon the Academy the necessity of forming a collection of ancient masters in painting and sculpture for the use of students, the want of such models rendering the system of instruction very inadequate and unsatisfactory. These deficiencies had, however, in some degree been remedied; but although the drawing schools —for they were really nothing else—had been considerably improved of late years; although architecture was recognized, and lectures were delivered upon anatomy and upon various branches of science connected with the fine arts, he believed there was still great room for improvement; and if the Royal Academy were allowed to occupy a public building, he maintained that it was the duty of that House to adopt a measure which would render that body responsible to Parliament and to the public. He thought this private society trafficking for profit should no longer be allowed to enjoy an irresponsible monopoly beneficial only to its members, and the effects of which were, he believed, actually injurious to artists and to the fine arts. In his opinion, the principle of free competition ought to be adopted, and, far from thinking that State institutions intended to diffuse a taste for art were successful, he believed they rather tended to check and to cripple private efforts which were directed to that object. He must urge upon the Chancellor of the Exchequer the necessity that some step should be taken to relieve the pressure which now existed within the walls of the National Gallery, and the simple remedy was to remove the Royal Academy as speedily as possible from Trafalgar Square.

Mr. LOCKE KING said, he wished to call attention to the want of courtesy displayed by the authorities of the Royal Academy towards that House in taking no notice of a Motion which he had made some time ago for a return of the number of visitors to the exhibition. Considering that the Academy occupied a building granted to them by the liberality of the nation, he thought they might have shown a little more courtesy.

The CHANCELLOR of the EXCHEQUER said, that no doubt the state of our national collections of art at present was extremely unsatisfactory. Adequate premises must be supplied in order not merely to afford space for purchases, but to allow our collections to be enriched, as they might be, by donations from private individuals, which were now often withheld owing to the discouraging manner in which the country received such gifts. That being the state of affairs, and it being desirable that some conclusion should be come to upon this subject, he had on a previous occasion expressed his opinion that it was unnecessary to have any further public inquiry, and that there existed sufficient experience, a sufficient collection of facts and of well digested opinions, to guide any persons who really did not wish to shrink from responsibility. On the part of the Government, he had stated that they had made up their minds, after having considered the matter, to take that responsibility upon themselves; and that so far as the National Gallery was concerned — and he would say even with reference to other institutions—they should offer to the consideration and approval of the House at the proper time arrangements which would remove those great deficiencies now so generally acknowledged. He trusted, however, the House would feel that the work not being one of easy accomplishment and requiring a great deal of consideration and preparation, it would be somewhat unfair to require him now to enter into any further communication of their plans and intentions. It was enough that they accepted the responsibility of making arrangements, in order that our national collections should be placed in a position more worthy of the country and more conducive to the advancement of art.

Mr. DANBY SEYMOUR said, he was sorry that no more definite statement had been made by the Chancellor of the Exchequer. Time pressed. The country was spending money in buying most expensive pictures, yet many of these had to be placed in the cellars and basement of the National Gallery, where they could not be seen. Now, this being the case, it rested with the Government to show why the Royal Academy should occupy one-half of the building for a day longer, when the whole gallery was required for its original purpose. He regretted, then, the Chancellor of the Exchequer had not stated that he would give the Academy warning. They had been allowed to occupy a portion of the building, because the space at that time was not wanted. It was known that they had accumulated a sum of money

during the last 100 years; and, admitting all the advantages they had conferred upon art in this country, he thought Parliament might give them some additional sum so as to enable them to locate themselves in a separate building. But one or two years must elapse before such a building could be erected, and it was most important, therefore, that as soon as possible, notice should be given to them that they would be expected to vacate the building. He hoped the right hon. Gentleman might still be induced, perhaps in the course of the autumn, to give the requisite notice. It was evident that the Academy must leave Trafalgar Square at some future time, and perhaps space might be allotted to them at Kensington by means of a little addition to the zinc buildings there, until they were prepared to erect a gallery for themselves. He believed that great advantage would arise from removing the Academy from its present location, since this would be the first step towards its separation from the State. He agreed with his hon. Friend (Mr. Coningham) that the more completely art was separated from the State, the more original would be its conceptions and the greater its progress.

MR. W. EWART denied that the Royal Academy could be said to be at all connected with the State. The Government had always declared that they retained the power of calling on the Academy to vacate the building in Trafalgar Square whenever they thought it necessary, and he certainly believed the time had now come when the whole building should be appropriated to the wants of the national collection. The Academy was a private body, protected certainly by Royal patronage, but it was in no degree a national institution. In his opinion the country was not called upon to provide a new building for it. The subject was one of great importance, and while the noble Lord (Lord Elcho) deserved the thanks of the House for bringing it forward, he certainly thought the Government were called upon to act at once in the matter.

MR. A. SMITH said, it was unreasonable that an institution the exhibition of which was only open some three months in the year should occupy one-half of the National Gallery, which might be open to the public nearly all the year round. Nor did he think that it would be difficult for the Royal Academy to find a suitable place for themselves.

LORD ELCHO said, he then rose to move the reduction of the Vote by £300, which was the amount of the salary of the travelling agent. Last year he had brought the subject under the consideration of the Committee of Supply, at which time he coupled this Motion with one for the reduction of the secretary's salary. This he did because the Committee of 1853, of which he was a member, did not recommend the appointment of a secretary at all, and because it appeared to him that the salary of £800 a year was excessive in proportion to the duties which the secretary had to perform. On the present occasion, however, he did not intend to press that Motion, for after submitting it to the House he had received a letter from the secretary, requesting that before he spoke again on the duties of the office he would inform himself what those duties were, and declaring that, so far from having nothing to do, his duties were so onerous that they occupied his time both day and night. This year, therefore, he should not allude to that matter, because he was an advocate for paying every man liberally in proportion to his services, but he would confine his Motion to the salary of the travelling agent. He objected to the appointment, because this again was one which had not been recommended by the Committee of 1853, and because he believed that the travelling agent was not only an unnecessary officer, but that the appointment was positively mischievous in its result. It was self-evident that if you had a man of that kind going about Italy and elsewhere he would raise the price of pictures, and it was not merely a question of £300 a year of salary, but involved the enhanced price which the nation thus gave for its purchases. This agent was appointed under a Treasury Minute drawn up in 1855, when the hon. Member for Devonport (Mr. Wilson) was in office, and it was to this effect:—

"In order to enable the Trustees and Director the more easily to acquire fine pictures that may be offered for sale on the Continent, my Lords propose to appoint a travelling agent with a salary of £300 a year, whose duties will be to visit the private collections of distinguished families abroad, ascertaining and describing their contents, and obtaining the earliest information of any intended sale. The agent will be paid his travelling and personal expenses on a scale hereafter to be fixed."

The travelling expenses were afterwards fixed at £650 on these grounds:—

"As regards the travelling agent, it is probable that he will be absent from this country during the greater part of the year; and my

Lords have fixed his salary at a moderate rate in consideration of the additional allowance to which he will be entitled while absent on his professional duties on the Continent."

The principle seemed to be to give a low salary in consideration of his being constantly travelling, and the inference therefore was that his travelling expenses were unnecessarily high. The duties to be performed by the travelling agent were also set forth in the Minute, and it appeared that he was called upon to keep a diary, which was to be produced when called for, in order that his employers might be satisfied that he had been active and industrious. Now, he (Lord Elcho) must confess that he should very much like to see that diary. That the gentleman in question had been sufficiently active and industrious in travelling about Italy and in letting it be known everywhere that he was the agent of the National Gallery he entertained no doubt. It appeared, indeed, that when he had first been appointed to his present situation he had announced upon his cards that he was the *expert de a Galerie Nationale de Londres*, and the consequence was that pictures had risen to price wherever he went, and that the Austrian Government had on that account issued instructions to the mayors of towns, heads of convents, &c., forbidding them to give him admission. He had since, however, ceased to describe himself as the agent of the National Gallery, and was now contented with placing the simple words "M. Otto Mundler" upon his card. In order to show how the affairs of the National Gallery were mismanaged, by having larger prices given for pictures than they were worth, he had upon a former occasion cited the instance of a Paul Veronese, for which nearly £2,000 had been paid, but which in the place where it was bought—and the Italians knew very well how to put a value on their pictures—was valued at something like £370. Then for another Paul Veronese the enormous sum of £14,000 had been given, which he had ventured last year to pronounce an excessive price, the picture not being likely to fetch more than £2,000 if it were set up to auction in this country. Indeed, since the picture had been hung up one of the first authorities in London had stated it to be his opinion that if it were put up to sale in the ordinary course of business, and without any previous character accompanying it, it would not fetch at the hammer more than £2,500, and that, with all the advantages which a character could bestow on it, not more than £4,000 would be got for it. There were many other instances where large sums of the public money had been wasted under the existing arrangement with this travelling agent. There was one in particular, a Vandacci, for which in the month of December £1,125 was given, which in the month of September, when he first saw it, he might have purchased, had he pleased, for £470. The managers of the National Gallery had a power of sale; they could dispose of any portion of a collection which they did not think fit to keep. Now, they had paid £2,000 for the Lombardi Baldi collection, one picture in which they valued at £1,000, though he did not think his hon. Friend the Member for Brighton (Mr. Coningham) would be disposed to set such a price on it. They proceeded to try and dispose of the others. Any pictures that they wished to get rid of, and failed to dispose of here, they sent over to Dublin; and he was informed that one of the pictures purchased in that £2,000 collection, not having been disposed of in London, was transported across the water, and was now to be seen in the National Gallery of Dublin or in some other of the public buildings of that city. Many of the pictures in this Lombardi Baldi collection were considerably damaged, and when the trustees gave such a complete historical description of the pictures, with the dates when they were first painted, it was a pity, he thought, that they did not also give the dates of the last time they were painted—that was, the date of their restoration. The restoration of those pictures was, generally speaking, the work of professors in Italy, who operated upon them before they came over to this country; but in his opinion it would be much better if they were brought over here, where they could be restored quite as well as in Italy, and exhibited in the first instance in their original state, in order that the nation might see what we had got for our money. The strongest instance which, perhaps, he could give the Committee of the injurious results in the way of raising the prices of pictures throughout the Continent in consequence of the employment of a travelling agent was furnished in the case of a picture which had been purchased in Florence. A letter stating the circumstances of the case had been put into his hands some time ago by Mr. Barker, of Piccadilly, who was well known for his taste in such matters, and who had received the letter from his agent, to whom he had given

a commission for the purchase of the picture in question. The conclusion of the letter was as follows:—

"I open again this letter to tell you that in the meantime I was in the counting-house of the Marquess Ginori. I saw the card of M. Otto Mundler, who has offered 10,000 scudi for the Marquess's picture, which was estimated at 300 scudi only. I tell you, sir, this for your private information. If this offer had not been made, you most likely could have bought the picture for the 200 napoleons you offered; but at present, if you wish to have it, you must do a higher offer than the 10,000 scudi offered by M. Otto Mundler; he began by the offer of 7,000 to arrive at 10,000."

Now, it appeared under these circumstances that a great waste of money was the result of the employment of a travelling agent. Why, he should therefore ask, was not the same plan adopted in the case of the National Gallery which was pursued by the authorities of the British Museum. They had no accredited travelling agent travelling about the Continent, enhancing the value of what they desired to buy, but they had agents in all parts of the world, who went about silently selecting articles which they thought would be suitable for the institution, and obtaining them, if the trustees sanctioned the purchase, at a reasonable price. The same system was followed with equal success by the institution known as the "Brompton Boilers." The Director, indeed, ought to be his own travelling agent—and he did travel every summer and his travelling expenses were charged, although this travelling agent was maintained at a salary of £300 a year. If the Director could not give his whole time to his duties in connection with the Gallery, it was the fault of those who appointed him, But the fact was, he had too many other things to do. He was the President of the Royal Academy, and an artist besides, and could not, therefore, give his whole time to the duties of the office of Director. He ought, however, to recollect that the nation had the first claim, and that if he would take the trouble to travel himself and establish local agencies in the various continental towns, we might obtain all the pictures required for the National Gallery at a reasonable price. Having made those observations he should move that the Vote be reduced by a sum of £300, being the salary of the travelling agent, while he proposed to leave untouched the travelling expenses, notwithstanding that he deemed them somewhat excessive in amount. He was aware that in making the Motion which he had just submitted to the Committee he was likely to encounter the opposition of the hon. Gentleman the late Secretary to the Treasury (Mr. Wilson), who invariably stood up for the abuses connected with the management of the National Gallery; who had upon a former occasion defended the scrubbing of a certain lady—he meant "the Woman taken in Adultery," as well as the cleaning of other pictures, and who was no doubt still prepared to contend that, for the advantage of the public service, it was necessary that the office of travelling agent should be maintained. He would bring forward this Motion every year until he succeeded in carrying it. If he unfortunately failed on this occasion he might be disposed hereafter to vary the form of his proposition, and, instead of asking the House to disallow the salary of £300 for the travelling agent, he should be tempted to recommend them to give that gentleman £1,000 a year on condition that he stayed in this country. That he was convinced, would be one of the best bargains ever made by Parliament.

Amendment proposed, to leave out "four hundred," and insert "one hundred," instead thereof.

THE CHANCELLOR OF THE EXCHEQUER hoped that the House would pause before they thus suddenly determined the career of Mr. Mundler. Without pretending to vindicate the proceedings of that Gentleman, it was yet possible that a good deal might be said on his behalf. The whole question of the National Gallery was under consideration at the present moment, and no doubt a very great revolution would take place in the general management of that institution. Therefore, in a case like this, which concerned a person engaged at no very great salary, he should be sorry if the House, with the prospect of a general revision before them, should commence by adopting what might be a very harsh step towards an individual. He would undertake, on the part of the Government, that the whole establishment of the National Gallery should undergo an investigation, which there was some reason to believe it well deserved. He was not using a mere phrase when he said he deprecated a division, though the result might not be very injurious to Her Majesty's Government. But he wished to avoid that tendency to fix upon an individual, which was too often exhibited, where they discovered symptoms of unsatisfactory management in a public institution. Under

such circumstances acts of severity were sometimes hastily accomplished from feelings which were otherwise meritorious. The Government would inquire into the duties of the various officers of this establishment; and if ever this estimate was brought forward again under their responsibility it would be framed in a manner which he trusted would be satisfactory to the House.

MR. COWPER said, he hoped the noble Lord would not insist upon a division. The understanding upon which this travelling agent was first employed was that he was to go abroad and ascertain what pictures contained in different private galleries it would be desirable to secure for our national collection. But he appeared to have gone beyond the limits of that understanding, and to have made offers for the purchase of certain pictures. This formed no part of his original duties, and was, moreover, a most injurious practice. At the same time, it would be exceedingly hard on an individual now to strike off this item; and if they voted for it on that occasion they would not be precluded from placing the functions of the travelling agent on a better footing for the future.

MR. WILSON said, they were all indebted to the noble Lord for the amusing speech which he annually made on this subject; but he wished to point out before the House came to a division that the noble Lord had been entirely misinformed in regard to Mr. Mundler. It was not to be expected that the person from whom the noble Lord had quoted, being a rival agent to Mr. Mundler, should have any very friendly feeling towards that gentleman. Mr. Mundler had no power whatever to buy pictures. He could not even offer a price for a picture. It was his duty to ascertain where suitable pictures were to be found, and then make his report to the Trustees of the National Gallery, on whose responsibility all offers and all purchases were afterwards made. He had never seen Mr. Mundler in his life; but he believed that that gentleman was an officer whose labours had been of great advantage to the institution with which he was connected.

Question put "That 'four hundred' stand part of the Resolution."

The House *divided*:—Ayes 110; Noes 128—Majority 18.

"One hundred" *inserted.*

Resolution, as amended, *agreed to.*

Subsequent Resolutions, *agreed to.*

The Chancellor of the Exchequer

THE CHURCH SERVICES.
ADDRESS MOVED.

Order for Committee (Supply) read.

Motion made and Question proposed—"That Mr. Speaker do now leave the Chair."

MR. COWPER said, he rose to move an humble Address praying that Her Majesty will be graciously pleased to take into Her Royal consideration the proclamation of the first year of Her Majesty's reign, commanding that forms of prayer and service made for the 5th day of November, the 30th day of January, and the 29th day of May should be annexed to the Book of Common Prayer of the United Church of England and Ireland, to be used yearly on the said days, with a view to the discontinuance of those forms of prayer and service. No doubt it would be very unbecoming of the House to enter unnecessarily into any criticism or discussion of services which, he might say, were of a very solemn character, but after the Address adopted by the House of Lords in reference to those forms of prayer, it would not be desirable for the House of Commons to remain silent. These services were intended to record great political events, but they rested upon the authority or a Proclamation made at the commencement of each reign, when the country was generally in a state of excitement. Therefore at the moment when a Sovereign first came to the Throne an Address of this kind could not well be brought forward; but a time like the present, when there was an absence of all such excitement, seemed peculiarly well fitted for such a proceeding. These services were generally unacceptable to the great body of the clergy and congregations of the Church of England; and so unwilling were they to use them on the days for which they were appointed, that it was only in certain educational institutions, and in a few churches where scrupulous regard was paid to the authority which had ordered them, that they were ever used. He thought, therefore, it was manifestly undesirable that there should be a Royal command in existence which was so generally disregarded. No doubt the services, at the time they were originated, were well calculated to express the feelings of those who used them; still the lapse of years must necessarily render expressions of thankfulness and humiliation which were suitable to the minds of a people who had just come freshly out of what they considered great danger, inappropriate to the

sentiments and feelings of the present times. He held that it was not wise that special services, prepared to commemorate an event which was strongly felt at the time, should be continued perpetually, or used after the lapse of 200 years by a people who were in totally different circumstances, and consequently felt they could not use them conscientiously. Indeed it did not appear, with regard to the earliest of these political services, that there was any intention at the commencement of making it a permanent service, because more than five years elapsed, after it was first used, before it was incorporated in the Prayer Book. On this first day, the 5th of November, the last important event that occurred was the battle of Inkermann, which stirred up so much feeling throughout the land. That event, although comparatively less in its influence on the general destiny of the country than the failure of the Gunpowder Plot, was one much more warmly and keenly felt by people of the present day, and yet it was not singled out and celebrated on the 5th of November when they were commemorating events which were so much more distant, and were looked upon rather as matters of history. Great wisdom had been shown by the compilers of the Liturgy when they adopted more general terms in which to commemorate all national subjects of thankfulness and humiliation without specifying or particularising them; and he thought it would be only following the wisdom of those who compiled the Liturgy if this House addressed their advice to Her Majesty that she would, in the exercise of her authority, reconsider the Proclamation under which alone these services were used, and that they should henceforth be discontinued.

MR. CONINGHAM seconded the Motion.

Amendment proposed,—

"To leave out from the word "That" to the end of the Question, in order to add the words, "an humble Address be presented to Her Majesty, praying that She will be graciously pleased to take into Her Royal consideration the Proclamation of the first year of Her Majesty's reign, commanding that Forms of Prayer and Service made for the 5th day of November, the 30th day of January, and the 29th day of May, should be annexed to the Book of Common Prayer of the United Church of England and Ireland, to be used yearly on the said days, with a view to the discontinuance of those forms of Prayer and Service," instead thereof.

MR. WALPOLE said, that after what had taken place in the other House, where a similar Address had been moved, assented to generally, and especially by the prelates of the church; and, as he knew, had received the gracious assent of Her Majesty, there could be no reason why the Motion should not be agreed to. The only doubt he had was whether it would not have been better originally, although it was too late now, to have effected the object in view by means of communication between the two Houses, so that the Address might have come from both of them, and the answer have been given to each of them at the same time. His own opinion was that occasional services were always to be deprecated, except at particular times; and it was now so many years since the occurrences which these services were intended to commemorate, and our own liturgy was so adapted to meet the whole wants of the people, whether for prayer or thanksgiving, that he thought it was detrimental to encumber the Prayer Book by the retention of these special services. He therefore gave his hearty assent to the Motion.

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived.*

Words *added.*

Main Question, as amended, put, and *agreed to.*

Resolved,—

That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to take into Her Royal consideration the Proclamation of the first year of Her Majesty's reign, commanding that Forms of Prayer and Service made for the 5th day of November, the 30th day of January, and the 29th day of May, should be annexed to the Book of Common Prayer of the United Church of England and Ireland, to be used yearly on the said days, with a view to the discontinuance of those forms of Prayer and Service.

CHELSEA BRIDGE.—QUESTION.

MR. ALCOCK said, he wished to call the attention of Her Majesty's Government to the expediency of offering the surplus land in Battersea Park (100 acres) for sale by auction, with a reserved price of £284,730 9*s.* 3*d.*, in order to refund to the Government the loans advanced on account of Battersea Park, Chelsea Bridge, and Chelsea Embankment. It had been contended that it was not fair to make the Chief Commissioner sell this land now, when in fifteen or twenty years it would become so much more valuable; but the toll ought not to be kept on for fifteen or

twenty years with that object, as they would thereby be charging the public of Chelsea and Battersea £6,500 a year or £130,000 if it was kept up for twenty years. He agreed that the House ought not to be asked for a single sixpence for the purpose of carrying out improvements in Chelsea or anywhere else in London; but at the same time they had no right to charge the people of those districts £6,500 a year for tolls in order that the land might be more valuable twenty years hence. His proposition was to test the value of the land by putting it up to auction, and if the price fell short of the debts for which it was liable, he had no doubt that the people of London, like those of Birmingham in the case of Aston Park, would raise the difference. The Chief Commissioner had no right to prevent the land being sold merely that he might ride over it as if it were his own, and keep the patronage that was attached to it.

THE SERPENTINE RIVER.

QUESTION.

SIR JOHN SHELLEY said, that before the noble Lord replied to the observations of the hon. Member for Surrey, he wished to say that he hoped the Government would in Committee take a vote for cleansing the Serpentine. They had lately heard a great deal about calling upon the metropolis to do its duty by purifying the Thames, and he understood that a Bill was to be brought in by the Government which would involve the expenditure of £3,000,000 of money for that purpose. Now, he had no objection, nor did he believe the ratepayers of the metropolis had any objection, to do that which was their duty; but he contended that that which applied to the metropolis equally applied to Government; and that as the Parks were under their sole control, and the Serpentine was as great a nuisance as it was possible to imagine during the hot weather, it was the duty of the Government to take care that a stagnant pool of water should not continue to exist in the centre of London, when a remedy could be easily effected by the expenditure of a sum of money for the purpose. Representations had been made to him that during the recent hot weather, when everybody was complaining of the state of the Thames, the stench from the Serpentine extended even to Park-lane and Hyde Park-gardens; and no wonder that it should be so, when it was recollected that the water which ran into the Serpentine came from the overflow of one of the London sewers, which contained the drainage of Kilburn Cemetery and that neighbourhood. Three years ago preparations were made by the Commissioners of Sewers for diverting the sewage to which he referred, but up to this time nothing whatever had been done in that direction; and as hundreds of thousands of people were in the habit of using the Serpentine for bathing in morning and evening during the summer months it was really intolerable that the state of things should be allowed to continue longer. The late Commissioner of Works, though attacked at the time for what he did by some Members of the present Government, had effected great good in St. James's Park, where the water was now so clear that any one might see the smallest object at the bottom. The pumping power there established was sufficient to pump fresh water into the Serpentine, and a very small outlay would effect all that was desired. No risk need be incurred in moving the mud, for concrete could be laid over it, as was done in St. James's Park. He hoped the noble Lord the First Commissioner of Works would take the matter into his consideration.

LORD JOHN MANNERS said, the hon. Member for Surrey had put speeches into his mouth which he had never made, and attributed to him sentiments which he never entertained. The hon. Member imagined that it was a pleasure to him (Lord J. Manners) to be the trustee of a piece of low land, bounded on one side by an ordinary fence and on the other by an open sewer, and it was on this spot that the Chief Commissioner was supposed to take his daily exercise. He could, however, assure the hon. Gentleman that, so far from desiring to retain the control over the tracts of land referred to, he should be glad if the hon. Gentleman would bring him a capitalist with whom he could enter into arrangements for its sale; but, up to the present moment, he had received no offer of any kind, either from the hon. Gentleman or anybody else; and he need not say that of course, in order to effect a sale, it was necessary to have a purchaser. In answer to inquiries which he had made, he had been informed that when the general system of metropolitan drainage was carried out, and the sewers covered over, the ground would be in a fit state for sale; and he had reason to hope that then these hundred acres of land would become popular

and valuable as an investment for building purposes. Whenever that took place, it would, of course, be his first duty to sell the land on the best terms he could obtain in the interests of the public. He would beg the hon. Gentleman, however, not to run away with the idea that, even if the land were sold, there would be any surplus available for the reduction of the tolls on Chelsea Bridge; for the hon. Gentleman had slightly underrated, in the figures which he had placed before the House, the extent of the liability on this hundred acres of land. The total sum which had been advanced by the Exchequer Loan Commissioners, for the purchase and construction of Battersea Park, was £200,000, in addition to which there was a sum of £58,000 due for interest. True, £65,000 had been obtained by the sale to a railway company of a certain portion of the land on the outside of the park; but deducting that sum from the £258,000, which was the amount of the liability now imposed upon the hundred acres of land, the sum total remaining to be provided was £190,000. His own belief was that the park might be made to repay itself in the manner he had pointed out on a former occasion; but he could not say that he hoped there would be any surplus sufficient to make any diminution in the tolls of Chelsea Bridge. The hon. Gentleman held out a hope that a subscription, to be applied to the abolition of the tolls, might be expected from the inhabitants of Chelsea and the neighbourhood; and of course, if those who derived the greatest advantage from the park and the bridge subscribed any considerable sum with that object, it would be very acceptable to the Government. With regard to the observations of the hon. Member for Westminster (Sir J. Shelley), he was bound to say that he did not agree with the hon. Baronet in the statement he had made as to the offensive condition of the Serpentine in the hot weather. On the contrary, he had received information that so pellucid was the water in the Serpentine after the application of a quantity of lime, that persons were to be seen drinking that water out of the palms of their hands —a thing which had not been witnessed on the banks of the Serpentine for years past; and so encouraged was he by the effects of the lime, that he was applying to the Treasury for a Vote of public money to apply more, if need were, during the prevalence of the hot weather. He did not mean to say that the normal condition of the Serpentine was anything but what the hon. Baronet had represented, but a remedy could not be effected without an enormous expenditure of money. The question, as the hon. Baronet was, no doubt, aware, had been under the consideration of successive First Commissioners of Works for many years past; but every First Lord of the Treasury had felt it to be inconsistent with his duty to ask for a large Vote to rectify the evil. There were great differences of opinion, even amongst medical men, as to the effects which great works of that sort produced upon the health of a neighbourhood. The hon. Member was quite right in pointing out, that until the evil results of the sewer at the north end were remedied, it would be in vain to incur any large expenditure in improving the Serpentine. He hoped, however, that the Metropolitan Board of Works, or the district Board, would soon settle that question effectively; and when that was done, it would be the duty of the Government to take into consideration the best means of permanently purifying the condition of the Serpentine.

MR. W. WILLIAMS said, that the proposition of the hon. Member for Surrey was a reasonable one—namely, to ascertain the value of the land. The noble Lord said he had had no offer for the land, but the noble Lord had a Bill before the House which continued the toll on Chelsea Bridge until the debt was paid, and it would take thirty years to terminate it. He remembered that the late Mr. Cubitt offered to take the land in question, to pay off the principal and interest of the debt, and to give part of the land for a park. But the offer was not accepted. If the land was sold, and there was no surplus, any deficiency which might exist might be met by a subscription.

FIRE INSURANCE.

QUESTION.

MR. HADFIELD said, he had presented numerous petitions to the House, signed by thousands of persons, complaining of the injustice inflicted both upon the public and the revenue by the high rate of duty charged upon fire insurance policies. He wished to know whether it was intended by Her Majesty's Government to revise the Stamp Act with a view to reduce the duty in question?

MR. G. A. HAMILTON said, that, in the absence of the Chancellor of the Exchequer, he could only say that it was the

intention of his right hon. Friend to consider the question of revising the stamp duties generally; but he could not take upon himself to state how far that intention might extend with regard to the particular case of fire insurances.

Resolved, That this House will immediately resolve itself into the Committee of Supply.

SUPPLY.—CIVIL SERVICE ESTIMATES.

House in Committee.

Mr. FITZROY in the Chair.

(1.) £3,568, Ecclesiastical Commissioners.

MR. KNATCHBULL-HUGESSEN said, he did not doubt but that the Ecclesiastical Commission was of great benefit to the interests of the Church; but that being the case, he thought it would be more just to the public and would tend to the ultimate advantage of the Church if this payment were defrayed out of the estates of the Church, and not out of the public funds. The Church ought to pay its expenses. He did not mean to say a word against that Commission, one of whose members (Mr. Deedes) he was glad to see present; but while he believed that the Church benefited by their labours, he thought the Church ought to bear its expenses. He should therefore move the rejection of the Vote.

MR. WALPOLE said, he wished to remind the Committee that this Vote formed a part only of the expenses of the Commission, and that the other and by far the larger portion of its expenses was borne out of Church property. His own conviction was, that the reason why the Ecclesiastical Commission had worked so well was that it did not wholly represent the interests of the Church, but that it was beneficial, also, to those who might be fairly considered to represent the public as holders of Church property, and, therefore, it was arranged from the first that while a portion of these expenses should be borne by the public, the other and larger portion of them should be borne by the Church. Both the Church and the State gained by the Commission, and, therefore, it was not reasonable that the expense should be altogether saddled upon the property of the Church. Last year the surplus in the hands of the Commissioners was only £5,000, this year it amounted to £15,000, which sum, as was well known, was spent in the augmentation of small livings. But if the Committee insisted on taking this sum out of the surplus, it was his belief that, far from conferring a boon upon the State, it would be detrimental to its best interests, as well as those of the Church.

MR. WILSON said, the right hon. Gentleman had only confirmed him in an opinion he had long held, that his Vote was only an indirect mode of endowing small livings, and was most objectionable on that account. He believed that a Committee sitting on the Miscellaneous Estimates had recommended the discontinuance of this Vote, and he believed it was the intention of the late Government to consider the propriety of discontinuing it altogether. He could not expect the present Government to take that course, as they had not yet had an opportunity of considering the subject; and, therefore, he for one would not oppose the Vote on this occasion, but he would hold himself free to reject it in future years.

MR. HADFIELD said, nothing was more common than that every estate should bear the expenses of all that was done for its benefit. A Church establishment like that of England, with a revenue of £6,000,000 a year, ought surely to pay this paltry sum, which, small as it was, was an eyesore to multitudes in the country. He hoped the Committee would reject the Vote.

MR. DEEDES said, the hon. Gentleman argued the question as if the Ecclesiastical Commission existed for the exclusive benefit of the Church, whereas the fact was, that his right hon. Friend had already stated, that if the accounts of the Commission were analysed, it would appear that a much larger sum than what was now asked for was expended on matters in which the Church was not directly connected. A great deal of the time and attention of the Commissioners was occupied with the enfranchisement of property, which he did not say was of no benefit to the Church, but which was at least of equal benefit to the persons who occupied that property, and he believed that the expense arising from that source was more than double the sum now required. It appeared to him to stand in much the same relation to the public that the Charity Commission did. Why was the expense of the Charity Commissioners charged upon the public, and not upon the property of the charities, some of which were very large, and which were scattered throughout the country? That question had been argued in this House, and it was very properly decided that the

question was one of public interest, and that the public ought therefore to bear the expense. With regard to the surplus which had been referred to, the large amount was in part owing to various benefactions which had been received through the year; and if that source of supply were continued, he thought great good would be done. He should certainly have been surprised if the hon. Member for Devonport (Mr. Wilson) had expressed his intention to vote against the sum; because, if the Government to which he belonged were opposed to it, they had had ample time to strike it out of the Estimates.

MR. LABOUCHERE said, there could be no doubt the public were benefited by the process of enfranchisement, but primarily and directly the benefit accrued to the Church; and, therefore, the expense of enfranchisment, as well as the other expenses ought to be borne by the Church. The late Government did promise last year to take this Vote into its consideration, which was generally held to imply a pledge that they were in favour of its discontinuance. But it would be hard to bring this Vote to an end wholly without notice, and he believed that if they had still remained in office they would have proposed this Vote, with an intimation that it would be for the last time. He should have been glad to hear the present Government give such a pledge, but he could understand that they had not had time to consider the question.

MR. VERNON SMITH rose only to say that he was Chairman of the Miscellaneous Estimates Committee in 1848, which recommended the cessation of this Vote. That recommendation has never been carried into effect. He believed the answer of the noble Lord the Member for London (Lord John Russell), who was then Prime Minister, was to the effect that he would put an end to the Vote as soon as the funds of the Commission were in a more favourable state. He thought that the time had now arrived, and that the Commission was now in a condition to defray all the expenses that properly belonged to them.

MR. A. SMITH said, he was not satisfied with the answer of the Government. The public were not at all concerned in the enfranchisements which had been referred to, but the lessees of the property; and if any expense was incurred in that way they ought to pay it.

MR. KNATCHBULL-HUGESSEN said, as he was not trammelled by having supported his Vote in office, there was nothing to prevent him going to a division.

Motion made and Question put,—

"That a sum, not exceeding £3,568, be granted to Her Majesty, to defray a portion of the expenses of the Ecclesiastical Commissioners for England, to the 31st day of March, 1859."

The Committee *divided*:—Ayes 67; Noes 61: Majority 6.

Vote *agreed to*, as was also,

(2.) £16,340, Charity Commission.

(3.) £20,000, Incumbered Estates Commission and Court for Sale and Transfer of Land in Ireland.

MR. W. WILLIAMS objected that though a Bill had been introduced to abolish this Court by the end of the year, its expenses for twelve months were here to be voted.

MR. G. A. HAMILTON explained that part of this sum was to be taken in advance for the establishment of the new Court, and that it would be repaid out of the fees.

Vote *agreed to*.

(4.) Motion made and Question proposed,

"That a sum, not exceeding £11,402, be granted to Her Majesty, to defray the charge for the Salaries and Expenses of sundry temporary Commissions, to the 31st day of March, 1859."

MR. LOCKE KING said, he rose to move that the item of £1,861 for the Statute Law Commission be struck out of this Vote, as the Commission had been long denounced by public opinion. If any one were to look to the bottom of this Commission he would see that it was based upon the most selfish consideration. There was but one paid Commissioner, whom he should not hesitate to name, Mr. Bellenden Ker. That gentleman and a former pupil of his, the Secretary of the Commission, Mr. Brickdale, with the clerks and messengers, divided the grant among them. The old Criminal Law Commission, of which this Commission was the successor, was a job far more liberal. During the sixteen years Mr. Bellenden Ker had been upon that Commission he had received the sum of £10,400. In 1850 that Commission ceased: because Mr. Bellenden Ker was the only Commissioner left, it was found necessary to find or invent another situation for that learned gentleman; hence the appointment of the present Statute Law Commission. Great promises were made by the Lord Chancellor of that day, who undertook that in the next Session the whole statute-book should be expurgated. A staff of learned gentlemen was accordingly employed, who in a short space of time al-

most accomplished wonders, but they were ignominiously dismissed, because they did so much that, if their labours had been continued for some time longer, the Commission would soon have ceased to exist. A distinct plan of procedure was laid down by Lord Cranworth, by which expurgation was to precede consolidation; but this plan was resisted and argued against by Mr. Bellenden Ker, and the result was that the Lord Chancellor's promise was broken, and the work of consolidation was to go before that of expurgation. There could be no doubt that the course thus pursued was the wrong one. At length the Attorney General promised that if the matter were left to him he would, in the space of eighteen months, consolidate our whole statute law. Nothing, however, was done. Occupying the post which that learned Gentleman did, he had kept on the notice paper from day to day a reference to a series of Consolidation Bills; but those measures had not yet made their appearance, and at this advanced period of the Session they were not likely ever to do so. In 1856 six or seven Bills were thrown upon the table of the House of Lords late in the Session, but they did not then pass, as it was not intended that they should. In 1857 those Bills were again introduced into the House of Lords, and passed through it with a protest from the Lord Chief Justice of England. Those measures were passed there upon the faith of the Statute Law Commission; but on coming down to that House they did not receive a second reading, in consequence of his own interposition, he having assured the late Government that if they went on with the Bills he would take the sense of the House upon them. It was most fortunate for the country that those measures did not become law, for he had been given to understand that though they were Consolidation Bills they were not accompanied with repealing enactments; so that their effect would have been to continue the old and the new law in force together, thereby adding to the confusion which already existed. Enormous sums had been spent upon these Commissions. The Commission which commenced in 1833 had expended directly £50,000 of the public money, and yet it actually did nothing. The present Commission, too, which had not passed a single Act, except the one relating to the sleeping statutes which he had himself carried through in spite of them, had already nearly absorbed £20,000 of the public money. The Vote now proposed for the Commission was only £1,861; but in addition to this sum, they were warned by a note appended to the Estimate that there were fees which would have to be paid to the draughtsmen employed by the Commissioners to draw Consolidation Bills, and execute other works connected with the revision of the statutes, and which would be defrayed from the Civil Contingencies Fund. The amount of such fees awarded in the year ending December 31, 1857, was £3,312; but whether an equal sum would be required for the present year, the note attached to the Vote said depended upon the course hereafter adopted by the Board. These fees were at first included in the Estimate, but now there seemed to be a disposition to keep them out of sight. When the Attorney General promised to bring in the Bills to which he had referred, the learned Gentleman did not like to say that they should be accepted upon the faith of the Commission, but proposed that they should be sent before a Select Committee. So that the workmanship of a Royal Commission was thus to be subjected to revision in a Committee-room upstairs, and the House was to take the whole responsibility. Believing that this Commission would, as long as it lasted, be the greatest obstacle to law reform, he begged to move that the item of £1,861 be altogether disallowed.

THE ATTORNEY GENERAL said, it was surprising that one who, like the hon. Member for Surrey, had from the very first devoted the greatest attention to the proceedings of the Statute Law Commission, should have remained up to this time unconvinced that it had already effected great public good, and that it would be most impolitic to stop its progress now, when the whole nation was interested in the result of their labours. It might not be known to the House though well known to the hon. Member, that for at least 200 years the state of our statute-book had been the subject of grievous complaint, and various projects had been proposed and suggestions offered for its improvement by the most eminent lawyers and greatest statesmen whom this country had ever produced. Until the present century, however, not a single Bill was introduced into Parliament calculated to remedy so serious an evil. Since the year 1816 no less than eleven Commissions or Committees had sat upon the subject, presided over or directed by such men as Sir S. Romilly, Lord Brougham, Lord Tenterden, and Sir R. Peel, but down

to 1853 nothing was done, and he begged to remind the hon. Gentleman, when he talked about the expenses of this Commission, that three alone of the Commissions of which he had spoken had cost the country little short of £100,000, and yet nothing was done. The present Commission had sat only since 1854—perhaps, as it was preceded by another Commission, he might say 1853—and the cost of it was scarcely one per cent on the preceding useless and fruitless Commissions. He would state shortly what it had done. He would not stop to consider the great difficulty which had stood in the way of all reform on this subject. The statute-book consisted, as they all knew, of some forty large folio volumes, containing statutes with no other arrangement than according to the succession of the reigns of the Sovereigns and the successive years of those reigns. Many of these statutes, instead of being confined to the subject that one would expect from their title, embraced a great variety of totally different and unconnected subjects. These statutes had grown until the bulk of them constituted a great evil. If this were the time he could quote the language of eminent Judges, in which they complained that such was the state of our statute law that no man, however learned and however vigilant he might be, could know what the law was. It was impossible for any one, in looking through our statute-book, to trace his way through the multitude of conflicting and complicated provisions they contained; and the intricacy was much increased by the fact that out of the forty large folio volumes of the statute law, upwards of thirty were filled with statutes or parts of statutes which were either repealed or obsolete, or superseded, or in some way had become useless.

It would be necessary, in order to effect a consolidation, to reduce these forty volumes to something like four, and that instead of from 15,000 to 18,000 public general statutes, and some 36,000 to 37,000 other statutes, they must reduce the general statute law of England to some 200 or 300 Acts of Parliament, each Act embracing an entire subject, and expressed in an analytical and consistent form. He owned he thought it was a discredit to the Legislature that 250 years should have elapsed not only without anything being done, but without anything substantial and really useful being attempted by Parliament. The present Statute Law Commission, which the hon. Gentleman sought to extinguish, had not only attempted, but made great progress in accomplishing this great work, and he hoped, with the support of Parliament, that in a very short period, perhaps in two years from the time at which he was now speaking, the whole work would be effected, and the whole statute law of England consolidated. Nothing but the urgency and the severe pressure of public business which had recently occupied so large a share of the attention of Parliament had prevented him from submitting to the House the scheme of consolidating and amending the statutes and the preliminary measures, such as the appointment of a competent officer or board with a view to future legislation, which he trusted, ere long, would lead to its accomplishment. Before proceeding to state to the Committee what the Statute Law Commission had actually done, it was but right that he should do justice to the late Government, and above all to the noble and learned Lord who lately filled the office of Lord Chancellor, and briefly state the reasons why the efforts so successfully made by the Statute Law Commission had not yet had the effect of bringing before Parliament a number of Bills which he was sure would satisfy both the House and the country that they had made great progress in accomplishing the object in view. In 1853 Lord Cranworth, the then Lord Chancellor, submitted to the Statute Law Commissioners a plan of operations on which they immediately began. The gentleman who had been mentioned on this and former occasions, Mr. Bellenden Ker, was a member of the earlier Commissions, and of the late Commission, and he felt bound to say with regard to that learned gentleman that he had acted in a manner so disinterested, and had so devoted his whole time and attention to the public service, that he felt that nothing he could say for him would amount to the meed of praise that was due to him for all he had done in relation to the statute law. It was true that he had received a payment of £1,000 a year, not, indeed, as a member of the Statute Law Commission, but because he had also, during that period, assisted the Lord Chancellor in all Bills, and especially law Bills, which had been submitted on the part of the Government to either House of Parliament. He had made pecuniary sacrifices amounting to a large annual income rather than leave unfinished, without his necessary assistance,

the great work which successive Lord Chancellors had wished to accomplish. And now, let them see what the Statute Law Commissioners had done since 1853. In the first place, four Reports had emanated from them, embodying the principles on which it was suggested that the statute law should be consolidated. Besides these Reports, indices had been made, Bills had been drawn, and various other works performed, which, although they were not in their present shape, Bills which could be submitted to Parliament, yet those who had to complete the work of consolidation would find in them all that was required in respect to that particular branch of the law to which they related. Let him say, also, that although down to the year 1853 no one single Consolidation Bill had emanated from the Commissions existing to that time, from 1853 to 1857 the Statute Law Commissioners had caused to be prepared, and, as to most of them, to be completed—and the rest of them were in an advanced state of progress — no less than forty-three Consolidation Bills, embracing, he might almost say, all the most important subjects comprised in the statute law. These Bills were now actually, most of them, ready to be laid on the table of the House. And he thought he could state to the satisfaction even of the hon. Member for Surrey (Mr. L. King) why they had not been introduced. With respect to many of the Bills, great difference of opinion would inevitably exist, and it became a question whether, having taken the sense of one or the other House of Parliament, or some Committee of one or the other House of Parliament, upon something that might be deemed a fair specimen of the whole system of consolidation, they should bring forward any one Bill until the whole of the Bills of which the consolidation was to consist should be finished. The present Chief Justice of the Common Pleas suggested to the Commission that they should take some one branch of the law involving all the difficulties that could possibly arise, and he truly said that if they succeeded in that, they might hope to succeed in others. Lord Cranworth accepted that challenge. He called on the members of the Statute Law Commission to select a difficult and complicated subject, a fair test of the statute laws, and by common consent the criminal law was chosen. He would not detain the Committee, by going through the means they resorted to in order to accomplish the task allotted to them; but this he would say with pride and with confidence, that, from the very able and strenuous assistance they had received from the learned gentlemen who were employed to reduce to form and order the criminal law of the country, and with the assistance generally of the Statute Law Commission, of Mr. Bellenden Ker, of Mr. Brickdale, the secretary, and, above all, of Mr. Greaves, who had dedicated all his invaluable time and talents without fee or reward, with the assistance of Lord Cranworth, of Lord Wensleydale, of the late Chief Justice Jervis, and of other eminent members of the Statute Law Commission, the whole of the criminal statute law had been reduced and consolidated into nine Bills. These Bills were laid on the table of the House of Lords in 1856, and there was the whole of the recess to consider them. In 1857 they underwent some criticism, he would not say opposition, for there was none, but they underwent an investigation, and they then passed the House of Lords and were sent down to this House. The late Government, however, at an early period of the Session of 1857, thought that the subject was too large and important to be dealt with at once by the House, notwithstanding that those Bills had received the sanction of the House of Lords. In that Session, however, the Bills were brought forward in the House of Commons and read a first time, and the intention of the Government was that they should be referred to a Select Committee of the House, who might report on the entire scheme in conjunction with a scheme perhaps scarcely less important — the appointment of an officer to supervise future legislation. In the month of March, however, in consequence of an event which they all remembered,—Parliament was unexpectedly dissolved, and it did not meet again for the despatch of business till the month of May. The consequence was that the Committee which had been appointed was interrupted in its progress, and no complete Report was made; and when Parliament met again, nothing further was done in the matter. At the beginning of the present Session his hon. and learned Friend the Member for Reading (Sir H. Keating) then Solicitor General, gave notice that he should bring forward the several criminal Bills, and it was only owing to the sudden and unexpected change of Government that he was prevented from doing so. Since the present Government had

The Attorney General

been in power other urgent public measures had been constantly under the consideration of Government, so that it had been impossible for those to whom this matter was committed to consider these Consolidation Bills. The Committee had now to determine whether the Statute Law Commission should be put an end to before Parliament had an opportunity of considering these Bills, and he trusted they would not think of adopting such a course. From the labours of the Committee they would soon have the opportunity of considering not only the consolidation of the statute law, but no less than ninety-three Consolidation Bills, which only awaited the approbation of the House of the system on which the consolidation had proceeded, and which Bills would effect at least one-third, perhaps nearly one-half, of the entire consolidation of the statute law. He should not detain the Committee by going further into the subject. The hon. Member forgot that the Statute Law Commission had not only prepared a consolidation of the criminal law, but the law of real property. The hon. Member for Surrey, much to his surprise, took to himself the great credit of having done all in the way of consolidation that had been accomplished during the last five years. Now, the hon. Gentleman had conferred honour on the Statute Law Commissioners by taking up and passing through Parliament a Bill of which the Commissioners were the real authors, for they had furnished all the materials of which his Bill was composed; but, unfortunately, the hon. Gentleman took up the work before it was completed, and so introduced a Bill with many imperfections. He hoped, therefore, the hon. Member would be persuaded to give a little further time to the Statute Law Commissioners to proceed with this undertaking, and he might feel assured they would at last accomplish a work worthy the approbation of this House and of the country.

MR. M'MAHON said, he was satisfied that the progress of consolidation would only be impeded by the continuance of the Statute Law Commission. If they wanted consolidation, the best course they could take would be to abolish the Commission, and throw the responsibility upon the Attorney General. The consolidation of the statute was in some respects like the work of cleansing the Thames. They should lay down a principle, as was done in France and the United States, and name the proper men to whom the work should be intrusted. At present they had no plan whatever, and if they were merely to have an addition of four folio volumes to the statutes, the Commission would have done more harm than good. The Attorney General had referred to the labours of the Commission in regard to the criminal law; but so little knowledge did they possess of the criminal law of the country that they actually fancied the law that applied to petty larceny in England would not apply to Ireland, and that there must be one law for England and another for Ireland. He had carefully examined the Bills which passed the House of Lords, and to which the Attorney General had referred, and he felt perfectly confident that the right hon. Gentleman would be ashamed to stand up and ask the House to pass those measures as proper and fitting models of consolidation. When they came before the House he should be prepared, with regard to the law of libel, to show that the gentlemen who prepared those Bills evidently knew nothing at all about the subject. In truth, the present mode of proceeding was utterly indefensible. If the Attorney General would take the matter up on his own responsibility, he was sure there was not a Member of the House who would not have confidence in his labours, and there would be some chance of progress, but if they went on as they were now doing, instead of clearing the statute-book, they would find that year after year they were only adding to the evil which they wished to remedy.

THE CHANCELLOR OF THE EXCHEQUER said, he would express a hope that the Committee would not enter upon the discussion of Bills that were not before them. His hon. and learned Friend the Attorney General would be able in a few days—probably in the course of next week—to introduce Bills which embodied the views of the Government, and they would be printed for the consideration of hon. Members. In the meantime he hoped they would confine themselves to the question before the Committee, and give their sanction to the very moderate expenditure which was required for the Statute Law Commission.

MR. BAINES said, with regard to the criminal law Bills, he believed they had been drawn up by Mr. Greaves, under the superintendence of Lord Wensleydale. The Attorney General said it was the intention of Government early next Session to go

on with the inquiry before the Select Committee, and one object of the inquiry was which of the two methods of carrying out a scheme of consolidation ought to be adopted. Last Session the noble Lord the Member for the City of London suggested that instead of merely stringing together enactments which were scattered up and down the statute-book, they should amend the law as they went on. On the other hand, it was said that to attempt more than a bare consolidation of existing enactments would be to undertake a hopeless task. It was proposed to submit to a Committee the question which of these plans should be adopted, or to ascertain whether some middle course could not be pursued. But in every case there could be no doubt that the Commission had been accumulating for some time past a quantity of materials which would be found of the greatest utility whenever the Legislature determined upon any definite mode of action. He might particularise a work which had been undertaken by Mr. Wood at the instance of the Commissioners—namely, a register or digest of all the Acts of Parliament, or parts of Acts, which were actually in force. Mr. Wood had begun at the present time, and he was going back year by year through the statute-book. He had already reached the commencement of the present century, and he (Mr. Baines) had every reason to believe that when completed it would prove a most valuable work. He believed that the portion already finished would be ready to be laid on the table in about a fortnight; and in his humble opinion the Commission well deserved the confidence and approbation of the Committee.

Mr. MELLOR said, that though according to the Attorney General nothing had been done by any of the Committees or Commissions which had sat before 1853, Mr. Bellenden Ker had been a member of every one. He thought they would be doing a great service to the cause of law reform if they declined to continue the Vote.

Mr. MALINS said, that the hon. and learned Attorney General said that nothing had been done by the Commissioners until 1853; that since then great things had been done, and that in two years more the whole statute law would be consolidated. But, two years ago, his hon. and learned Friend had promised that the whole statute law would be consolidated in eighteen months. He now promised that it should be done in two years from the present time. He had told his hon. and learned Friend on the former occasion, and he again told him then, that the truth was the House was spending money on that which for practical purposes could never be of any use. It might be true that ninety-three Bills had been prepared. But they were told that Bills were to be submitted to a Select Committee of that House. But how, unless they had a perpetual Parliament, or unless they abdicated their other legislative functions, were those ninety-three Bills to be passed through Parliament? Considering the practical difficulties that attended the subject, he was not surprised that more had not been done; but he thought that consolidation was almost impracticable.

Mr. WHITESIDE admitted that the question of the mode of effecting the object in view was a very fair one for consideration. And he thought it possible that a better mode of proceeding than that now in force might be adopted. Still he thought there was great force in the words of the right hon. Member (Mr. Baines) that whatever became of the Statute Law Commission they had collected a mass of materials of opposite opinions and of different views as to the subject, which was of great interest, and would be exceedingly useful to Parliament in a future Session. He thought that his hon. and learned Friend (Mr. Malins) had unnecessarily alarmed the Committee, for he did not understand the Attorney General to say that ninety-three Bills were to be placed on the table of that House at once. What he understood him to say was that a Committee of learned and able men of that House might, with the materials collected by the Statute Law Commissioners, decide on the scheme or plan to be pursued for the consolidation of the statutes, after which the Commission would be no longer required, but that the individual men who were most competent might be appointed to do the work. He hoped that the Vote would not now be rejected, but that the Commission would be continued a little longer.

Motion made and Question put,—

"That the item of £1,861, for the Statute Law Commission, be omitted from the proposed Vote."

The Committee *divided*:—Ayes 52; Noes 85: Majority 33.

Original Question put, and *agreed to*.

(5.) Motion made and Question proposed,

"That a sum, not exceeding £26,198, be granted to Her Majesty, to defray the Fees, Salaries,

Expenses, and Compensations payable under the provisions of the Patent Law Amendment Act, to the 31st day of March, 1859."

MR. W. WILLIAMS said, he wished to call attention to the extravagant fees payable to the law officers of the Crown in England, amounting on the whole to £8,500 per annum, while the Attorney General for Ireland obtained only £1,200, and the Lord Advocate for Scotland £850. It had been estimated that the sum derived by the Attorney and Solicitor Generals for England from their offices under the Crown and from their private practice was about equal to the salaries of three of our learned Judges, or of three Secretaries of State, including the Prime Minister. Their duties in connection with the Patent Office were of the most trivial description, and might easily be discharged by a clerk. It ought to be remembered too, that the persons who paid the fees, whatever their abilities might be, were generally very poor. He moved that the Vote should be reduced by the sum of £4,000.

MR. WALPOLE said, that the hon. Gentleman should recollect what was done in this matter in 1852. The patent law was then materially altered, and the cost of a patent was reduced from £500 to £50 or £60, while the emoluments of the law officers were materially reduced. The hon. Gentleman should remember that there were no two men in the kingdom who were more overworked than the Attorney and Solicitor General. They had a large private practice, part of which they had to give up to attend to their public duties. They had to advise the Government constantly on matters of the greatest importance. It might be that during the period they held office the Attorney and Solicitor General derived greater emoluments than other professional men. But he did not believe that the fees paid by the Government to the Attorney and Solicitor General were anything like those which they would receive as fees for a similar amount of business from private persons. Putting aside the question whether the law officers should or should not be paid by salaries, he must say that so long as the law officers of the Crown were paid by fees he should be sorry to see a reflection cast on them by a reduction of those fees.

MR. GILPIN said, he hoped his hon. Friend would not press his Amendment which he could not prevent from assuming a personal character. At the same time he did not think they could keep out of view the strong opinion entertained by many that officers of the Government, of whatever kind, should be paid by a direct Vote. He did not believe that the emoluments of the law officers were too large, but he should prefer a different mode of payment.

MR. W. WILLIAMS said, he would assure the hon. and learned Gentleman that he did not intend any reflection upon them. At the same time he must say that the duties of the Home Secretary were quite as great and important, though his emoluments were much less.

SIR GEORGE LEWIS said, that these fees were not paid as a general retainer to the Attorney and Solicitor General, but for their services in connection with patents, which he believed were generally of a routine character; that they were very much delegated to others; and that they were in excess of the services rendered in this particular way. Unless it could be shown that this sum was a fair remuneration for services rendered under the Patent Law Amendment Act, it could not, he thought, be fairly supported.

THE SOLICITOR GENERAL said, it was very odious to speak on a matter so personal, but he felt it due to the office he held to say a few words. He would admit that these sums seemed large, but the Committee must remember that the Attorney and Solicitor General were dealt with in a manner in which no other public officers were dealt with. The Attorney and Solicitor General were provided with no accommodation in the way of offices for the transaction of the business that passed through their hands. In the next place, they had, at their own expense, to engage skilful clerks to transact that business, and a considerable sum was thus expended. He admitted that if, after appointing clerks, the law officers were to transfer to them business which they ought to transact themselves, that would be an abandonment of their duty; but that was not done. Every patent and provisional specification of a patent passed under the eye of the law officer of the Crown to whom it was referred. Not a week passed over in which, out of twenty or thirty patents that passed under the eye of each of the law officers, nine or ten were not sent back on account of some irregularity, or on account of their containing some improper claim which the Crown ought not to grant. He took it

upon himself to say that the fees on this particular piece of business were not higher than the fees on a corresponding amount of business, such as would come regularly before the law officers in their ordinary practice, irrespective altogether of the outlay involved in the providing of offices and the engagements of clerks. The business transacted by these law officers in relation to patents was of a serious character, and could not be neglected without serious injury to the trade and industry of the country.

MR. COX said, he thought this was an exorbitant sum. The hon. and learned Gentleman himself said it could only be justified in consequence of the law officers being put to certain charges, and having to pay for clerks. It was unfortunate, however, that the hon. and learned Gentleman did not look further into the Estimates, for there was an item of £750 for clerks.

THE SOLICITOR GENERAL said, he could assure the hon. Gentleman that he had the satisfaction of paying two clerks for patent business, for whose salaries no provision whatever was made in the Votes. The fees referred to were not for the clerks who did the patent business; they were the fees which came regularly to the clerks of the Attorney and Solicitor General for the time being.

MR. W. WILLIAMS said, he thought that if the Government would consider the subject before they met again, he would not trouble the Committee to divide.

THE ATTORNEY GENERAL said, the right hon. Baronet the Member for Radnor (Sir G. C. Lewis) appeared to be under the impression that some portion of the duties of the Attorney and Solicitor General were performed by deputy. He could assure him there was no portion whatever of any public duty imposed upon them that they were not obliged to perform in their own persons. With respect to the fees, he could also state that in consequence of the difference that existed between the fees paid by the Crown and those paid by individuals the acceptance of office was productive of loss rather than of increased emoluments.

Motion made, and Question,

"That the item of £8,500, for Fees payable to the Law Officers of the Crown in England, be reduced by the sum of £4,000."

put, and *negatived.*

Original Question again proposed.

The Solicitor General

MR. WILSON said, he wished to draw the attention of the Government to the circumstance that the amount received from stamps upon patents last year was £88,860, while the whole expense of the Patent Department was only £46,840, and therefore he would suggest that the amount of stamp duties levied upon patents should be reconsidered.

THE CHANCELLOR OF THE EXCHEQUER said, the whole of the stamp duties would probably be reconsidered next year, and the subject referred to by the hon. Gentleman would not be omitted.

MR. A. SMITH said, he wished for information respecting the sum of £1,500 required for the Museum of Patented Inventions at Kensington, and the further sum of £580 for the salaries of a curator, secretary, and assistant. He should move to reduce the Vote by £2,000.

Motion made and Question proposed,—

"That the item of £5,126, for Patent Office, Salaries, &c., be reduced by the sum of £2,000."

THE SOLICITOR GENERAL explained that there was formerly a Museum of Patents in Chancery Lane, containing a number of valuable and most useful models and a library, which were of great assistance to inventors. The space being small and the situation inconvenient it became necessary to remove the museum, and accommodation was offered at Kensington. After some time the space at Kensington was required for other purposes; but the Commissioners offered to allow the Patent Museum to remain if the Government would expend a small sum in providing a building for the reception of the models and library. That arrangement was agreed to, and the present Vote was the necessary consequence.

MR. DILLWYN said, he readily admitted the value of the museum, but he thought Kensington a most inconvenient locality for it.

THE SOLICITOR GENERAL said, that point had been considered, and the present arrangement was only temporary.

THE CHANCELLOR OF THE EXCHEQUER said, that the Museum of Patents had no connection with the Museum at Kensington. It had been removed there by the consent of the Royal Commissioners until proper accommodation could be found, which the Government were now making arrangements for doing.

Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.*

(6.) Motion made and Question proposed,

"That a sum, not exceeding £13,822, be granted to Her Majesty, to pay the salaries and expenses of the Board of Fisheries in Scotland, to the 31st day of March, 1859."

MR. WHITE said, that last year a promise was made to make this Board self-supporting, by imposing a fee on every barrel of herrings branded. The Vote appeared to be a wretched remnant of the protective system, for he saw no reason for putting a brand on a barrel of herrings any more than on a bale of cotton or any other article; and he should move that the Vote be disallowed.

SIR JOHN TRELAWNY observed, that in the county to which he belonged more fishing was carried on than in any other county in England, and the fishermen there did not receive a single sixpence from the public funds. He thought the time had come for getting rid of this Vote.

MR. G. A. HAMILTON said, it was true that a part of this Vote, having reference to the branding of barrels of herrings, was objected to last year, and an intimation was given that a portion of the Vote should be discontinued. A Bill had passed through the House in the present Session to provide for the branding of herring barrels, but not in time to meet the requirements of the fishery for the present year, and therefore it was necessary to continue the Vote for another year. There was a very strong feeling among the fishermen themselves in favour of continuing for a time the system of branding which gave a character to the herrings of Scotland. The Bill which had passed would bring to the test the expediency or inexpediency of that system. If the parties interested did not voluntarily comply with the provisions of that Bill, it would be obvious that there was no great value in the system of branding.

MR. COX said, he was sorry that the hon. Members for Norfolk (Mr. Bentinck), and Stirlingshire (Mr. Blackburn), who resisted the grant to the Metropolis of any assistance out of the Consolidated Fund, were not now present, for he should like to ask them whether they approved of public money being given in aid of the fisheries of Scotland. He should certainly oppose this Vote, with the exception of the amount required for pensions.

MR. WHITE said, he did not mean to include the pensions, and, therefore, he would modify his Amendment by moving that the Vote, with the exception of the pensions, should be expunged.

MR. DUFF said, that the Board of Fisheries had other duties to perform besides branding herrings. They had officers stationed along the coast of Scotland whose duty it was, when herrings were brought in, to see that those sent out and exported abroad were properly packed, and were of a proper quality. They had also to supervise the whole of the fisheries, and manage the fishery police, as well as the piers and harbours in many of the fishing stations.

MR. WILSON said, that a portion of the Vote was appropriated to the supplementing (in the proportion of one to three) the amounts raised by voluntary subscriptions for piers and harbours on the coast of Scotland, and any hon. Member might satisfy himself that this was a wise expenditure by reading the report of the Commission on the subject.

Motion made and Question put,—

"That a sum, not exceeding £2,160, be granted to Her Majesty, to pay the salaries and expenses of the Board of Fisheries in Scotland, to the 31st day of March, 1859."

The Committee *divided*:—Ayes 58; Noes 119: Majority 61.

Original Question put, and *agreed to.*

(7.) £2,000; Board of Manufactures (Scotland).

MR. W. WILLIAMS asked what were the duties of this Board.

MR. WILSON said, that at the period of the union with Scotland it was arranged that £2,000 should be applied annually to the encouragement of Scotch manufactures; but, as the manufacturers of Scotland had made such progress that they no longer required this encouragement, it was provided in 1836 that this amount should be applied, under the control of the Treasury, to the promotion of art and science in that country. The result had been the establishment of one of the finest schools of design in the kingdom.

MR. WHITE said, the Vote appeared from the Estimates to be required for the encouragement of manufactures in Scotland, but it seemed to be really applied to the promotion of art and science in that country, and he hoped that next year the Government would state honestly and distinctly in the Estimates to what purpose it was devoted.

Vote *agreed to.*

(8.) £5,000; Highland Roads and Bridges.

MR. GILPIN said, he should oppose the Vote, as he did not see why the expense of these roads should not be defrayed by an assessment upon local property rather than by a charge upon the public purse.

MR. G. A. HAMILTON said, that a report of the application of this money was made annually to Parliament.

MR. COX said, he thought it would be a much more sensible thing to apply this £5,000 to the repair of roads and the abolition of turnpikes in the metropolis and its neighbourhood, instead of devoting it to the maintenance of roads in Scotland which were seldom used.

MR. COLLINS said, that as he had always opposed imperial grants for metropolitan improvements, he felt bound on principle to take a similar course with respect to the present Vote.

MR. CAIRD said, the Vote was applied to the maintenance of roads in districts in which it would not be easy to support them by assessment, and those roads were used principally by English tourists.

Motion made and Question put,—

"That a sum, not exceeding £5,000, be granted to Her Majesty, on account of the Commissioners of Highland Roads and Bridges, to the 31st day of March, 1859."

The Committee *divided*:—Ayes 118; Noes 73: Majority 45.

Vote *agreed to*.

(9.) £2,000; Slave Bounties.

SIR CHARLES NAPIER asked, how many slaves had been captured last year?

MR. G. A. HAMILTON said, that he was not prepared to state the exact number then, but he would do so on a future occasion. He understood that a definite sum per head was paid for each captured slave.

SIR CHARLES NAPIER said, that if the sum was, as he understood, £5 per head, the number of slaves captured last year was only 400.

Vote *agreed to*.

(10.) £900; Publication of Ancient Laws and Institutes (Ireland).

MR. G. A. HAMILTON observed, that some time ago a Commission was appointed to inquire into the expediency of publishing those laws, which contained much valuable information with regard to the ancient character and habits of the people, and the Commission having reported in favour of the object, this Vote was proposed in furtherance of it.

Vote *agreed to*, as were also the following Votes.

(11.) £9,000, Process Servers (Ireland).

(12.) £58,900, Pensions (Merchant Service).

(13.) £2,084, Registration of Joint Stock Companies.

(14.) £1,693, Registration of Designs.

(15.) £50,000, Treaties of Reciprocity.

(16.) £4,700, Inspectors of Corn Returns.

(17.) £20,000, Distressed British Seamen Abroad.

(18.) £3,600, Quarantine Arrangements.

(19.) £17,850, Revising Barristers (England and Wales).

(20.) £3,856, Constabulary Police (Aldershot and Shorncliffe).

(21.) £3,000, Inspection of Burial Grounds.

(22.) £1,053, Professors (University of Cambridge).

(23.) £27,100, Lighthouses Abroad.

MR. A. SMITH called attention to several items forming this Vote.

MR. HENLEY said, that lighthouses had been erected at Ceylon and other places for the protection of the shipping trade. The expenditure had been imposed on the Government by the pressure of the trading community, by whom representations were constantly made by the trade of the country as to the necessity of lighthouses.

MR. KINNAIRD said, he wished for further particulars as regarded this Vote, and hoped they would be furnished during future years.

THE CHANCELLOR OF THE EXCHEQUER said, there was a diminution in this Vote of £10,000 during the present year.

Vote *agreed to*; as was also the next Vote.

(24.) £1,000, Orange River Territory.

(25.) £20,000, Improvement of the Kafirs.

SIR JOHN TRELAWNY said, he thought the proposed grant very objectionable, and observed that the Cape colonists had shown very little disposition to assist the mother country in her severe struggles in India. He might refer to a despatch from Lord Stanley to Sir George Grey on this subject, dated May 5, showing that in the four years ending March 1859, Parliament had voted for colonial purposes in Caffraria—£140,000 for promoting civilization, and £210,000 for the passage,

settlement, and pay of the German Legion, besides which £30,000 would be required for the pay of the Legion next year, and there was an outstanding item of £35,000 for extra pay last year. To put a stop to this expenditure he should move the rejection of the Vote.

MR. CHEETHAM said, he did not object to the policy of the Vote, but he would suggest that its payment should be divided between the Cape colony and this country.

LORD STANLEY said, that the Cape colony had nothing to do with the Vote. It was a vote for British Caffraria, which was a distinct colony, although it had the same person for Governor. The grant had been originally fixed at £40,000 a year, and it had then been understood that it was not to last for more than three years. But the Government had felt unwilling to withdraw it altogether this year. They had, however, reduced it by one-half, and they hoped to be able to put an end to it altogether next year.

SIR DENHAM NORREYS said, he must express his strong disapproval of the practice of making grants of that character. Promises of reduction had been made annually, and he therefore hoped the hon. Baronet would persevere with his Amendment. He believed that if Sir George Grey were not able to govern Caffraria by some other means, the sooner they got rid both of him and of that colony the better.

MR. LABOUCHERE said, while he was at the head of the Colonial Office he differed from Sir George Grey on many points; but he must say, that in his opinion the energy and ability which that distinguished man had displayed had earned for him the gratitude of his country. There never was an idea held out by Sir George Grey that any part of the money would be repaid to the country. On the contrary, it was a payment necessary for the establishment of the colony—it was money well laid out, and the amount was by no means extravagant. He held that Sir George Grey was entitled to the thanks of the country for the course he had taken.

MR. NICOLL objected to the grant as an improper application of the public money. It was a species of black mail paid to the Kafirs.

(25.) Motion made and Question put,—

"That a sum, not exceeding £20,000, be granted to Her Majesty, for promoting the improvement of the Kafirs, and the settlement and government of British Kaffraria, in the year ending the 31st day of March, 1859."

The Committee *divided*:—Ayes 177; Noes 30: Majority 147.

Vote *agreed to*, as was also,

(26.) £29,940, Treasury Chest.

(27.) £2,000; Gallery of Portraits.

MR. BRISCOE said, he must ask for explanation concerning this Vote, and wished for its postponement. This Vote would lead to a large outlay of public money, which was wholly unwarrantable in the present state of the public finances. Besides, nobody could get to see this collection, and if it were formed at all it ought to be part of the National Gallery. The object, he understood, was to collect the portraits of persons eminent in English history; but on looking over the list of portraits already acquired, there were some whose claims to be there he could not understand. For instance, there was the portrait of Mr. Murphy. He should like to know who he was and what he had done to have a place in a National Portrait Gallery? Again, there was a portrait of "La Belle Hamilton," a very pretty woman no doubt in her time, but he was not aware that it was of any national interest to preserve her portrait.

THE CHANCELLOR OF THE EXCHEQUER said, that great results had scarcely ever been obtained at so small an expense as had been accomplished by the National Portrait Gallery Commissioners. Historical interest was of course the first consideration in the selection of the portraits, but many of those which had been collected were works of high art. For instance, the Commissioners had recently been fortunate enough to obtain a portrait of Sir Joshua Reynolds by himself, which was really worthy of Rembrant, and was one of the finest productions of the English school. Of course, some day or other, the collection would form part of the National Gallery; that was one of the chief objects in commencing it. The effect of this Vote naturally was to stimulate the public spirit of persons who possessed portraits of interest, and no doubt in time many very valuable works would be presented to the Gallery. Already it was enriched by the *Chandos Shakspere*, presented by the late Lord Ellesmere, who purchased it at the Stowe sale for 1,000 guineas. The collection would be the germ of a National Portrait Gallery of the highest interest, and he hoped, therefore, that the Committee would sanction this Vote.

MR. BYNG said, that having recently seen the gallery, he could bear testimony

to its great value, and he had no doubt it was the first step towards the formation of a great national collection of portraits.

Mr. EWART said, he hoped the hon. Member would not divide against the Vote.

Vote *agreed to;* as was also

(28.) £2,000; Cholera (West Indies.)

(29.) £1,600; Boundary Survey (Ireland).

Sir DENHAM NORREYS moved the omission of the Vote. He had always understood that the boundaries had been settled years ago.

Mr. G. A. HAMILTON said, that the boundaries were continually being altered, and required revision.

Motion made and Question put,—

"That a sum, not exceeding £1,600, be granted to Her Majesty, for the expense of adjusting and defining the Boundaries of Counties, Baronies, and Parishes in Ireland, in the year ending the 31st day of March, 1859."

The Committee *divided:*—Ayes 118; Noes 91: Majority 27.

The following Vote was then *agreed to,*

(30.) £3,100; Agricultural and Emigration Statistics (Ireland).

(31.) £6,318, New Public Offices (Belfast).

Mr. CHEETHAM said, he wished to ask why the country was to be saddled with the expense attendant upon the town of Belfast?

Mr. G. A. HAMILTON said, some time ago it was considered necessary to build a new custom-house and an inland revenue establishment in Belfast. In order to effect those objects, the Government were obliged to purchase a certain quantity of land, which was to serve as approaches to those buildings. The corporation of the town had undertaken to pay a portion of the cost of this land, but unfortunately they got into difficulties, and were unable to carry out their undertaking. The building of those public offices entailed certain improvements to the town. A portion of the land thus purchased for the corporation would be resold, and the money thus obtained would go some way to cover the present Vote.

Sir JOHN SHELLEY said, he hoped that if this Vote were agreed to, Irish Members would remember that public money was sometimes expended on other places besides the metropolis.

Mr. P. O'BRIEN remarked that he viewed with some suspicion such a Vote as the present placed upon the Estimates, when he recollected how many members of the Government were connected with Belfast.

The CHANCELLOR of the EXCHEQUER said, he would remind the hon. Gentleman that the debt was incurred long before the present Government came into office, and the present Vote was merely one for the purpose of liquidating liabilities already incurred.

Mr. COX said, that the borough of Finsbury wanted improvement as well as Belfast, but the House of Commons would not Vote money for the "general improvement of the borough of Finsbury."

Mr. WHITESIDE said, this was the first time money had been voted for Belfast, while grants had been made for parks elsewhere. It should also be recollected that the custom-house of Belfast received large revenues for the general treasury of the kingdom, and, as the building was in a most dilapidated state, it became necessary to build a new one for the collection of the taxation. The same might be said of the post-office of the town.

Mr. ELLICE (Coventry) said, he could not understand why it was necessary to effect those improvements in Belfast at the public expense to the extent of purchasing a quantity of land for the purpose of selling it again.

Sir F. BARING said, this Vote would go to the improvement of approaches, which was an improvement of the town. The public buildings alluded to had been paid for already.

Colonel FRENCH said, it appeared that money was advanced for the improvement of Belfast by the late Government, and the present Government would no doubt seek for the repayment of that money so advanced.

Sir GEORGE LEWIS said, he understood that powers had been taken to purchase land for the custom-house and another public building in Belfast. Power was at the same time taken for the purchase of other land which the corporation were anxious to buy. The corporation got into pecuniary difficulties, and were unable to fulfil their contract when the purchase money became due. The Government, being liable, were obliged to advance the money; but that land was yet to be sold. Already £500 had been received out of it, and ultimately, he believed, that no charge would fall upon the public.

Vote *agreed to.*

(32.) £15,000, Four Courts Extension (Dublin).

MR. VANCE asked, whether the proposed extension of those law buildings was for the accommodation of the new commissioners of the Encumbered Estates Court, and the Land Transfer Offices, and whether it was intended in the meantime to furnish any accommodation to those Commissioners before the new buildings were completed?

MR. G. A. HAMILTON said, the object was the extension of the Four Courts, and the removal of the Incumbered Estates Court down there. The object of the Bill now going through the House was to secure the site. He was not able to say whether in the meantime the Incumbered Estates Commissioners could be accommodated in the Four Courts.

MR. P. O'BRIEN asked whether it was contemplated to include the new Court of Probate in this building?

MR. G. A. HAMILTON was understood to reply in the negative.

Vote *agreed to*, as were also the following Votes,

(33.) £5,000, National Gallery (Dublin).

(34.) £1,000, Royal Dublin Society.

(35.) £10,000, Industrial Museum, Edinburgh.

(36.) £2,033, Royal Institution, Edinburgh.

(37.) £7,500, General Register House, Edinburgh.

(38.) £200, Repository for Public Records.

(39.) £6,000, Completing the Stylobate, &c., Nelson Column.

MR. GRIFFITHS said, he understood that it was intended to make the proposed lions of granite, and to make them rose colour. He trusted that the Government would see that they were made of bronze.

THE CHANCELLOR OF THE EXCHEQUER believed that the material was not yet decided, but that the best would be selected. He understood that his noble Friend (Lord J. Manners) was in communication with Sir E. Landseer on the subject of lions, and he hoped that the column would do honour to the metropolis and to the hero whom it commemorated. The suggestion of the hon. Member should be attended to, but though he should admire bronze lions, he should look with some apprehension at the sight of four red lions in Trafalgar Square.

Vote *agreed to.*

MR. COX said, he would move that the Chairman report progress.

THE CHANCELLOR OF THE EXCHEQUER said, that there were only seven more Votes. He believed there was a general understanding that they should be finished if the hon. Gentleman would allow them to go on.

MR. AYRTON said, the next Votes that followed were all such as would cause discussion.

THE CHANCELLOR OF THE EXCHEQUER thought that when the Committee was so full would be an advantageous time for the discussion to be taken. He would not press the Committee if there was any serious objection to going on.

Motion made, and Question, "That the Chairman do report these Resolutions to the House," put, and *negatived.*

(40.) Motion made and Question proposed,—

"That a sum, not exceeding £8,836, be granted to Her Majesty, to defray, in the year ending the 31st day of March, 1859, expenses in payments to Engineers, and other charges incurred in the examination of a Plan and Estimate for the Main Drainage of London."

MR. COX said, if they were to take the discussion, he must say that this was a most monstrous proposition. The Committee was called on to vote £8,000, or rather nearly £9,000, for the examination of a plan for the drainage of the metropolis, which was proposed by the Metropolitan Board of Works in 1856. The Committee ought never to consent to it. The Metropolitan Board of Works proposed a plan which was submitted to the Chief Commissioner of Works. If that had not been done, the Committee could not have been asked to vote this sum, and the Board of Works would have been enabled to mitigate the evil from which the metropolis had been suffering. How could £9,000 have been expended on the examination of a plan? In fact, it was submitted to three engineers, who were instructed to find fault with it, and they proposed plans of their own which were to cost sums varying from three to eleven millions of money, and it was now said that the plan to be proposed by the Government was that which was originally proposed by the Metropolitan Board of Works. He begged to move to reduce the Vote by £6,000.

Motion made and Question proposed,—

"That a sum, not exceeding £2,000, be granted to Her Majesty, to defray, in the year ending the

31st day of March, 1859, expenses in payments to Engineers, and other charges incurred in the examination of a Plan and Estimate for the Main Drainage of London."

SIR BENJAMIN HALL said, if the hon. Gentleman had been a Member of the House when the Act of 1855 passed, he could not have made the statement he had just made, for he would have been aware that it was the express desire of the House that the First Commissioner of Works should have a veto on any plan of the Metropolitan Board of Works. When the plan in question was submitted to him he thought it his duty to employ the best talent that could be obtained to advise him as to the course to be pursued, and he placed it in the hands of Mr. Simpson, Captain Galton, of the Board of Trade, and Mr. Blackwell. Captain Galton, of the Board of Trade, made no charge for his services, and the other gentlemen were satisfied with a remuneration of £1,500 for their services, which, looking to the nature of the remuneration received by gentlemen in their position, was little enough. The hon. Gentleman said, that he (Sir B. Hall) had instructed the engineers to find fault with the plan. He denied that statement, and it was a statement which ought not to have been made by the hon. Gentleman; and he called on him to give the authority on which he made such a charge. He would repeat that he did not give any such instructions, and if the hon. Gentleman insinuated that he gave improper instructions, the hon. Gentleman said that which was greatly incorrect. No doubt Mr. Bazalgette might have prepared a plan, as the hon. Gentleman said, and it might be that which was to be carried out now, and it might be a good one; but that gentleman had the assistance of Mr. Stephenson and Mr. Locke, who were members of the Commission of Sewers before that time; and the Metropolitan Board of Works had since appointed two referees—Mr. Bidder and Mr. Hawksley—who must be also paid. He hoped that the House of Commons would not think that he (Sir B. Hall) had done anything but that which was strictly his duty. He regretted that so large an expense should have been incurred, but it should be recollected that this was one of the greatest works that was ever undertaken, and that it was the duty of the gentlemen employed to make every inquiry, at any reasonable cost, and he thought that when it was considered that the work about to be done would cost three or four millions, this sum was not so large in proportion to the magnitude of the work.

MR. STUART WORTLEY said, that although the sum was large, if it had been incurred, it must be paid. He would not, therefore, oppose the vote; but he could not help observing that this was but another specimen of the lamentable condition in which the Government of the metropolis was placed, with no regular body to manage its concerns. It was the duty of the Government, and, if they did not do so, of Parliament, to take early and vigorous measures to regulate the Government of the metropolis. You could not deal with the metropolis as you would with other places; it was so large that if you created one municipal body for its government, that body would become so powerful that it would be almost as powerful as Parliament itself, and might become dangerous to the constitution. But he did not see why districts of the metropolis like the City, Lambeth, and Westminster, should not be put under municipal government, and delegates sent from each district to a Board which should represent the whole community of the metropolis, and which would be worthy to be entrusted with powers which, at the present, no body could be entrusted with. Such a Council, he thought, would command public confidence in the metropolis. The only danger would be, that it might be liable to the charge of being, as respected its relation to Parliament itself, an *imperium in imperio*. He must say, that he thought the power given to the Chief Commissioner of Works—an official who was appointed for political reasons, and was changed with every Government, to put a veto on the decision of the Metropolitan Board of Works—was a power with which he ought not to have been entrusted. He thought, however, they should be grateful for what the right hon. Baronet (Sir B. Hall) had done during his term of office, for he had done more probably than any of his predecessors.

MR. AYRTON said, the expense under consideration was uncalled for and unnecessary, but having been incurred, however improperly, the duty only remained to the Committee to sanction its payment. The argument of the right hon. and learned Gentleman (Mr. Wortley) as to Parliament being overshadowed by the metropolis being erected into a municipality he regard-

ed as puerile, and he looked forward to the day when this great city would have a municipal constitution commensurate with its importance.

MR. G. A. HAMILTON said, the course the Government took on coming into office was to consult the law officers of the Crown, whether this expense ought not to be addressed to the Metropolitan Board of Works. Their opinion was, that that body was not responsible for the charge, and the Government had therefore no alternative but to propose this Vote to the House.

MR. COX said, he would beg leave to withdraw his Amendment, and at the same time to disclaim the slightest personal feeling towards the right hon. Baronet (Sir B. Hall) in proposing it.

Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.*

House resumed.

Resolutions to be reported *To-morrow.*

Committee to sit again *To-morrow.*

THE CHANCELLOR OF THE EXCHEQUER intimating that, as there was not much business on the paper, perhaps they might go into Committee of Supply this day,

MR. G. A. HAMILTON stated, that there were some supplementary Votes still to be proposed, especially one by the Secretary of War for the sanitary improvements of barracks.

MR. P. O'BRIEN said, he would move the adjournment of the House, for the purpose of asking a question he had ineffectually endeavoured to get an answer to in Committee—When was the Dublin Police Bill coming on?

THE CHANCELLOR OF THE EXCHEQUER said, the hon. Gentleman was unreasonable. The Bill was on the paper, and would be referred to in its regular course. He might add, that he hoped to take the Bill at an early hour next Thursday.

Motion, by leave, *withdrawn.*

GOVERNMENT OF NEW CALEDONIA BILL.—CONSIDERATION.

Order for Consideration read.

MR. LOWE said, the Government, by founding this colony, had undertaken the protection of life and property in a wild and lawless district. This could not be done without expense, which he supposed the Government had calculated. He wished they would inform the House what their calculation was, before the third reading of the Bill.

MR. WALPOLE said, he would mention the matter to his right hon. Friend the Colonial Secretary.

Bill to be read 3° on *Thursday.*

CIVIL BILLS, &c., (IRELAND) ACT AMENDMENT BILL.

SECOND READING.—ADJOURNED DEBATE.

Order read for resuming Adjourned Debate on Question [12th July], "That the Bill be now read a second time."

Question again proposed, "That the Bill be now read a second time."

Debate *resumed.*

MR. WALPOLE said, he had only one or two remarks to make. There were three clauses objected to in this Bill. The first was that which increased the retiring alllowances of aged barristers; so that there was no great objection. [Mr. B. OSBORNE: Oh, yes, there is.] Well, he did not believe the objection was a very strong one. The second, at all events, was more strongly opposed—that which gave the Crown the power of removing an assistant barrister for misconduct as well as for infirmity. The Government proposed to give up the removal for misconduct altogether, and to confine the infirmity to that which was proved before the Irish Privy Council. As to the third clause which concerned the removal of barristers from one district to another, the Government were prepared to say that they would not remove from one class to another; or if that would not satisfy the objectors they would withdraw the clause altogether. With these concessions, as the Bill was a valuable one, he hoped the House would allow it to be read a second time now, and take the discussion on going into Committee.

MR. BERNAL OSBORNE said, he did not think the Bill a valuable one at all. He saw no reason why assistant barristers should have any retiring allowance. These barristers did not discontinue their private practice. If they did, he would admit that they had a claim for retiring pensions.

MR. WHITESIDE said, that the retiring pensions proposed for the assistant barristers was smaller than those now given to the sheriffs in Scotland and the County Court Judges in Scotland. As these gentlemen were now irremovable, if they had no retiring pension they would not retire, although they might be incapable

of sitting; and the result would be that the public business would not be done.

Mr. COGAN said, he had so decided an objection to the principle of the Bill that he must move the adjournment of the debate.

Mr. WALPOLE said, that he would consent to postpone the second reading to Thursday.

Debate *adjourned* till *Thursday*.

POOR REMOVAL LAW AMENDMENT BILL.

WITHDRAWAL OF BILL.

Order for Second Reading read.

Mr. SOTHERON ESTCOURT stated that some misconception had existed as to the object of this Bill. A general opinion seemed to prevail that its object was, in a covert manner, to abolish the removal of paupers altogether; but he must deny that the provisions of the measure justified any such suspicion. It was merely intended to compel the removing union to convey Irish and Scotch paupers to their destination, instead of throwing them ashore at the port in Ireland or Scotland which might happen to be the nearest to their place of ultimate destination, although it might be 100 miles distant from it. The expense entailed by the Bill would not have been more than a penny and a fraction for every mile that each person was conveyed into the interior of Scotland or Ireland. He hoped that next year he should be able to induce the House to assent to a measure for removing the scandals and the misery which at present attended the removal of paupers.

Order *discharged*.

Bill *withdrawn*.

House adjourned at a Quarter before Two o'Clock.

HOUSE OF COMMONS,

Wednesday, July 14, 1858.

Minute.] Public Bill.—3° Local Government.

REFORMATORY SCHOOLS (IRELAND) BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

Clause 7 (Manner in which Juvenile Offenders are to be dealt with.)

Mr. GROGAN said, he entertained an objection to the wording of the clause. The idea of requiring a profession of faith from young destitute children, who had either lost or been deserted by their parents, and whose heads were not as high as the table, was perfectly absurd. There was no such provision in the corresponding Act for England, and he should therefore move that it be expunged, with a view to insert words directing that the juvenile offender should be sent to such a Reformatory as his parents or guardians should select, with the permission of the magistrates before whom the conviction had taken place.

Amendment proposed,—

In page 3, line 42, to leave out from the word "offender" to the words "previous time," in page 4, line 7, in order to insert the words, "or to such Reformatory as the parents or guardians of such offender shall select, with the sanction and permission of the Judge or Justices before whom such offender shall have been convicted first had and obtained for that purpose: Provided also, that the;" and after "imprisonment," insert "to which such offender shall have been sentenced."

Mr. BAGWELL said, he hoped that the hon. Member would not persevere with his Amendment. The object of the framers of the Bill had been to prevent everything in the shape of proselytizing by either the one party or the other; and the intention was, that there should be one Reformatory for Roman Catholic children and another for Protestant children.

Mr. MAGUIRE said, that gentlemen of the strongest Protestant opinions in the south of Ireland were in favour of the separate system, and there was not the slightest fear that Protestant Reformatories would not be established under this Bill. The measure would be a curse instead of a blesing if magistrates were not strictly prohibited from interfering with the religion of Roman Catholic or Protestant children.

Mr. GROGAN said, he fully concurred in the propriety of keeping the children of different religious persuasions separate from each other. The words which he proposed to insert in the clause would, he thought, give the greatest freedom of choice to parents and guardians, with the consent of the Judge, as to the particular Reformatory the child was to be sent to. Formerly, when deserted children were found in the streets, the Roman Catholic police of Dublin always placed them in charge of Roman Catholic nurses, who had them baptized according to the rites of their own Church. His Amendment was also intended to prevent the renewal of that practice.

Mr. J. D. FITZGERALD said, that

abuses might have been committed by zealots on both sides; but this measure had been studiously drawn with a view to banish suspicions which would be fatal to the well-working of these institutions. The offenders to whom the Bill applied would be of fourteen, fifteen, and even sixteen years of age; and there would be no difficulty in ascertaining their religious persuasion.

MR. VANCE contrasted the words of the Amendment with the original clause, for the purpose of showing that the former would render clear and intelligible what was vague and uncertain in the latter. The clause spoke of the religion in which it might appear that a child had been baptized. How could a child appear to be baptized? Supposing there was no distinct evidence of the child being of any religion, he thought that it should be considered a child of the State. He believed that if the clause were to pass in its present shape it would lead to a system of proselytism of the worst form.

MR. SPAIGHT said, he trusted that this Bill, which had been very favourably received by the whole community in the South of Ireland, and which was very much needed, would be allowed to pass.

Question put, "That the words proposed to be left out stand part of the Clause,"

The Committee *divided*:—Ayes 42; Noes 15: Majority 27.

MR. GROGAN said, he would then move to leave out that part of the clause which would give an appeal from the decisions of magistrates. He thought the language of the clause imputed to magistrates conduct with which they were not chargeable.

MR. BAGWELL said, he should support the power of appeal.

MR. GROGAN said, the law was not so in England, and the object of their legislation was to assimilate the law of both countries.

MR. J. D. FITZGERALD said, it was not unreasonable to give a power of appeal in these cases. Every magistrate might make a mistake, and inserting those words did not cast a slur upon their conduct.

LORD NAAS said, he saw no reason why an appeal should not be allowed.

MR. BARROW supported the clause, and said he thought it would lead to an improvement of the English law in that respect.

Amendment *negatived*.

Clause, as amended, *agreed to*.

Clauses 8 to 14 *agreed to*.

Clause 15 (Power to Magistrates to order Parents to contribute to the support of their Children to the extent of *5s.* a week).

MR. P. O'BRIEN said, he thought the clause required some explanation, as *5s.* a week would be a very large sum for a man who only earned *9s.* or *10s.* a week to contribute.

MR. BAGWELL said, the object of the clause was to prevent parents getting rid of their children in order that they might be supported and educated at the public expense. He thought it might well be left to the discretion of the magistrates to ascertain whether the parents of children were able to contribute to their support.

MR. WALPOLE said, he hoped the Committee would not consent to any proposition to omit the obligation imposed by the clause upon parents.

Clause *agreed to*, as was also Clause 16.

Clause 17.

MR. BLAKE moved, in page 8, line 30, to leave out the words "House of Correction or Common Gaol," and insert the words "Debtors' Prison." His object was, that parents failing to contribute to the support of their children, should be sent, not to the common gaol and treated as felons, but confined in the debtors' prison.

MR. J. D. FITZGERALD objected to the Amendment.

MR. BAGWELL said, he wished to intimate that the promoters of the Bill would permit the latter part of the clause, rendering parents liable to imprisonment for the non-payment of their children's maintenance in a Reformatory, to be struck out on the Report.

MR. SPAIGHT said, he would go further than the Amendment, for he thought there was no necessity for incarceration whatever. If it was proved that a man had no goods or chattels, what was the use of imprisoning him?

MR. BLAKE said, he should, nevertheless, press his Amendment.

Question put, "That the words proposed to be left out stand part of the clause."

The Committee *divided*:—Ayes 94; Noes 1: Majority 93.

MR. MAGUIRE said, the division was taken between two gaols, but he thought incarceration unnecessary. There was quite sufficient protection to the public in the fact that the parents had property to be seized for any arrears that might arise,

and he thought the poor of Ireland would not risk the loss of their furniture for the non-payment of a few shillings a week towards the maintenance of their children in Reformatories.

MR. SPAIGHT said, he fully concurred with the last speaker. The clause was so penal in its nature, and so oppressive to the poorer portion of the population, that at the proper time he would support its omission altogether.

MR. BRADY considered that it would be harsh to send a man to prison and make him herd with convicts because he had not contributed to the support of his child. He would, therefore, appeal to the author of the Bill to give up the power of imprisonment altogether.

MR. BAGWELL said, he was willing to substitute "ten days" for "three months," but he could not go further.

MR. BARROW said, the question now before the House was how long the party should be imprisoned. He thought three months was an extravagant period, and he proposed to substitute ten days, as in the English Bill. It was found from experience that short terms of imprisonment were more efficacious than long ones.

Amendment proposed to leave out the words "three months" and insert "ten days."

MR. BLAKE opposed the Amendment. He said that in the town which he represented (Waterford), there was a model lodging-house, and some tradesmen clearing £1 or £1 10*s.* a week, had sold their furniture and gone into that model lodging-house, defying their creditors, who were without a remedy. He would not send debtors into the same gaol with felons, but he would send fraudulent debtors to prison.

MR. P. O'BRIEN objected to a man being imprisoned in a common gaol for a debt. He should move an Amendment to that effect on the bringing up of the Report.

MR. STAPLETON said, he could not conceive anything more repugnant than the proposition contained in the clause to send the parent to a felon's gaol. However, he understood that the noble Secretary (Lord Naas) had agreed to omit the latter part of the clause.

LORD NAAS said, he thought that, if the period were limited to ten days, there could be no possible objection to the clause.

MR. GROGAN thought that if imprisonment were done away with it would be perfectly futile to attempt to make the parent pay.

Mr. Maguire

Amendment *agreed to;* Clause *agreed to.*

Remaining Clause *agreed to.*

House resumed; Bill *reported,* as amended, to be considered *To-morrow.*

LEASES AND SALES OF SETTLED ESTATES ACT AMENDMENT BILL.

BILL WITHDRAWN.

Order for Second Reading read.

MR. ADAMS said, that after nine attempts he had succeeded in bringing on this Bill for a second reading; but owing to the late period of the Session at which he had been enabled to bring it forward, he thought it would be a mere waste of time to go into a discussion upon it at present, and therefore it was his intention to withdraw the measure. He would merely say that the state of affairs in the House was now such that it was impossible for any private Member to get a Bill passed unless he introduced it at the very commencement of the Session. The Government had not merely the executive power, but they also possessed a monopoly of the legislative power. He moved that the order of the day for the second reading of the Bill be discharged.

MR. COX said, this was the eleventh or twelfth time a Bill had been brought in for the purpose of enabling Sir T. M. Wilson to enclose the land round Hampstead-heath, if not to enclose the heath itself. He hoped that if the attempt were to be renewed next Session, a Bill would be brought in for the express purpose and not in such a shape as was likely to deceive the House.

MR. ADAMS said, he must deny that in bringing forward the Bill he had acted with a view to the interest of any particular individual. He had not only no acquaintance with Sir T. M. Wilson, but he had never seen him. The object of his Bill was a general one, and he had received communications in its favour from many parts of the country.

Order *discharged;* Bill *withdrawn.*

SUPPLY—REPORT.

SIR GEORGE PECHELL said, he wished to ask the Secretary for the Treasury whether he could give a detailed account of the moneys paid in bounty for the capture of slaves; and also, whether he thought the sum of £2,000 would be sufficient for the bounty which it was proba-

ble would have to be paid in the coming year.

MR. G. A. HAMILTON said, that a Return moved for by an hon. Member would give details of the number of slaves captured in each year since 1847, with the sums paid for their capture. It was estimated that £2,000 would be sufficient for the payment of bounty in the coming year.

Resolutions *agreed to.*

SUPPLY.—CIVIL SERVICE ESTIMATES. COMMITTEE.

Order for Committee read.

MR. KINNAIRD said, he had to complain that the Charitable Trust Continuance Act had been read a second time last night before the Bill itself was printed, and notwithstanding the arrangement that no opposed business was to be taken after midnight. He had intended to address the House on the subject, and he must say he was surprised to see by the Votes that the Bill had actually been read a second time before it was printed. He now begged to give notice that on the question of going into Committee, he should move as an Amendment that Mr. Speaker do not leave the Chair for three months. [*A Laugh.*]

MR. SPOONER said, that he had another ground of complaint on this subject, namely, that the Bill was not properly described on the paper.

LORD JOHN MANNERS said, the Bill in question was a mere continuance Bill, and the Government had no reason to suppose that any objection would be taken to it, especially since they had expressed their determination to consider, during the recess, the best means of arriving at a permanent settlement of charitable trusts.

House in Committee. Mr. FITZROY in the Chair.

(1.) £111,429, New Bridge at Westminster.

MR. BENTINCK said, he understood that the amount proposed to be voted would be refunded by the sale of the bridge estate, which was likely to realise a very large sum. The transaction, so far, therefore, appeared to be an equitable one that could not be objected to. But he gathered from the Estimate he held in his hand that next year the House would be called upon to vote £96,021 for the completion of the new bridge, and that there were no funds out of which the money could be replaced in the public treasury. It was only fair to give notice, therefore, that when the House was called upon to vote that additional sum for the completion of the bridge out of the public purse, he should be prepared to give it his most determined opposition.

Vote *agreed to;* as were also the two following Votes:—

(2.) £1,500, Windsor Castle.

(3.) £70,000, Court of Probate, &c.

(4.) £19,296 British Embassy House at Paris.

MR. BYNG said, that some explanation was necessary with regard to this Vote, before the Committee could be called upon to give it its sanction.

MR. G. A. HAMILTON said, that the attention of the House was called to the Vote a few days ago by Mr. Wise, who requested that the correspondence in reference to the subject should be laid upon the table. He (Mr. Hamilton) had at once moved for the production of the correspondence; but he was sorry to say, that it was not yet out of the printer's hands. There could be no doubt that the expenses incurred for the Ambassador's residence at Paris had been enormous; but unfortunately the state of the house was such, that unless something was done to put it in repair, there was a danger that the country would have to incur an expenditure infinitely larger than that which had already been made. The amount now asked for was the very least, and there was no use in disguising the fact, for which the house could be put in repair. His noble Friend the First Commissioner of Works had taken every care that the money should not, as in past years, be misapplied; and he trusted the result would be to put the premises in thorough and permanent repair, and that Parliament would not be again called on for the very extravagant Votes which had hitherto been proposed for the purpose.

MR. WHITE said, that if he had the smallest encouragement given him, he should be inclined to divide the Committee against this Vote. He looked upon the Vote as a part of the lavish expenditure which was characteristic of the late Government, and especially of the foreign department of that Government. He understood that the Embassy House, at Paris, might be sold for about £120,000; and he submitted to Her Majesty's Government whether it would not be preferable, instead of asking the Committee for this Vote, to sell the house and grounds, and follow the example of the French Government, in

the case of its representative in London, by renting a house for our Ambassador at Paris at £4,000 or £5,000 a year. We had already expended more than £100,000 upon the Embassy House in Paris within a few years; and he did not see that there was any guarantee that the present Vote of £19,296 if agreed to, would be sufficient to place it in complete order. Judging by past experience, he feared the Vote would be only the prelude to still larger disbursements on the part of this House.

LORD JOHN MANNERS said that, as far as high professional character could be a guarantee, the Government had every security that the present Vote would cover the whole of the expense for the repairs put down in detail in the enormous volume he held in his hand. The hon. Gentleman proposed that a mansion should be rented for the embassy, but the Government were already in possession of a house with grounds, in a convenient spot, adapted for the object, and it was important that the residence of the English Ambassador at Paris should be on a scale commensurate with the dignity of the great country he represented. He hoped that the Committee would support the Vote, which he confidently expected would be the last of the sort.

MR. P. O'BRIEN suggested that it would be better to postpone the consideration of the Vote until the Committee was in possession of further information, and until the right hon. Baronet the late Chief Commissioner of Works was in the House. He also thought the plans and estimates of the French architect ought to be submitted to the Committee, so that hon. Members might refer to them and judge for themselves.

MR. SEYMOUR FITZGERALD remarked, that he did not consider that if the suggestion were acted upon, hon. Members would be more competent to decide the question than they were at present. Besides, the details which the hon. Member desired to have placed in the library were so very minute that he did not believe that many Members would go there to consult them. There was no doubt that the expenditure for the Embassy House at Paris had been enormous; but at present, from the manner in which it had been built, the walls were very insecure, and dry rot was in the timber work. It was obvious, therefore, that to put such a large building in perfect repair would necessarily require a considerable outlay of money.

Mr. White

With regard to the recommendation of the hon. Member for Plymouth (Mr. White) that the House should be sold and the Embassy removed to another quarter of Paris, where it might rent a house at £4,000 or £5,000 a year, he thought any such measure as that would prove most inconvenient to English residents and visitors to Paris. He could assure the Committee that the estimate had been most carefully considered; that nothing was contained in it which was not absolutely necessary; and the outlay would be made under the advice of the most competent architects the Government could send from this country, and the most eminent persons they could select in France. Under these circumstances he trusted the Committee would agree to this, the last Vote that would be required for the purpose.

MR. W. WILLIAMS said, he wished to remind the Committee that similar expectations had been indulged in many years ago and similar promises made of retrenchment; upwards of £130,000 had been expended on this house, and there was still a demand for additional money. He was sorry to hear that there were seventeen additional Votes in the present group of Estimates, and this was done in the face of a deficient income and a certain loss of £1,500,000 in the property and income tax.

MR. BRAMLEY-MOORE wished to know from the noble Lord the Chief Commissioner of Works, whether he had taken any tenders respecting the expense to be incurred in the renovation of the premises; because he must say, that he had no confidence whatever in the Estimates. He was quite sure, unless some precautions of that kind were taken, the House would by and-bye be asked for a supplemental Vote.

LORD JOHN MANNERS said, he should have greatly exceeded his duty, if before the House had sanctioned the Vote he had called for tenders. He begged to assure the hon. Gentleman that the Government had taken every security for the estimate being a *bonâ fide* one.

MR. CONINGHAM said, he was convinced that the £19,000 now asked for would turn out to be a mere instalment, and that in the end the patience of the House would be quite exhausted, and these Votes be indignantly rejected.

MR. BRAMLEY-MOORE said, it was no unusual thing, when Estimates of this sort were prepared, for the architect to state that parties were ready to undertake

the execution of the work at the sum he mentioned.

MR. CHEETHAM said, that the French Ambassador in London only paid £1,000 a year rent for his embassy, and that it was now proposed that we should pay something like £6,000 a year, that sum representing the interest on £120,000 which the building had cost.

MR. HUDSON said, that the rental of the French Embassy in London was considerably more than £1,000 or £1,500 a year. He granted, however, that the repairs of the British Embassy house in Paris came to a very serious sum. Still the property was eligibly situated, and he thought something might be done to reduce the annual expense.

MR. CLAY said, that from what he knew of Paris it would be impossible for us to get a similar building as that which we now had for £6,000 a year. It was no uncommon thing for the owner of a hotel in Paris to realize £8,000 a year by letting it out in flats from the basement to the roof. He presumed it was not intended that our Ambassador should live in a flat!

MR. BYNG asked, whether any opinion had been given by the architects on the point whether it would not be cheaper to pull down the Embassy house and rebuild it, rather than patch it up as proposed?

LORD JOHN MANNERS replied, that the papers on the subject were now in the hands of the printer.

MR. P. O'BRIEN thought that was a reason for postponing the Vote.

Motion made and Question put,—

"That a sum, not exceeding £19,296, be granted to Her Majesty, for the repairs and restoration of the British Embassy House at Paris, and for additional Fittings and Furniture, to the 31st day of March, 1859."

The Committee *divided*:—Ayes 113; Noes 51: Majority 62.

Vote *agreed to.*

(5.) £13,000, New Consular Office at Constantinople.

MR. W. WILLIAMS objected to the Vote. There were very few British sailors who went to Constantinople.

MR. SEYMOUR FITZGERALD stated that the best proof of the value of the hospital was to be found in the fact that in the year 1856 upwards of 2,000 British seamen were received into it.

MR. W. WILLIAMS said, that was in consequence of the Russian war, and was no proof of an increasing trade in that part of the world.

Vote *agreed to.*

(6.) £1,092, Sir Henry Havelock's Statue, &c.

MR. G. A. HAMILTON explained that hitherto, when monuments had been erected at the public expense, it had been usual for the Treasury to make a grant of metal for the purpose from the old stores. As those stores were, however, the property of the country, it had been thought more regular that a Vote should be proposed in Committee of Supply for the purchase of the metal required from the old stores. Since this Vote was inserted in the Estimates a similar application had been made to the Treasury for a certain quantity of old gun metal to be used for a monument in memory of General Neill, and he wished to state that if the application had been received in time the amount required would have been added to this Vote.

Vote *agreed to.*

(7.) £3,000, Major General Chesney.

MR. RIDLEY said, the work to which the Vote referred was probably of great value, but he wished to know why the country should be called upon to defray the loss upon its publication.

MR. WHITE said, he thought hon. Members were taxed somewhat beyond the limit of Parliamentary endurance when they were asked for £3,000 to reimburse a gentleman for having written a very dull book. He had the book with him. It purported to be a history of the Euphrates expedition, but it was in fact a work of a most encyclopædic character, and treated upon almost every topic under the sun except the one it pretended to treat of. If the matter relating to the expedition had been put into small compass, the work would have been very valuable, but the consequence of a premium from the national purse was that General Chesney had already inflicted two thick volumes upon the public, and two more were threatened. He would appeal to the Government against the Vote, a Government which had among its members men, at all events, who did not write dull books. He begged to move that the Vote be expunged.

MR. G. A. HAMILTON said, whatever the merits of the work might be, General Chesney had been instructed by the Government to undertake its publication, and it would be most unjust that any loss sustained upon the sale should be thrown upon him. The work had not been profitable as a commercial speculation, and the loss actually sustained by General Chesney had

been £4,300. The late Government had proposed that this loss should be shared between the Treasury and the East India Company, but the Company denied that they had incurred any liability in connection with the publication; and after looking carefully through the papers on the subject he must say there was great ambiguity as to the arrangements between the Company and the Government. The East India Company, however, agreed to contribute £1,000 towards reimbursing General Chesney, on the understanding that Her Majesty's Government would contribute £3,000, but even under this arrangement General Chesney would still be a loser.

SIR HENRY RAWLINSON said, that General Chesney's mistake had been, that he had devoted the first two volumes to the most uninteresting portion of the work, reserving that which was really interesting and useful to be published hereafter. If he had published the results of the Euphrates expedition in the first part of the work, placing what he had published in an appendix, there could have been no ground of complaint. They ought to have an assurance that the useful part of the work would be forthcoming before they voted this money.

MR. WHITE observed, that the results of the expedition, so far as they were interesting and useful, had been already communicated to Parliament in General Chesney's Official Report.

MR. WHITESIDE defended the Vote. The work involved a very large expenditure, which General Chesney had to guarantee. The Vote was a simple act of justice.

MR. W. WILLIAMS said, that this was the first time the House had ever been called upon to put their hands into the pockets of the country in order to remunerate an unfortunate author.

THE CHANCELLOR OF THE EXCHEQUER denied that it was the case of an unfortunate author. It was the case of an unfortunate publisher, and that publisher was the Government of the country.

Vote *agreed to.*

(8.) £5,000, Newhaven Harbour.

MR. RIDLEY objected to the Vote while the general Report on Harbours of Refuge had not yet been received.

MR. CORRY said, this harbour stood on a different footing from all other harbours. It was the only one on the coast, and it would hardly, at present, admit of a gun-boat at low water. This small expense would increase the water by several feet.

SIR GEORGE PECHELL said, this was the most important harbour on that part of the coast, and he hoped the Committee would not grudge the money.

LORD HARRY VANE said, he thought the explanation of the Secretary to the Admiralty was a satisfactory one, though at first he was startled at finding such a Vote proposed under the present circumstances of harbours of refuge.

Vote *agreed to,* as was also

(9.) £1,500, British North American Expedition.

(10.) £6,479, General Board of Health.

MR. ADDERLEY stated that this was a reduced Estimate, the Estimate in the Votes being for a sum of £7,400. The Estimate for 1857-8 was £11,125, but by the omission of the President's and one Inspector's salaries the Estimate for 1858-9 had been reduced to £7,400. He now proposed still further to reduce the Vote by omitting the salaries of two Inspectors, the Assistant Secretary, and the Surveyor, and the amount, therefore, which he now asked the Committee to vote was £6,479.

MR. COX said, he must object to being called upon to adopt the Vote until the details were printed and in the hands of the Committee.

MR. ADDERLEY said, the details were contained in the Estimate, and he merely proposed to omit the items he had mentioned; but the amended Estimate would be printed and in the hands of hon. Members to-morrow.

MR. CONINGHAM expressed his wish that greater vitality could be infused into the Board of Health. He could bear testimony to the merits of Mr. Simon, the medical officer, but the Board had not displayed the energy and activity which might have been expected from them.

Vote *agreed to.*

(11.) Motion made and Question proposed,—

"That a sum, not exceeding £50,000, be granted to Her Majesty, to complete the sum necessary to defray the charge of Civil Contingencies, to the 31st day of March, 1859."

SIR FRANCIS BARING said, it might be supposed that this was the whole amount which would be at the disposal of the Treasury for civil contingencies during the next year; but that was not the case. The Committee appointed two years ago to inquire into the Estimates found that there was then a cash balance in the hands

of the Treasury of about £100,000, besides an amount of about £150,000 on loans. Some of these loans, however, had been out so long that they were doubtless irrecoverable, and might be regarded rather as grants than as loans. He must protest against this Vote unless the Committee were informed what was the balance in the Treasury, which he imagined must have been considerably reduced during the past year, and what expectation there was that the advances on loan would be repaid. He thought the whole principle was wrong of voting year after year £100,000, when the expenditure did not come up to that sum, while this year it was the same sum, though the expenditure of last year was much more than £100,000.

MR. G. A. HAMILTON said, this question was one which had received attentive consideration from the Committee on the Estimates, and his right hon. Friend the Chancellor of the Exchequer had stated that it was his intention to introduce a measure on the subject in consequence of their report. There had been last year some extraordinary and unforeseen expenses, and the excess had necessarily been defrayed from the balances of former years, the consequence being that the unexpended balance under the head of "Civil Contingencies" at the expiration of the year did not amount to more than £11,000.

MR. W. WILLIAMS said, he would take this opportunity of denouncing the system which allowed an official to involve us in the enormous difficulty of a war with China. He hoped the present Government would get them out of that difficulty as soon as possible, otherwise he did not know what might be the consequences. He must also complain of the expense incurred in the Commission for settling the boundaries between Turkey and Persia, with which we had nothing whatever to do. Then there were most extravagant outfits for sending officials to various parts of the world. It would be much better to give those persons a sum of money and let them provide for themselves. No less than £5,000 were charged in the Vote for the services of police in order to protect camps —that was to say, police hired to protect soldiers. Was ever such a thing heard of —policemen protecting soldiers! There was only a charge of £1,843 paid to Lord Chelmsford for assuming the office for which he received £10,000 a year, and was very glad to obtain. Both these were charges which he hoped would be discontinued. Yesterday they had voted £1,800 for the Law Commission, and now they were asked for a further sum of £2,337. He moved the reduction of the Vote by the latter sum.

Motion made, and Question,

"That the item of £2,337 10*s.*, for services rendered to the Statute Law Commissioners, be omitted from the proposed Vote,"

put, and *negatived.*

MR. CONINGHAM said, he must complain of the large amount (£10,109) charged under the head of "expenses incurred on account of the embassy from the King of Siam in this country."

MR. G. A. HAMILTON acknowledged that the expenditure was a large one, but it was deemed expedient to encourage the relations between this country and Siam, and the effect already produced had been highly satisfactory. The trade with Siam had received an astonishing development since the treaty, and Sir J. Bowring, on the 5th of April, 1857, wrote that, whereas during the fifteen years preceding the treaty the average number of vessels annually engaged in this trade was but twelve, no fewer than 200 vessels had since obtained lucrative employment.

MR. LYGON said, he wished to call attention to the bill of £54 2*s.* 1*d.* for newspapers, &c., supplied to Lord J. Russell during the period his Lordship retained a seat in the Cabinet without office in 1854 and 1855. Of cource it was very requisite that public men should see the newspapers; but this charge seemed excessive.

MR. G. A. HAMILTON said, he did not think the charge an extravagant one. It was very important that a Cabinet Minister should be well informed of what was going on in the country.

MR. W. WILLIAMS said, he would remind the Committee that the noble Lord had served in the Cabinet at the period alluded to without any salary.

Original Question put, and *agreed to.*

House resumed.

Resolutions to be reported *To-morrow.*

Committee to sit again *To morrow* at Twelve o'clock.

SALES OF POISONS BILL.—QUESTION.

SECOND READING POSTPONED.

In reply to MR. FORSTER.

MR. WALPOLE said that this Bill had come down from the House of Lords. He understood it met with much opposition from chemists in different parts of the

kingdom. It stood upon the Orders of the day for to-morrow, and he would move that the order for the second reading be now read for the purpose of postponing it until Monday next, and in the meantime he would see several gentlemen connected with the chemists in order to ascertain the objections urged by that body.

Motion *agreed to.*

Second Reading *deferred* till Monday next.

House adjourned at a Quarter after Four o'clock.

HOUSE OF LORDS,

Thursday, July 15, 1858.

MINUTES.] PUBLIC BILLS.—1ª School Trustees; Militia Ballots Suspension; Local Government.
2ª Sale and Transfer of Land (Ireland); Navigation Advances (Ireland); Prescriptions (Ireland).
3ª Universities and College Estates; Confirmation of Executors, &c.; Ecclesiastical Corporations Leasing; Incumbered Estates (West Indies) Amendment.

GOVERNMENT OF INDIA BILL.
PETITION.

THE EARL OF SHAFTESBURY *presented* a Petition of the East India Company, under their common seal, praying to be heard by counsel against the Government of India Bill. The noble Earl said, He did not agree with the prayer of the petition, but he thought it his duty, as the petition was most respectfully worded and came from so important a body, to lay it before their Lordships. He thought that a great body like the East India Company, which had filled so magnificent a page in the history of this country, and was entitled in so many respects to the gratitude of the country at large, should have an opportunity of putting upon record its final and solemn appeal to the Legislature.

GOVERNMENT OF INDIA BILL.
SECOND READING.

Order of the day for the Second Reading read.

THE EARL OF DERBY: My Lords, in rising to move the second reading of this Bill, I cannot but express the deep regret which I feel that this task should have devolved upon me rather than upon my noble Friend and late colleague (the Earl of Ellenborough), whose intimate knowledge of every thing connected with Indian affairs would have enabled him to speak with a weight and authority which certainly I cannot command. But my noble Friend, unfortunately, is no longer a Member of Her Majesty's Government, and it therefore becomes my duty to state to your Lordships, as shortly and as clearly as I can, the main principles and provisions of the Bill to which I ask you to give a second reading this evening. Without attempting in the slightest degree to derogate from the importance of the measure, I cannot conceal from myself that a far greater degree of interest and attention has been attracted to it than would perhaps have been called forth by its intrinsic importance, in consequence of the political circumstances which accompanied its introduction and its progress through the other House of Parliament. This additional advantage, however, has accrued from that circumstance—that the Bill has received a greater degree of care and of patient investigation in the other House than possibly it might otherwise have obtained.

My Lords, I must, in the first place, observe that I think the title of the Bill is open to the objection of being somewhat infelicitous. It is not, as it purports to be, a Bill for the better government of India. It is a Bill which will, I hope, tend to the better government of India; but the government of India must, as cannot be too often repeated, be on the whole carried on in India, and this Bill does not pretend to deal with all those complicated and difficult questions which will no doubt, within the next few years, frequently engage the anxious consideration of Parliament and of the country. It does not pretend to deal with the revenue, with the finance, with the land regulations, with the condition of the Natives, and the possibility of extending their admission into the public service after this unhappy revolt shall have been suppressed. It does not profess to deal with any of these grave and extensive questions; and although such questions will no doubt engage the attention of Parliament, at future periods, and although Parliament will doubtless feel it to be both its right and its duty to lay down broad principles of action with regard to most of them, I cannot help expressing my opinion, that with regard to the details of the government of India, the less interference there is on the part of Parliament the better prospect will there be of securing the happiness and contentment of the people of India. I need not remind your Lordships that at the commencement of the present Session Her Majesty's Government announced that it was their intention

Mr. Walpole

to legislate during that Session with respect to the affairs of India. Without entering into the merits of the particular legislation which they proposed, I must remark that I was certainly of opinion at the time—and that opinion was shared by many—that although it might be necessary within a very short time to deal with this question, the period when the Government were engaged in suppressing a serious revolt was not the most convenient one for the consideration of a measure affecting the government of the country. But that opinion was overruled by a large majority in the other House; for, when a right hon. Friend of mine (Mr. Disraeli) thought it his duty to take the somewhat unusual course of moving that leave should not be given to introduce the Bill, on the express ground that it was not the time for legislation—thus especially preventing his motives from being misconstrued, and his opposition from being regarded as directed against any of the provisions of the measure—a majority of, I believe, about two to one, in a tolerably full House, decided that it was expedient and desirable that a Bill for the regulation of the Home Government of India should be introduced in the course of the present Session; and you will observe that this Bill is not, in fact, for the "government of India," but for the improvement of the machinery by which, in this country, Indian government may be superintended and controlled. In consequence of that decision the noble Viscount, lately at the head of Her Majesty's Government, introduced a measure to carry into effect the views of himself and his colleagues. Very shortly after that, circumstances occurred which caused the resignation of the noble Viscount, and a consequent change of Government. In several of the provisions of the Bill of the late Government—indeed, in most of them—I, and those with whom I have the honour to act, cordially concurred; but there were at the same time provisions of no minor importance on which we held entirely opposite opinions. It then became a question with us whether we should take the course of proceeding with the Bill of the noble Viscount, and propose in Committee such Amendments as we might think necessary. But it was the opinion of Her Majesty's servants—and, I think, it was a correct opinion—that a measure of such vast importance as one regulating the machinery for superintending the government of India, ought to be conducted and carried through, not by any private Member, but on the responsibility of the Government as a whole. The consequence of that was, that under the auspices of my noble Friend (the Earl of Ellenborough) a Bill was introduced and laid upon the table shortly before the Easter recess. In the course of the observations which I shall have to make it may be my duty to contrast some of the provisions of that Bill and of the Bill now before your Lordships with those of the measure introduced by the late Government; but at present I shall only say that the course which we pursued—although I think it was the necessary and proper course—had this inevitable consequence:—that there being, as it were, two rival Bills on the table of the House of Commons, there might, in the then state of political excitement, occur this unfortunate result, that the House would be called upon to decide between those Bills, not with regard to their respective merits, but with regard to the persons and parties by whom they were introduced; and that, consequently, the affairs of India, which required the most careful and dispassionate consideration of Parliament, might be made—what I was most anxious to avoid—a battle-field for contending political parties. In those circumstances the noble Lord the Member for London (Lord John Russell) made a suggestion, which was, I think, as wise and patriotic as it was certainly just and conciliatory, and it tended to relieve Parliament from what might have been a very serious embarrassment. Lord J. Russell suggested—and the Government at once adopted the suggestion; indeed, to a certain extent it had already been anticipated by us—that, instead of proceeding to match, as it were, one Bill as a whole against the other, we should enable the House to consider one by one in Committee Resolutions, the principles of which were involved in each, and out of those Resolutions to frame a measure which might receive the sanction of the Legislature. The Government, therefore, acting on that suggestion, prepared a series of Resolutions, which were submitted *seriatim* to the consideration of the House of Commons; and it is only doing that House the barest justice to say, that during the whole of my experience in Parliament I have never known a question which has been treated by that House with more patience, with more deliberate attention, with greater temper, and with more entire absence on all sides of party

feeling or acrimonious discussion. The result of that course of proceeding is, that there has been sent up to your Lordships' House a measure—not carried by a bare majority, not depending for its success upon this or upon that political party, but a measure to a great extent the work of the House of Commons itself, and to which all parties concurred in giving their tribute of praise—the noble Viscount at the head of the late Government uniting with the noble Lord the Member for the City of London in according to the third reading, not his hesitating but his cordial approval, and expressing his wishes for its success before your Lordships' House. My Lords, I now proceed very shortly to lay before your Lordships the principles and chief provisions of this Bill. The noble Earl who rose immediately before me (the Earl of Shaftesbury) has presented a petition, in the prayer of which he does not concur, from the East India Company, praying to be heard by counsel against the preamble and various clauses of the Bill. I wish to speak with every respect of the East India Company, and I am bound to say, that during the long period which they have administered the affairs of India, they have exhibited a degree of temper, an impartiality, and a sense of the great and important functions which they had to discharge, which could not be surpassed; but at the same time, I cannot admit that the East India Company have upon a question of this kind any claim to be heard by counsel before your Lordships. The East India Company have been, to the present moment, trustees for the Crown; and though from various periods—from 1813 to 1833, and from 1833 to 1853—that trust, under special limitations, has been renewed for periods of twenty years, yet in 1853 Parliament took a different course and confided the same trust to them, simply during the pleasure of Parliament. Clearly, then, from that moment the East India Company were tenants at will, whom you were perfectly free to dispossess whenever Parliament might think that the time had come to deprive them of their functions and transfer them directly to the Crown itself. My noble Friend whom I see opposite (Lord Monteagle) has presented another petition with regard to the possible diminution of the security which the East India Proprietors may have under this Bill, with respect to the money they have invested in India stock, and with respect to the payment of the dividends which depend upon the revenues of India. All I can say upon this subject is, that the clauses in this Bill which provide for that security, are the same as were introduced into the Bill of the late Government, upon the advice, I presume, of the hon. and learned Gentleman who has now given an opinion that they are not sufficient for the purpose. If it can be shown, however, that there is the slightest diminution of the security of the stockholders, I shall be ready to consider any proposition that can be made for increasing that security; and I believe that the only questions that can be raised relate, first, to the receipt of the dividend; secondly, to the Bank of England advancing sufficient to meet the deficiencies in the Indian remittances; and, thirdly, the deferring the claim for the payment of the principal. But if there is a doubt on that point we shall be very glad to receive any suggestions to improve the security. My Lords, having been led into this digression, I shall now proceed to speak of the measure itself. When it was determined that a change should take place in the Home Government of India, there was one principle which could not but meet with uniform and unanimous assent—namely, that it was absolutely indispensable that a transfer of the nominal as well as the real authority should be made directly from the Company to the Crown, and that the affairs of India should thenceforth be conducted in the name of the Crown. My noble Friend (the Earl of Ellenborough) who is not desirous of any very extensive change, laid the greatest stress on the necessity of that transfer, and dwelt upon the beneficial effects which it was likely to produce in India. Now, as before intimated, I consider that the government of the East India Company, both here and in India, has been marked by singular prudence and ability, and I should be very sorry if this Bill was considered—what it was represented to be at a meeting held at the India House yesterday—a Bill of Pains and Penalties against the Directors. It is nothing of the sort. I believe no men could have conducted business better under the system which they found in operation than the Directors of the East India Company have done. But the complaints against the system itself, the encumbrances connected with its machinery, the delay which unavoidably attended the most important transactions, make it quite obvious that in any remodelling which may take place, India must be

put on the same footing as the other possessions of the Crown, and be administered by a Minister responsible to Parliament. I may add that, in point of fact, the transfer of authority to the Crown is more nominal than real, because, although the Court of Directors have been in a position to exercise certain powers of obstruction and delay, I believe that, with the single exception of the power of recalling the Governor General, there was no single act which they were enabled to perform without the assent of the President of the Board of Control. Not only does the President of the Board of Control possess the power of altering or of vetoing the instructions proposed by the Court of Directors, but he has the power, and it has been sometimes exercised, of sending out instructions diametrically opposed to those which the Court intended. There is a question whether the Court might not have interposed delay, and even persisted, until compelled by a *mandamus;* but in point of fact they have generally been obliged to yield to the suggestions of the President of the Board of Control. We all remember that my noble Friend below me (the Earl of Ellenborough) who has on various occasions been at the head of the Board of Control, told the Committee that when he was in office the government of India was in his hands altogether. Upon the subject, then, of the transfer of the powers of the Court of Directors to a responsible Minister of the Crown, and of carrying on all business both here and in India in the name and by the direct authority of the Crown, there was no difference of opinion between the two parties into which the House of Commons was divided. Nor was there any difference of opinion on this point—that although it was expedient that the business should be conducted by a high Ministerial officer, under whatever denomination he might be known, who should, like the holders of other offices in the Government, be appointed by the Crown and responsible to Parliament, yet, inasmuch as it is impossible to conceive that any person so appointed would have sufficient knowledge and experience to discharge duties so various and so complicated as those connected with the administration of all the different provinces of India, it was necessary for the good government of India, to associate with the Minister a Council more or less numerous by whom he might be assisted and advised. It was with regard to the constitution of that Council that there existed the main difference of opinion between Her Majesty's late Government and Her Majesty's present Government. Her Majesty's late Government proposed that the Council should consist of eight members, who should each hold office for six years, all nominated by the Minister of the Crown, and two of whom should retire from office each alternate year. Now, the present Government was of opinion that, although in that manner the President of the Board of Control might surround himself with many able and experienced advisers, due provision was not made for securing to the Council that character of independence which was absolutely essential to the proper discharge of its functions. It was quite clear that when one-third of the members of the Board had been only recently appointed by the actual President of the Board, and another third would soon vacate their offices, and were hoping, perhaps, to be re-appointed by the same Minister, there would be great temptation presented to the Council to defer, more than they ought to do, to that Minister, and to refrain from freely expressing their opinions. It was, moreover, the opinion of the members of the present Government that a Council of eight members would not be sufficiently numerous, having regard to the great extent of the duties which would have to be performed, and we thought that eighteen —the present number of the Directors— were not more than were required by the business of India. The Council of India we thought ought not to be—as the Directors may have been before—a screen between the Minister and Parliament, but a body of men well acquainted with the affairs of India, to give the Minister advice, which, on his own responsibility, he might be at liberty either to accept or reject. I have heard it said that, according to the peculiar character of the President of the Board of Control, the Council, as proposed to be constituted, would be either his masters, his advisers, or his puppets. It must, no doubt, depend on the character and the self-reliance of the head of any great Department how far he is influenced or controlled, how far he is guided, by those who filled permanent situations, and to what extent he is the master of his own Department. For my own part, I certainly hope and believe that the Council proposed by the Government under this Bill will be found neither the masters of the Secretary of State nor his puppets, but

that they will prove that, which their qualifications prepare them to be, most valuable advisers to the Minister in all matters relating to India. But, to secure the independence of the Council we considered that one portion of it should be, as at present, elected, and the other portion nominated by the Crown. We were also of opinion that both the elective and the nominated portion of the Council should have a longer term of service than was provided for by the Bill of the late Government, and that this would be of great importance as tending to increase their independence. Accordingly, it is proposed in the Bill before the House that the members of the Council, whether elective or nominative, shall hold their offices during good behaviour; there being a proviso that at the expiration of ten years' service, if they are disabled by infirmity, they shall be entitled to retire upon suitable pensions. When we came to consider the elective principle, we found, I must confess, considerable difficulty. My noble Friend (the Earl of Ellenborough) who is not now a Member of the Government, but for whose proposition we are all responsible, laid before Parliament, on behalf of the Cabinet, a very elaborate scheme, a scheme involving considerations which ought, as it appeared to me, to be borne in mind by any Government when dealing with such a subject. My noble Friend proposed so to constitute a Council that it should be a representation of the civil and military services of India—not merely of India, but of the three Presidencies; because the qualifications which enable a man to give very valuable opinions with regard to Bengal may be utterly useless in relation to Madras or Bombay. The only objection which I have heard to the noble Earl's proposition is this—not that it was wrong in itself, but that it was imperative, and would be found to fetter too much the hands of the Crown, who might under it be compelled to choose inefficient men and to pass over the most competent. There was another proposition of the Government which did not meet with seeming great favour; I mean the proposition by which they endeavoured to obtain, what it was very difficult to secure, a representation of the commercial interests connected with India in the Council. We proposed in that Bill to supply that deficiency by giving the appointment of four of the Councillors to the constituencies of the largest towns connected with the trade to India. That proposal was, I believe, a good one in itself; but it did not meet with such an amount of support in Parliament, or in the country, as would justify us in insisting on its adoption. The conclusion at which we then arrived was, that with a view to secure the three great requisities of intelligence, experience, and independence in the Councillors, it was necessary that a portion of their body should be elected, that another portion should be nominated, and that all the parties elected should have served, or should at least have resided, for a considerable period in India, and should, consequently, have possessed opportunities of obtaining a knowledge of the feelings and of the wants of the people of that country; while they were to hold office during the pleasure of the Crown, but should, of course, be removable, like other public servants, on an Address from both Houses of Parliament. But when we came to apply the principle of election we found that we had considerable difficulties to encounter. It could not be argued with hardly more than plausibility that the Court of proprietors, as at present constituted, possessed any such interest in the affairs of India as to entitle them to elect the Councillors; and yet there was no other body besides the Court of Proprietors to whom that duty could be committed. The functions of the Court of Proprietors, as your Lordships are aware, are limited to the mere receipt of the dividends on their stock; and even under the system of Indian Government which has hitherto prevailed, although they could pass Resolutions, they had no means of giving effect to any decisions at which they might arrive. It was proposed that there should be added to the Court of proprietors all those persons who had for a certain period been engaged either in the civil or in the military service of India. But it was found that such a constituency would be very difficult to bring together, that it would be inconveniently large, and that it would in point of fact aggravate those disadvantages of the present system which prevent some of the most competent and most high-minded men from entering on the career necessary to ensure their return as Members of the Court of Directors. Such men will not now go through a canvass for the appointment of Director, and still less would they go through a canvass of a more extensive body for the purpose of being elected members of the Council. Under these circumstances, and after much consideration, Her Majesty's

Government determined on adopting an arrangement under which one-half of the Councillors should be elected and one-half should be nominated by the Crown, and under which the elected members should be chosen by the existing Court of Directors, in conformity with a suggestion which had been thrown out by a noble Earl not now present (Earl Grey) at the commencement of the Session. Some arguments were certainly advanced against that scheme, but on the whole it met with no considerable opposition; and I believe it was the best escape which could be devised from the difficulties in which the question was involved. This Council, so constituted, would be entitled to tender its advice to the Secretary of State. And when I say "Secretary of State," I must add that, although the name which may be given to the head of the Indian Government may not be a matter of much importance, we thought that in the formation of such an office it would be more advisable and more in conformity with constitutional practice to give the name of Secretary of State to a high officer upon whom Her Majesty is pleased to devolve the exercise of duties under Her Royal sanction. As regards the Colonies and Foreign Affairs, so as regards India, the same title is given to the presiding officer, and there will be this additional convenience, though not at first contemplated, that either of the Secretaries of State will be able to sign papers and perform duties in the absence of the Secretary of State for India. I must also observe that there are two qualifications of the power which is given by this Bill to the Secretary of State of setting aside the authority and advice of his Council. He has full power of acting in opposition to their advice; but, if he should act in opposition to a majority of the body, he must state and place on record the reasons why he set aside their opinion; and any Councillor whose advice is not adopted may also enter on the records of the office the reasons which induced him to give it. There is also a provision in the Bill which requires that the Secretary of State should call the Council together at periods of not more than one week. The measure, further, contains a provision to the effect that the Secretary may, if he should think fit, issue orders on an emergency without calling the Council together; but he must in that case lay those orders before them at their next meeting. There is another provision, which I think your Lordships will believe to be absolutely necessary for transferring to the Secretary of State that power which was exercised by what was called the "Secret Committee" of the Court of Directors — namely, the power of sending out orders and instructions to India on particular subjects, without previously communicating those orders and instructions to the Council. Now, I do not mean to say that that power has not in certain cases been abused; I do not mean to say that it has not been too extensively employed; but I am sure your Lordships will agree with me that with regard to the two cases to which alone it is properly applicable—namely, the carrying on of war or of diplomatic arrangements with Native States, it is absolutely necessary the Secretary of State should possess the right of preserving entire secrecy even from the members of the Council. There are two occasions on which the Secretary of State may be overruled by the judgment of the majority of the Council, and I think it is only reasonable that those two limitations should be imposed on his powers. The first of those limitations will arise in the case of the election of members of the Council. It is obvious that that election would be a farce if the authority of the Secretary of State were to be paramount in the matter. The only other limitation will be with regard to the expenditure of the revenues of India. With regard to this expenditure we must bear in mind that the effective and *bonâ fide* control over the Secretary of State by an independent body, such as I hope this Council will be.

There are, I believe, only two other subjects to which I need now direct your Lordships' attention, and I allude to them because I think that, as far as they are concerned, the principle and the object of the Bill have been somewhat misunderstood. One relates to the employment of the Indian army, and the other relates to the admission to the civil service of India. The 55th clause deals with the first of those subjects; and it has been objected to that clause that it appears to interfere with the prerogative of the Crown, inasmuch as it provides that none of Her Majesty's forces maintained out of the revenues of India shall be taken, except in cases of urgent emergency, beyond the frontiers of that country without the previous consent of Parliament. Now, it has been thought—and I confess that the wording of the clause makes it open to a construction

which was not intended by its framers—it has been thought that that would be an interference with the undoubted perogative of the Crown to make war or peace. But your Lordships will recollect that, although there is no prerogative of the Crown more indisputable than that of making war or peace, the constitution has provided an equally indisputable check on the practical exercise of that prerogative by rendering it necessary for the Crown to come to Parliament for the supplies necessary to raise and maintain the troops, without which it would be impossible to carry on a war. But with regard to the troops in India there is, and there can be, no such Parliamentary control; and consequently, if there were no such provision in the Bill as that to which I have referred, it might have been competent—I do not say there is any danger, but the danger might be possible under a Sovereign less constitutional than Her under whom we have the happiness to live—for the Crown to employ the Indian troops in wars wholly and entirely unsanctioned by Parliament, and the whole force of India might be carried to any portion of the world without the interposition of that practical pecuniary check to which I have alluded. In the Bill of the late Government that principle of restricting the power of the Crown was enforced by a clause which provided that Her Majesty should not be enabled to send out of Asia (not out of India) any part of the forces maintained out of the Indian revenues. Now, as far as regards the restriction of the prerogative of the Crown, the principle is precisely the same, whether the provision be that the troops should not be sent beyond the limits of Asia, or that they should not be sent beyond the limits of our Indian possessions; and it would be perfectly competent to Parliament, in handing over to the Crown the government of that vast empire, to make the restriction even greater, and to provide that for the future the Indian forces should be placed on the footing of a militia, and should not be liable to serve beyond their own territory. But while the principle of the exception in the Bill of the late Government was the same as ours, the limitation which they put upon that principle allowed that which is the true and substantial danger in this matter. Within Asia the Crown might carry on a war with Persia, or with China, or even with Russia, with no further exception that the forces should not serve out of Asia, and that might be done without Parliament having any control over the expenditure, or any right to express an opinion on the propriety of the war. Our intention, however, is not to limit the prerogative of the Crown, but to protect the revenues of India; and consequently when we come to that clause I mean to propose in it an Amendment which will, I think, remove all ambiguity upon this point. It will be to the effect that, except for the purpose of preventing or repelling actual invasion of Her Majesty's Indian possessions, or in order to meet some sudden and urgent emergency, the revenues of India shall not, without the consent of Parliament, be applicable to the expense of any military operations carried on beyond India by Her Majesty's forces chargeable on such revenues. That provision will impose a pecuniary check on the prerogative of the Crown in regard to the army of India, such as already exists in the case of all other portions of Her Majesty's forces. The other point to which I wish to advert is the admission to the civil service of India, which is dealt with by the 32nd or 33rd clause of the Bill. As the law at present stands, all persons are admitted to that service after such examinations as shall from time to time be prescribed, and under such regulations as may be laid down by the Court of Directors and the President of the Board of Control. That power we now propose to transfer to the Secretary of State. But the Bill, as it stands at present, goes further, I think, than the justice of the case warrants; it gives to the principle of competitive examination that which it has never yet received—namely, the sanction of an Act of Parliament binding the hands of the Executive in all cases, and rendering compulsory a strict adherence to the principle, not of examination, but of competitive examination. It is my intention to move the omission from the clause of the words which render it necessary for the Government to admit candidates to the civil service in the order of their proficiency in the competitive examination, leaving the law as it stands with regard to admission to the Indian civil service, subject to such regulations as may be issued by the Secretary of State, with the approval of the Crown, and laid before Parliament.

My Lords,—There is one other most important point—namely, the reconstruction and organization of the future Indian

army. That is a question of the most vital importance, and will require the most careful consideration; and Her Majesty has been advised, and will, I believe, act upon the advice, to issue a Commission for the purpose of instituting an inquiry into all the subjects connected with the reorganization of the future forces to be employed in India. This Commission will have to consider the proportion of Europeans to be employed, the mode in which they shall be relieved, the conditions upon which they shall serve, the number of the Native army, and the conditions upon which they shall be engaged, and every other question connected with the future permanent military establishment of India when the revolt shall have been happily put down. In the meantime it will be necessary for Parliament to provide for the maintenance of the present state of things until the result of this Commission shall be known, and until Parliament shall have acted upon its recommendations. The Bill, therefore, provides what may be necessary for the present, leaving to Her Majesty the perfect freedom of making such regulations for the future administration of the army, both as regards the European and Native troops, as she may be advised. The Bill also provides, as far as it refers to individuals and bodies, that they shall have reserved to them all the rights, privileges, and expectations which they were led to form at the time of their admission to the service. It would be the grossest injustice to introduce a similar system at once in both descriptions of the Indian force, and to apply the same principles to those who shall hereafter enter and those who entered the service under different expectations.

I have now stated to your Lordships—I trust not at too great length—the principles of the measure to which I ask your Lordships to assent. The Bill has received the careful deliberation and attention of the House of Commons, and it has been sent up to your Lordships with the universal concurrence of that House. I have perhaps entered at too great length into an explanation of a measure to which no objection will probably be made; but while the labours of the House of Commons render it probable that no very numerous Amendments will be necessary, Her Majesty's Government will be happy to give the fullest and most impartial consideration to any Amendments which may be suggested in the course of the discussion of this Bill.

Moved, that the Bill be now read 2ª.

EARL GRANVILLE: My Lords, I can assure the noble Earl that his speech has not been considered too long. The noble Earl, whom it is impossible ever to listen to without pleasure, has given your Lordships a singulary clear and lucid statement of the history of the legislation of this year with regard to India, and I only regret that the noble Earl did not explain the provisions of this Bill at an earlier period of the Session and in a House still more full than it is at present. This has been partly owing to circumstances for which the Government are not responsible, but partly owing also to the course which the Government have pursued; for it is perfectly clear that that advantage might have been obtained if Her Majesty's Government had thought proper to take up the Bill of their predecessors, introducing at the same time such alterations and Amendments as they might have considered necessary. The noble Earl has stated with perfect accuracy what passed when the late Government introduced their Indian Bill. The noble Earl opposed that measure as inopportune; and when he came into office there were two courses open to him—either to adhere to his original Resolution, or to declare, as he prudently did, that the matter had gone too far,—that the House of Commons had too strongly pronounced upon the necessity of legislation, and that the Government were compelled, in the interest of India itself, to adopt some measure on the subject. Under these circumstances the noble Earl might have adopted the Bill of the late Government with certain Amendments; and I must say that, in my opinion, that would have been the most speedy and most simple mode of dealing with this question. They might gain some little triumph by bringing in a Bill of their own; but for practical purposes, if they had proposed some Amendments upon the Bill of the late Government, they would have arrived at a much speedier conclusion. There could have been the less objection to such a course considering the great similarity which prevails between the two measures. Many of the provisions of this Bill are exactly the same, and a still greater number are substantially the same as those in that of the late Government. The only original matter which was introduced into the Bill of the present Government was so much disapproved of that it has entirely disappeared from the measure. The Government then adopted the suggestion of the noble Lord

the Member for London (Lord John Russell), which the noble Earl said they had before had under consideration, and determined to proceed by Resolution. There was much to be said in favour of this course if it had been adopted before any Bill had been brought in; but when two Bills had been brought in and discussed it was, I think, somewhat anomalous to go back to Resolutions. If, however, the usual course had been taken, and if, as your Lordships were led to believe, the Resolutions agreed to by the other House had been submitted to your Lordships after a certain time, we should have had ample time for discussing the whole bearings of this question. The Government must have felt that, considering how well informed some of your Lordships are upon Indian affairs, and the great amount of legal knowledge and acumen in this House, the time employed in discussing these Resolutions would have been well spent. Such, however, was not the case, and the result is, not that the Bill has been so well considered by the other House that few Amendments can be necessary, but that their attention having been drawn to one Bill after another, and one Resolution after another — what with mere weariness, and what with the state of the Thames—the House of Commons have been too ready to accept any proposition which has been thrown out from any quarter of the House. Considering, too, the late period of the Session and the great desire on this side of the House that there should be nothing factious in our consideration of this Bill, I think it doubtful whether your Lordships will give it that careful and detailed attention which its most important provisions require. The noble Earl has truly stated that the great principle in which both Bills concur is the transfer of the government of India from the East India Company to the Crown. Two objects will be gained by this transfer, —the simplification of the administrative machinery at home, and the inestimable advantage of governing India in the name of the Sovereign of this country. One change has been made from the Bill of the late Government, which although only a change of name, is, I believe, an improvement. I think it better that the Minister for India should be a Secretary of State than that he should continue to be called the President of the Council for India. We considered this point, and we were chiefly deterred from nominating another Secretary of State by a technical difficulty in regard to an officer who is the direct organ of the Crown being checked by another body. However, considering the high position of a Secretary of State, considering that by long experience his functions are clear and well-defined, and that in the absence of one Secretary of State any other Secretary is able to act in his place, I think that this change, although merely a verbal one, may be considered an improvement. As to the Council, it would not be honest on my part if I did not admit that from the first I had great doubts as to whether it was as desirable to have a Council as an adjunct to the office of Secretary of State for India as some persons supposed it to be. The chief advantage of a Council in such a case is the advice it might give to the Secretary of State, the support it might extend to him, and the control it might exercise over his acts. Now, with regard to control, the noble Earl seems rather to have thrown the idea of control overboard; but if there is to be no control, I confess I do not see how the Council is to be considered independent. With regard to the difficulty of getting advice, that is not so great as might be supposed, as it can be got on all occasions from the permanent servants of the East India Company, by whom the administration of the affairs of India is principally carried on, and who possess so much information on all questions connected with India. When I have found it necessary to inform myself on questions connected with India, I have sometimes applied to servants of the East India Company lately returned, and I have uniformily found them ready to give all the information in their power; but I have usually found that, with reference to what may be called general questions, they were more apt to dwell on individual circumstances connected with the districts in which they had resided than to go into those wider views that might lead to an enlarged and comprehensive decision; whereas, if I went to men like Sir James Melvill—men who were not under the influence of any merely local or professional associations—whatever their views might be on any particular question, whether they were right or wrong, they were able to go into the whole principles on which that question turned, to give a full history of it up to that moment, and so to enable me to come to a sound conclusion regarding it. Besides, nothing is so easy as to find men constantly arriving from

India extremely well informed on particular departments of a question, and who are always ready to give information, though they may not, of course, be able to supply what can be obtained from official sources alone. With regard to the support which may be given by a Council to the Secretary of State, I think that has been much overrated also, and the same observation may be applied to the control which it may be supposed to exercise; and if it exercises any support or control the probability is they will be misapplied. If you have a man of ability, temper, and discretion as a Secretary of State, perhaps no difficulty will be experienced. It is probable that he and his Council will go on smoothly and pleasantly for a time; but when a question arises in the House of Commons requiring the exercise of delicacy and great prudence, the Council will not be of much use to him, for the likelihood will be that a difference of opinion will prevail among themselves. If the Council disagree with the Minister it will be said he is acting contrary to their judgment, and if, on the other hand, they are at war with him it will be said he is completely under their control. If a difference of opinion arises in the Council, and the Secretary resolves to act in accordance with his own views, and those, perhaps of a portion only of the members, the probability is that the progress of business will in this way be materially impeded, as he may have to go on with the assistance of only a part of his Council, while the others would probably let it be known that they did differ in opinion from him. I believe that a strong and able Minister will govern for himself; and that the Council will only make their influence felt under an officer incapable of controlling them:—and then their power will only lead to an obstruction of public business. It may be asked why, if I held these opinions with reference to a Council, I should have agreed to the introduction of a Council in the Bill proposed by the late Government. My answer is, I believe that public opinion would not have consented to the establishment of a government for India which had not some scheme for the appointment of a Council; and I further thought that the kind of Council we proposed would have so operated in practice as to have reduced within the narrowest limits the disadvantages attendant on that form of government. The Council we proposed was to be composed of eight persons, holding a very simple qualification, to remain in office for eight years, or to be nominated by the Crown. The plan of the present Government, as originally proposed, was of a very different kind—the Council to consist of eighteen persons, partly elected, partly nominated, and partly representative. Herein lay the great difference between the Bills of the late and the present Governments. The whole thing, however, is now changed. In the Bill as it now stands the number is from twelve to fifteen, and the representative principle is wholly abandoned, the nomination resting in a very complicated and unconstitutional way with the Crown and the Council itself, and they are to continue to hold office "during good behaviour," which in 99 cases out of 100 is equivalent to saying that they shall hold it during life. I am, however, bound to admit that the opinion of the House of Commons has been so strongly expressed on that subject, and it has come down to us so strongly marked by the authority of the Government, that I do not intend to make the slightest opposition to that part of the Bill. With regard to the Members, I must say I think the number proposed is highly objectionable. I can see no reason why there should be so many, neither can I understand why it is that the Members of the Council should have treble the salary now paid to the Directors of the East India Company. As to the number I may refer to the Cabinet as an example—a body composed of fifteen or sixteen individuals—and ask if it is not rather too large for the work to be done. There is a tendency to the encouragement of conversation, and I may ask if it is not found to a certain degree that the knowledge and experience and ability required for the conduct of a great deal of important business are in the hands of a fewer number than they would be if the Cabinet itself were less numerous? But there is another element to be considered in the constitution of a body like this, and that is the great chance of getting a bore among them. There is this advantage on the side of the Cabinet, that if a man should become a bore there, and impede the progress of public business, there is no reason why he should not be turned out; but that is not an advantage which the Indian Council will possess. I have had the good fortune of knowing several Indian servants, and have found them most pleasant and agreeable persons; but it cannot be concealed that they have been accustomed to do business in a manner very different from people at home,

who have gone through a sort of roughing among their superiors and equals in the acquirement of business habits. The East India servant has been accustomed to move in a circle, and do business where he has no equals, and to exercise his talents in writing long minutes; and it is therefore possible that you may find a very able, energetic, well-informed man, ready to conduct business in the Council with so much deliberation and at such a length as to make business really impossible. The result of such a state of things will be that the Secretary of State will find it too tiresome to go on with, and will, in pure self-defence, reduce the proceedings of the Council as much as possible to a mere matter of form. Now, if you are anxious to secure the independence of the Council, that is a state of things which, if possible, you ought to avoid, in order to save it from becoming nothing better than a sham. One great argument against the Bill of the late Government was, that it would greatly increase their own patronage. Now, it so happens that, with regard to the home patronage, our Bill placed it in the hands of the President of the Board of Control, with the concurrence of one-half of the Council. The noble Earl (the Earl of Ellenborough) made this change—that promotion should be in the hands of the Secretary of State; but in the present Bill both of these were given to the Government, for they retained in their own hands both the appointments and the subsequent promotions. There is another change which has been made with regard to the nomination of the Council of the Governor General in India. Originally it was proposed that this should be left in the hands of the Governor General; but as the Bill now stands, it is proposed that it should be left to the Home Government. Now, the only argument I have heard for this change is, that the civil servants in India think their interest is compromised by the manner in which the Council of the Governor General is at present nominated. But this does not appear to me to be any argument. I think that the disadvantages, if any, of the existing arrangements are not to be compared with the disadvantage of the civil servants in India coming over to England to secure their nomination by the Home Government; whereas, if they allowed the Government to be carried on in India, the Governor General ought to have such influence over his subordinates as would enable him to carry on his Government. With regard to the question of patronage, I heard with some regret the proposed Amendment of the noble Earl as to the mode of admitting civil servants; but I postpone any argument on that subject till he proposes his Amendment in Committee. With regard to the duties and procedure of the Council, I am bound to confess to the House that I have had very great difficulties in following the arrangement which has been made. I think that, in the first place, the Secretary of State is to have transferred to him all the powers now vested in the Board of Control and in the Court of Directors. Subsequently, it is provided that the Council under the direction of the Secretary of State, and subject to the provisions of this Bill, shall conduct the business transacted in the United Kingdom in relation to the Government of India. The next clause enables the Secretary of State to divide the Council into different committees, and to allot to them different departments of Indian business, with powers of rearranging this business in any way. Now, it is difficult to know the meaning of that clause. Is it intended by that clause that the Secretary of State shall transfer any of the duties of the Council in general to the Committees? or that the Committees shall merely digest the papers he may refer to them, and hand them back to the Council? I think that this part of the Bill ought to be made more clear. Nowhere in this Bill are the powers to be exercised by the Secretary of State in Council clearly laid down, nor had we any explanation on that subject from the noble Earl. He may have overlooked it, but as it is a subject of the utmost importance, I hope we shall have a clear explanation. Then the clause goes on to state that if there be any difference of opinion on any question other than the election of a Member of Council, or as to any question with regard to which the Secretary of State is not thereby empowered to act without the concurrence of the majority of the Council present at a meeting, the determination of the Secretary of State shall be final. It then goes on to make provision in case of equality of votes; but what is the use of that if the decision of the Secretary of State is to be final? [The Earl of DERBY made an explanation which was not heard.] In that case the clause ought to be more clearly drawn. Another clause provides that the Secretary of State may, in cases of urgency, make orders without submitting them to the Council, the urgent reasons

for making or sending them being recorded by the Secretary, and notice being given to every Member of the Council. Of course, the Secretary himself will be the judge of the urgency, and we all know how difficult it is to come to a right decision on such a point. I entirely agree with the noble Earl that it is necessary that the Secretary of State should retain those powers formerly given to the Secret Committee. That was the plan adopted in our Bill, but the Government introduced a Bill by which the Secret Committee would be continued, and then they came back to the original proposition. With regard to the very difficult and complicated question of restriction upon expenditure, here again we proposed that no increased charges should be made on the revenues of India except with the consent of the majority of the Council. The present Government, in their first Bill entirely omitted this restriction. [The Earl of DERBY intimated dissent.] The noble Earl shakes his head; but the Bill in this respect has undergone such a change that the restriction which it proposes is much more stringent than that which we proposed. It goes to this extent, that there shall be no appropriation of the revenues of India without the consent of the majority of the Council. In fact, if they choose to fully exercise their powers, they can, like the House of Commons, "stop the supplies," and so put a stop to the proceedings of the Government altogether. By this clause you render perfectly nugatory the other clauses by which you give, in case of urgency, power to the Secretary of State to act secretly and speedily, because there is hardly an imaginable case in which he would be called upon so to act in which some appropriation of revenue would not be necessary in order to accompany that exercise of his power. I do not believe that these powers will be fully exercised by the Council; I do not think they will go to such a length as that; but there is some absurdity in leaving this matter to the control of a Council, while you at the same time refuse to give them powers which I think ought properly to be exercised by them. I think that in this respect you are doing what is a great sham. It is not my intention to move your Lordships to reject any part of the arrangements which I deprecate. I think it possible that some of the objections I have raised may turn out futile; and I think it still more likely that in a very short time we shall have again to discuss the question, how is India to be governed? Even the most ardent admirers of this scheme must admit that the whole thing is an experiment, and that it ought to be very much treated as such. I think the noble Earl will admit there is nothing in what I have said which shows a factious feeling. I am quite sure we on this side of the House shall act in no factious spirit on this subject, and I hope that Her Majesty's Government will receive in a fair spirit any reasonable proposition which we may bring before them. The noble Earl said that the late Government first proposed to appoint a Council for life, and then limited the duration of the India Bill to five years; but the present Government have done something very like that, because, although they propose to appoint the Council for life, they have crippled the clause as to their appointment by providing that the Council may be sent about their business at any moment if the Government should object to them. This shows that the proposed Council will be nothing but a provisional form of Government. I do not believe that any Government will be anxious to bring the question of the fitness of the members of the Council before Parliament. I believe they would subject themselves to a great deal of inconvenience before they took such a course. On the other hand, I think it desirable that such a provision should not necessarily lead to a reconsideration of the whole scheme of government for India. I trust that the Government will show some disposition to alter the Bill in this respect. The noble Earl has already alluded to the fifty-fifth clause. I have very often remarked that, when anything not very wise is done by any person, it is done at the suggestion of some one else wiser than himself. He who offers the suggestion does not very carefully consider it, and the person to whom it is offered thinks he may adopt it, inasmuch as it has proceeded from a very sensible man, without that sifting to which he would subject his own proposition. Something of this sort seems to have taken place in the other House with regard to this clause. A very able man in the other House (Mr. Gladstone) suggested this clause, and the Government, to my great surprise, instantly adopted it. What is the clause? That, except in cases of great urgency, the army in India shall not be employed beyond the frontier of Her Majesty's Indian possessions without the consent of Parliament. That appears to me altogether unconstitutional. The noble

Earl says that he has an Amendment to propose on that subject (which I could not very accurately gather), whereby the constitutional objection to the clause will be very much modified. I hope some clause will be introduced so as to include cases in which an invasion may be imminent. I believe military operations to be only justifiable where they are necessary—*bellum justum quum necessarium.* Then how is the assent of Parliament to be signified? Is an Act of Parliament to be passed before any military operations can be executed? If so, I presume that it will be equally necessary to have an Act of Parliament declaring peace, and in this way you will entirely take out of the hands of the Crown one of its most important prerogatives. I must say that, if this clause be merely modified in the sense in which I understood the noble Earl to say he was willing to modify it, it will still be open to much objection, and I shall feel it my duty to ask your Lordships to reject it altogether. In conclusion, I have only to say that I shall cordially support the second reading of the Bill. Feeling, as all your Lordships must have felt, the immense difficulty of the task thrown upon this country in governing our numerous possessions, and the immense moral responsibility which weighs upon us in so doing, I do hope that Divine Providence, which has given this charge to us, will enable us, without party spirit, and actuated by conscientious convictions, to combine in order to secure for the people of India the benefits of good government, and to impart to them a portion of those blessings and that happiness which we ourselves enjoy.

THE EARL OF ELLENBOROUGH: My Lords, my noble Friend at the head of the Government courteously expressed his regret that it did not fall to me, as a Minister of the Crown, to propose this measure for your Lordships' approval. My Lords, I feel still greater regret in stating that it would have been impossible for me, as a Minister of the Crown, conscientiously to ask your Lordships to agree to this Bill, because, desirous as I am that whatever measure is adopted should be permanent, I could never have called upon you to agree to any Bill under which a portion of the Council of India was not chosen by popular election; nor could I have asked you to ratify a proposal for introducing what is called competitive examination into the Engineers and Artillery of the Indian army—two of the noblest corps in the service of any State, and which have recently added—if that be possible—to a reputation already diffused over the world. The officers of these two services are already chosen by competitive examination from the young gentlemen educated at Addiscombe. It might have been possible, and, perhaps, was advisable, to establish another College, or to so extend Addiscombe as to draw through it the whole of the officers of the Indian army. But under that system we possess, and always have possessed, this great advantage—that we were not exposed to the risk of having forced upon us some person who has been crammed for an examination; we always know that any person educated there has received from able and conscientious men a really solid education in a military seminary, and the best men of those so educated, and those alone, were placed in the Engineers and Artillery. When we look at the present moment to those who have rendered illustrious the Indian Artillery—to Sir Henry Lawrence, to Sir Archdale Wilson, to Vincent Eyre, to Toombs, and the many others whose names are as household words among military men, and when we see that it is now proposed to alter a system already so perfect and under which this service has been distinguished above any other in the world, it seems to me the most unnecessary, the most gratuitous act of truckling to a temporary feeling existing elsewhere—an act which I could have hardly supposed it possible that any Government would commit. With regard to the Bill now before you Lordships, it differs in principle from both the measures proposed by Her Majesty's Governments. The second of these Bills differed from the first, and I now consider this as more the Bill of the House of Commons than of the Ministry. The House of Commons were determined this year to have a Bill about India. They had certain objects in view. They wished to put an end to all connection between the East India Company and the Government of India; they wished to put an end to what is called double government, and to have one sole responsible officer—a Minister for India—to whom Parliament and the country might look. They were desirous also—and there they were perfectly right—I wish they had confined themselves to that object—to substitute the name of the Queen for that of the East India Company in the Government of India. Now, what have they done in this Bill? They have, no doubt, put an end altogether

to the Court of Proprietors; and I think the Court justly deserved their fate. That body has not acted under a sense of moral responsibility in the execution of its duties, and latterly it had absolutely abdicated its functions. I saw with surprise that on two occasions when the Court met to discuss this measure, which went to the extinction of the Company's authority, it was actually counted out, and that, twenty being a quorum, seven persons only were present. That, I say, is an abdication of their functions, and they have no claim whatever for consideration here. But we always look to the Court of Directors as being really the East India Company. Now, the connection of the Court of Directors with the Government is not only not put an end to under this Bill—it is re-established. Under the former law the Court of Proprietors elected twelve out of eighteen. Under this Bill the Court of Directors are to elect seven out of fifteen; but in the first instance there will be practically ten members of that body at least in the new Council, because the Court will of course nominate only those who have been elected by the Proprietors, knowing of necessity that the Government, in the exercise of its responsibility, must name on the part of the Crown at least three of the other members of that Court. Thus, in the first instance, there will be ten, not seven, Directors in the Council. But, what is to be the proportion hereafter? It is said, that the alternate nominations are to be with the Crown. Now, suppose the first person who dies should be one of the Crown nominees. The Crown in that case gets nothing. If the next is a nominee of the Crown, the relative position of the Crown and the Council is altogether altered. The Council get the advantage; they would have eight, and the Government seven; and unless the nominees of the Crown and the elected members can come to some amicable arrangement for dying alternately, it will be impossible to preserve the proper proportion. But is that the only alteration which is to be made? We want to put an end to double Government, and we want to establish one sole Minister responsible to Parliament. Have we secured this by the present Bill? I say, no. The clause which was introduced at the last moment, almost without observation, and which I dare say at this instant is hardly known even to the country—I mean the clause which gives the power of the purse to the Council—converts the Council into a Parliament, and it is impossible for the Minister appointed to be considered solely responsible, because he has not the sole power. Another alteration was made at the very last moment. Originally it was intended that the Governor General should nominate the members of Council in India. It is now proposed that those members shall be named by a majority of the Council here. That again affects the responsibility of the Minister. He will not be solely responsible here, because he cannot spend a single shilling. He will not be responsible in India, because a material part of the Government is elected not by him, but by the Council. I say, then, the House of Commons has not carried out any of the great purposes which it had in view. That point respecting the nomination of the members of Council by the Governor General has been greatly misunderstood. I will tell you how it will work. It is supposed that the Governor General will at once put out the Council he found existing, and will put in another who will be a parcel of tools of his own selection. He could do no such thing. But what will be the effect of the arrangement now proposed? Why, that every man in India will look to the Home Government to reward his services. I deprecate the system of what may be termed "foreign allegiance"—the system of a man's gaining favour here by opposing the Government there, for it is a principle which is altogether inconsistent with good government in India. I entirely agree that the substitution of the Queen's name for that of the Company is the greatest advantage which at the present moment could be conferred on the people of India; but then it is necessary to know how you use that advantage; for if it be not used at once, and well used, it will produce injury instead of benefit. I do not deny that there are material practical advantages in this Bill, notwithstanding the errors which have been committed. There can be no doubt it (as well as all the others) shortens by at least four weeks the time which ordinarily elapses between the receipt of intelligence and the writing of the reply; it gives the Secretary of State the initiative in important matters; and it substitutes the Queen's name for that of the Company. But it will not do to make any man Secretary of State for India, and place him at the head of a Board of fifteen Councillors, every one of whom knows more of the subject than himself.

Under the existing system the President of the Board of Control sees the Chairman and Deputy Chairman once a week, and that of itself is a very great advantage; for although he sees them in his private room, he must be able to answer the questions which they put to him, and to defend the alterations which he may have made in the several letters which have been submitted to him. That is a most useful trial of his competence; but how different will be the trial when he is sitting at a Board of fifteen gentlemen, nine of whom, at least, have been long resident in India, and who are acquainted with every subject. It will require the greatest tact and management to deal with such a body. The object of the first Bill which was introduced by the present Government was to provide that there should be in the Council representatives of the several military and civil services of the several Presidencies, and that object was absolutely accomplished by that Bill. It must be at all times the object of every Government to do the same thing, because no Council can be perfect which does not contain a representative of each of those services. At the present moment the Court of Directors is, I believe, notoriously imperfect in this respect, because I understand that there is no gentleman there who is acquainted with the civil administration of Madras. I thought, also, that it was desirable to have four other Councillors, not necessarily belonging to any particular Presidency or any particular service, in order to secure for the Minister for India such Councillors as could at all times give him information on every possible subject connected with that country. I was desirous of connecting the Council of India with the largest popular constituency that I could find, and the constituency sketched out in the first Bill was much larger than any that could be found in this country. It represented £50,000,000 of property connected with India, and there would not have been one man of that constituency who had not property at least to the amount of £2,000. It included 6000 or 7000 persons and canvass was impossible; for, with such a constituency, a man must stand upon his character alone, as in canvassing for a division of Yorkshire. That constituency would have chosen, I believe, some of the fittest men in the service, and there would thus have been nine members representing particular districts and particular services, and four not confined to any district. We went beyond that. I felt it to be essential to the good government of India that the Council should be one of weight and authority, capable of sustaining and giving assistance to the Minister; and recollecting as I do that there is no greater public or commercial object to be attained by this country than the making of England independent of America for the supply of the staple of our greatest manufacture, and knowing how little has been done towards the accomplishment of that object in the last thirty years, I was desirous of seeing placed upon that Council representatives of the great commercial towns that were most interested in the cotton manufacture and in the general commerce of the country. I know that there would have been a difficulty on the part of the Minister, in the first instance, in managing those elected members of the Council; but his Indian majority would have carried him through in the case of opposition; while, if he could have obtained the concurrence of the representatives of those great constituencies, he would have stood in the House of Commons with a degree of strength which no Minister can command who is supported merely by eight or nine nominees of the Crown and of an effete corporation. What is the Bill as it comes before us now? We have a Council of fifteen, eight of whom are nominated by the Crown and seven elected by the Directors, and they are to be nominated for life, with the view of giving them independence. It is not pretended that these gentlemen will be guilty of jobbery on their own account; but men who have property and position often have poor relatives and hangers-on, who may attempt to move them to do their jobs, and it may happen hereafter, as it has happened before, that some of the richest men in the country may be the greatest jobbers. But what is the necessary result? I believe that the Council in its original formation will be one in which the country will have perfect confidence. But none of those gentlemen are appointed at a very early age, and what will be the state of that Council eight or ten years hence? We are dealing with futurity, remember, and are endeavouring to establish some government for India that shall last. Those gentlemen will not take their £500 a year and retire and lose their patronage. They will stay on and retain their patronage. You make a Council, then, part of which must in ten years be effete, and they will then be very much in the position of a conclave of Cardinals

with a dying Pope. Canvassing will go on continually; each man will be looking into his neighbour's face to see who is to die first, and ample preparations will be made, in the most pious disposition, for filling his place. After eight or ten years, therefore, canvassing will be perpetually going on for succession to those respectable old men. But the House of Commons has provided that one-tenth of all the patronage shall be given by the Court to the sons of officers either in the service of Her Majesty or of the Company. I consider that that provision is altogether unnecessary, because naturally that amount of patronage would be so distributed. It seems to me to act rather as a restriction, and to encourage solicitation on the part of persons who have no claim to appointments in India. The Court of Directors have always had the good sense never to give anything as a body, because they knew that it would lead to constant canvassing. The first time a Royal personage asked the favour of a cadetship, it was given, but once only. The first request was equivalent to a command; but, with that exception, they have always politely but firmly refused such requests. That is the principle on which the Court, for excellent reasons, has uniformly acted; but now, in order to establish within the walls of the Council a permanent canvass, you give them all these cadetships to distribute by the act of the Court. It will thus be always the desire of some person to obtain a majority, and at the end of a few years you provide that they shall canvass for successors to one another. I think that those two provisions will materially affect the usefulness of the Council. There is one clause in the Bill upon which I must remark, which retains, and more than retains, the power which has always been possessed by the President of the Board of Control of sending letters through the Secret Department. These letters have been sent hitherto subject to the perusal of the Chairman, Deputy Chairman, and one member of the Court, who was usually, but not necessarily, the senior member. I speak from experience, and I admit that there was an advantage in affording to that Secret Committee the opportunity of reading those letters. The Secret Committee had no power to stop those letters, but it had always the opportunity of offering suggestions, which a prudent Secretary of State could act upon if he thought fit; but now no one is to see what the Secretary of State writes when he is sending out orders which may affect questions of peace or war. Observations have been made on the 55th clause; but neither the framers of it nor the noble Earl who has just spoken seem exactly to be aware of its bearing. They seem to imagine that troops paid out of the revenues of India continue to be paid out of those revenues when they leave the shores of India. It is not so. Their pay stops the moment they leave India, unless the Secretary of State, in the most scandalous manner, chooses to lay an improper charge on those revenues. But in the Court of Directors there was always an honest body desirous of saving the revenues of India from charges which they had no right to bear, and this was never done unless by some special arrangement and with the consent of both parties. For instance, the expedition to China was carried on by troops paid out of the revenues of India at the time, but only on account, and this country afterwards reimbursed the Indian exchequer. So, also, in the late war with Persia. It was only by an amicable arrangement that any portion of the expenses were paid out of the Indian revenue. Properly speaking, not a penny of them was payable out of the Indian revenues, and not a penny would have been paid if the Indian Directors had chosen to stand on their rights, and say that they would not pay for a purpose which did not strictly concern the interests of India. I think, therefore, the operation of this clause is much more limited than is supposed. With all these clauses, however, we shall have an opportunity of dealing in Committee, but as we are now forging a home Government for India, it is impossible for me, with my strong opinions on the subject, to refrain from stating the impressions produced on my mind by the information received from that country during the last two months. My Lords, I have never looked forward to the future of India with more anxiety than I do at the present moment. I feel perfectly satisfied that it is absolutely necessary to send out for operations at the commencement of the cold season a very much larger force than it is possible, with due consideration to other equally vital interests, to detach from this country, without a material change in all our military establishments. But, however valuable it may be to send out a strong reinforcement of troops, I do not believe that that reinforcement will enable us to maintain our position in that country unless we

send out also a policy intelligible and acceptable to the Natives. The first act of the Government—when Her Majesty assumes in her own person the direction of affairs in India—ought to be to issue in the most solemn manner—and the Queen's word must be sacred—a proclamation with respect to the religion and the rights of the Natives. That proclamation must not be written to please the House of Commons, nor to please people on the hustings, still less people on a platform; it must be addressed to the people and the armies of India. We have to govern India for India, not to please a party here, and we must make a declaration of the principles on which we intend to govern it such as will be thoroughly acceptable and intelligible to the people. But, whatever policy you may declare, however great your additions to the army of India may be, neither one nor the other will effect your object unless you have in India at the head of the Government a man who has the confidence of the Natives and of the Europeans, who is capable of directing military operations, and who, by his personal authority, which in India is everything, can compel all his subordinate officials to co-operate in his policy and in carrying out the wishes of Her Majesty's Government.

THE MARQUESS OF CLANRICARDE gave his assent to the Bill, so far as its main principle was concerned, though he regretted to say that many of the clauses seemed expressly devised to impede rather than to carry out the operation of that principle. The noble Earl who introduced it had laid great stress upon the transfer of the government of India from the East India Company to the Crown, and to a responsible Minister. That principle, he felt assured, would be adopted in this House without one dissentient voice. But then he agreed with the noble Earl who spoke last, that if this were really the object of the Bill it had not in all respects attained it, because the Council, as it stood now, and as it was to be nominated, would still form a sort of double government. The functions of that Council the noble Earl at the head of the Government had nowhere explained; and he, for one, was quite at a loss to understand what was to be gained by having such a numerous Council. The principle of eight, as proposed by the late Government, was intelligible; it was a body sufficient, but not more than sufficient, for the work they would have to perform; but he could not see what fifteen members of Council could find to do. He agreed with those who thought that the 85th clause should limit the prerogative of the Crown, and he was glad to find that the noble Earl intended to propose some alteration in Committee; at the same time he could not quite agree with the noble Earl who spoke last (the Earl of Ellenborough), that there was a financial check already established. It was quite true that the Indian revenues could never be charged for the payment of troops that were not employed on Indian objects: but the disputed point always was, what are Indian objects? He quite agreed with the remarks made by the noble Earl against the introduction of a system of competitive examination for the corps of Artillery and Engineers, as he thought those bodies were already as perfect as they could be made. He thought the whole question of patronage much overrated, and the dread of corruption had prevented them from obtaining many useful objects. For his own part, he believed that if first nominations were put into the hands of educated young Englishmen, they would be pretty sure of getting men who would discharge their duty. He hoped this Bill would pass. He was quite sure, if it did pass in its present shape, many of its provisions would have to be altered in a short space of time. But there was one great provision which he hoped would never be altered—that an attempt would never again be made to hand over the control of a great empire to an irresponsible corporation.

THE EARL OF ALBEMARLE said, that one objection to the Bill was, that for the first few years the Governor General of India would have a permanent majority against him; and in the case of the noble and distinguished Lord now at the head of the Indian Government, who had manifested such extraordinary talents, this would be a great misfortune. There was one defect in the Bill—he meant with regard to Indian finance. This would soon become, not an Indian, but an Imperial question. There was no security for that economy which was so urgently demanded by the deplorable state of the Indian finances. Many men were impressed with the wealth of India. Milton had told them of—

> "The wealth of Ormuz and of Ind;"

and the authors of this Bill seemed to have adopted that belief. How could a country be rich which had been misgoverned for three thousand years—where the price of

labour was in many parts only 2½*d.* a day, and where the people were ground down by taxation? Out of 180,000,000 of people a miserable £22,000,000 was all that could be squeezed; and nothing could more forcibly show their poverty. The territorial debt was £100,000,000—about one-seventh part of ours; while the country had only the seventeenth part of the power to pay it. In the face of this, the 30th clause of the Bill continued the extravagant payment of a million and a half to the covenanted service. The question would soon arise, if India could not pay its own debt and expenses, who was to pay them? This was a question which affected every man in this country, and ought to be seriously considered. It ought to stimulate to the practice of economy; for, as soon as India became unable to provide her own expenditure, we might bid adieu to what had been called "the brightest jewel in the crown."

THE EARL OF DERBY said, he would defer any further remarks until their Lordships went into Committee, when he hoped to answer some of the objections of the noble Earl (Earl Granville) and of his noble Friend (the Earl of Ellenborough). He proposed to go into Committee upon the Bill, as their Lordships were aware, to-morrow.

Motion *agreed to.*

Bill read 2ª accordingly, and *committed* to a Committee of the whole House *To-morrow.*

House adjourned at Eight o'clock, till To-morrow, a quarter before Three o'clock.

HOUSE OF COMMONS,

Thursday, July 15, 1858.

MINUTES.] PUBLIC BILLS.—1° Debtors and Creditors; Wine, &c. (Ireland); Metropolis Local Management Act Amendment; Evidence on Oath (Private Bill Committees).

2° Cornwall Submarine Mines; Civil Bills, &c. (Ireland) Act Amendment; Detached Parts of Counties; Returns to Secretary of State; Turnpike Acts Continuance; County Court Districts; New Writs.

3° Bishops' Trusts Substitution.

SUPPLY—ARMY ESTIMATES.

Order for Committee read.

House in Committee.

Mr. FITZROY in the Chair.

(1.) £432,990, Disembodied Militia, *agreed to.*

(2.) £133,000, Barracks.

MR. W. WILLIAMS said, he would beg to ask for an explanation of the item of £57,000 for providing better means of ventilation and effecting other sanitary improvements in barracks.

GENERAL PEEL said, that this Estimate had been framed in accordance with the Report of the Committee which had inquired into the subject of barrack accommodation. He had only just received from the right hon. Member for Wiltshire (Mr. Sidney Herbert) a rough estimate of the outlay that would be necessary to place our barracks in a proper state, and the sum of £57,000 was the proportion required for that purpose for the present year.

GENERAL CODRINGTON said, that the gallant General at the head of the War Department had previously told them very fairly that he would not hesitate to ask, if necessary, for a supplementary estimate for the improvement of our barracks. For his own part, he was sorry that this Vote was merely for a temporary purpose; not that he had any way objected to such an outlay, because he believed it was the truest economy for the country to improve the condition and take care of the health of its soldiers; but he could have wished that a further estimate had been submitted to them for additional barracks. The Report upon the sanitary state of our barracks showed that the health of the troops required either that increased accommodation should be provided, or that the existing accommodation should be allotted to a smaller number of men. The whole question was in fact a money one; and, if the lives of our soldiers were to be saved the nation must not grudge the necessary expense.

COLONEL KNOX said, he fully concurred in what had fallen from the hon. and gallant officer. He also wished to ask whether in the present estimate there was any provision for the erection of new barracks in London, as an assurance had been given that the existing barracks in Portman Street, which were in a most disgraceful condition, should be done away with.

GENERAL PEEL said, that after his right hon. Friend the Chancellor of the Exchequer had made his annual arrangements with respect to Ways and Means, it was very inconvenient to propose any new expenditure for the current financial year. It was, however, perfectly certain

that new barracks must be built in the place of those in Portman Street.

MR. COBBETT said, he rose to ask whether the Government had taken into consideration the suggestions previously made to them relative to the inadequacy of the present accommodation for drying soldiers' clothing.

GENERAL PEEL said, that he had already sanctioned the trial of an improved apparatus for this purpose.

Vote *agreed to.*

(3.) £65,000, Survey for the United Kingdom.

GENERAL PEEL explained, that the Report of the Royal Commission to which the subject of the scale on which the survey should be conducted was referred had been presented, but the Government had not yet had time to consider the subject. Whatever scale might ultimately be adopted, whether the twenty-five inch or any other. it would be necessary to keep up the surveying establishment for the present year, and this Vote was limited to that object.

MR. W. WILLIAMS observed that, the House ought to know to what scale the money they were asked to Vote was meant to be applied.

GENERAL PEEL said, he would engage that no departure from the principle already laid down by Parliament on this matter should take place until the House had been previously consulted.

Vote *agreed to ;* as were also

(4.) £1,000, General Register House, Edinburgh, in addition to £14,118 already granted, making together £15,118.

(5.) £20,000, Wellington Monument.

MR. WILSON said, he wished to ask the Secretary of the Treasury whether, seeing now that the Estimates for the Department of Science and Art and the Schools of Design in Edinburgh, and also that for the Board of Manufactures, had been agreed to, the Government were prepared to carry out in all its details the arrangement made in the Treasury Minute, passed by the late Government in February last, for opening the National Gallery, which had so long stood unoccupied, and for providing an establishment therefor.

MR. G. A. HAMILTON replied, that this subject had been fully considered by the Treasury, whose intention it was to carry out, in all its integrity, the arrangement made in the Minute to which the hon. Gentleman had referred.

General Peel

House *resumed.*

Resolutions to be reported *To-morrow.*

CORRUPT PRACTICES PREVENTION ACT CONTINUANCE BILL.

COMMITTEE.

Order for Committee read.

MR. VERNON SMITH said, he was desirous of calling attention to the mode in which the Government proposed to deal with this subject. He thought they ought to have contented themselves, especially at that period of the Session, with simply proposing a continuance Bill. Instead of this, however, they now sought to introduce a novel, and probably very mischievous principle into the measure. He alluded to the clause legalizing the payment of a voter's travelling expenses in going to the poll—a provision which could not now undergo adequate discussion, and which, moverover, was contrary to a recent decision of the House of Lords. This clause took a low view of the franchise, instead of regarding it as an important public trust which the voter was bound to fulfil independently. It also implied that the electors were apathetic and indifferent to the exercise of their privilege, and treated it as a means of paying a mere compliment to a candidate. Besides, the Government were soon to direct their attention to the general question of Parliamentary Reform, and therefore this point ought not now to be dealt with prematurely and by anticipation. Under all the circumstances, he would recommend them to rest satisfied with passing a simple continuance Bill for the present year.

MR. WALPOLE said, the right hon. Gentleman was correct in one respect—that this was not simply a continuance Bill. There were three Amendments made in the Bill, arising from the state of the law, which, from its ambiguity, required legislation on the subject. If he, however, thought that he was introducing any principle into the Bill which was new to the House, he would be most reluctant to press it at that period of the Session. He should have no personal objection to make the Bill a mere continuance Bill ; but he did not think he would be acting fairly to the House if he did not submit to the House the state in which he was of opinion the law ought to be put. There was a great deal of pressure put upon the Government to make alterations in the Act in respect to election auditors, and a good deal of difference existed on the point whether

those officers should be mere ministerial officers, or whether they should exercise a certain amount of judicial authority in determining whether the expenses in particular cases should be allowed or otherwise. That was no doubt a grave question, which he thought ought not to be decided at the end of a Session. He had not, therefore, included any Amendment upon that question in the present Bill. Now, with reference to the three Amendments to which he referred, he would take the last first. The last had for its object to define what was a candidate at an election. The words of the Act were vague and ambiguous upon the question. The interpretation clause merely used the expression of a "candidate at an election." The question had never been settled, and he proposed that that ambiguity should be removed by a distinct definition of what was a candidate in this Bill. The next Amendment involved an alteration in the law as to the payments made to the election auditor. There were many complaints made to him that the auditor, under the existing law, received a large sum of money for doing little or nothing. He thought that those objections were reasonable; and he therefore introduced a clause declaring how that officer was to be remunerated. What he suggested was, that the fee of £10 allowed to this officer by the Act should cover any expenses which he might incur at an election, where the bills which he had to examine did not exceed £200, and that his percentage on the amount expended should commence after that limit had been passed, instead of, as at present, at the first pound. To those two Amendments he believed no exception would be taken. But the main question related to travelling expenses, whether they should be simply allowed or disallowed, or whether they should be allowed upon conditions—upon that point the state of the law was anything but satisfactory. In the very last contest which had taken place—namely, in the county of Norfolk—the advice of eminent lawyers was taken whether these expenses were or were not, under any circumstances, legal. The opinions of those authorities differed; and the fact was, that the law on this point now remained as unsettled, after the decision in the case of "Cooper *v.* Slade" by the House of Lords, as it was before that event. The question upon which that decision turned was, whether, assuming that a certain letter had been written to an elector stating that his expenses would be paid if he came to vote for a particular candidate, there was any evidence before the jury that the defendant had been guilty of bribery within the meaning of the Act. The decision did not say whether the mere offer to pay expenses was bribery; it simply declared, contrary to the judgment of the Court of Exchequer Chamber, that there was in that particular case a conditional promise held out, and that, as the vote was a conditional vote given under that promise, there had consequently been bribery. But whether it would have been bribery, if no such promise or condition had been previously made, was no more decided now than it ever had been. The matter which the House would therefore have to discuss, when it went into Committee, was, whether a voter's travelling expenses ought or ought not to be allowed.

COLONEL FRENCH observed, that the course taken by the right hon. Gentleman the Member for Northamptonshire was most irregular, as its consequence was to raise a discussion at this stage of the Bill.

MR. REBOW said, he considered it was the duty of the Legislature to settle a question that was altogether left in doubt by the decision of the House of Lords.

MR. BENTINCK believed that the clause as it stood would produce endless litigation. Some fixed scale of mileage ought to be established for a voter's travelling expenses. The returning officer ought to have some better security than he now enjoyed for the recovery from the candidate of the hustings and other expenses attendant upon an election. This was rendered indispensable by recent legislation on the property qualification of Members. Another defect in the present law was, that it was made the election auditor's interest, for the sake of his percentage, that the candidate's expenses should be as heavy as possible. When the House went into Committee, he should be prepared to submit such Amendments as he thought necessary.

LORD HARRY VANE said, he thought the right hon. Gentleman the Home Secretary was perfectly justified in raising the questions which he had done upon this continuance Bill, with a view to challenge the opinion of the House upon them. For the interest of candidates, as well as of the election officers, the law ought to be put into a more definite shape. With regard to the remuneration hitherto allowed to the auditor, he agreed that the complaints as to the amount paid were well grounded.

MR. MILNER GIBSON said, that his hon. Friend the Member for Bristol (Mr. H. Berkeley) had requested him, in his absence, to ask the Government whether they intended this Bill to last for a limited period, and meant next year to introduce a permanent measure on the same subject? In the latter event his hon. Friend would move the insertion of clauses establishing the ballot, as practised in Australia.

MR. WALPOLE said, he thought it would be necessary next year to introduce another Bill on this subject. In regard to the other point noticed by the right hon. Gentleman, he (Mr. Walpole) need not remind the House that his opinions on the subject had been already distinctly declared.

House in Committee.

Mr. FITZROY in the Chair.

Clause 1 (Power to pay the actual travelling expenses *bona fide* incurred in bringing any voter to the poll).

MR. GRIFFITH said, he had gived notice of a Motion to omit the clause altogether, but he would now propose to accomplish the same object by inserting the word "not" before the word "lawful." He maintained that if they allowed the voter, upon any pretence whatever, to receive hard cash from the candidate, they opened the door to endless abuse. Baron Parke had expressed an opinion that such payment was bribery, and he understood that most of the Judges in "Cooper *v.* Slade," discountenanced the principle, though on appeal to the House of Lords the matter went off upon the ground that they could not connect the candidate with what had taken place. Lord Mansfield had also expressed an opinion against the principle of the clause now before them. If they legalized the payment of an elector's travelling expenses, they could neither, logically nor morally, refuse him the refreshment necessary to enable him to fulfil the object of his journey. Were they, for example, to pay a man's railway fare from London to Liverpool, and give him nothing to eat or drink on the way? In that case, in what condition could they expect him to reach the polling booth? But, assuming that he was to be allowed some sustenance, what must be the ingredients of his hotel bill? Was he to drink beer or wine? Morever, if they conceded all this, how could they deny the right of a hard-working mechanic, with a large family to support, to some compensation for his loss of time in going to vote? Where, then, were they to stop? And what would become of purity of election? Political purity ought to be as much the point of honour with public men as personal purity was with the other sex, and they ought not by their legislation to permit it to be endangered. Their maxim should be, "*Principiis obsta.*"

Amendment proposed in page 1, line 15, after the word "shall" to insert the word "not."

MR. J. D. FITZGERALD said, that six weeks ago the decision in "Cooper *v.* Slade" was brought under the attention of the Home Secretary by the hon. Member for Durham, and he then stated, apparently in concurrence with the view of the House, that he intended to introduce the provision embodied in the clause now before the Committee. This was not, however, the first time that the subject had been brought under their notice. In the year 1854, Lord R. Grosvenor proposed that a clause should be inserted in the Corrupt Practices at Elections Bill exposing the candidate paying these expenses to a certain penalty, and that proposition was discussed at considerable length, but on a division it was negatived by a majority of 101. The noble Lord the Member for the City of London then brought forward a different proposition—namely, a clause to remove doubts that existed, and to declare that a candidate might pay the reasonable expenses of an elector coming up to vote, but the Amendment was afterwards withdrawn, because the great lawyers in the House stood up one after another and assured them that by the existing law to pay the actual travelling expenses was not illegal. The case, however, now came before them under a different state of circumstances. There was much doubt and uncertainty created by the ambiguous language of the law, as shown in the decision in the case of Cooper *v.* Slade, which had been correctly described by the right hon. Secretary of State. Mr. Justice Willes gave it as his opinion that it was bribery within the meaning of the statute to promise to pay the voter's travelling expenses on the condition of his voting for a particular candidate. There was, however, some doubt whether it would have been bribery if there had been no such promise made beforehand. Whether travelling expenses should or should not be allowed was a minor question. The important matter was to have the point clearly settled on one side or the other. At the same time

he could not see how purity or independence of elections could be sacrificed by merely reimbursing the voter in some shape or other for the expense of his conveyance to the poll. Whatever might be the case in England, it would be absolutely impossible in many Irish counties for a candidate to conduct his election without providing the means of conveyance for the voters.

MR. AYRTON said, he wished to submit to the Committee what was his view of what the law as it now stood. It had not been decided that the payment of money for the line of carriages to carry voters to the poll was illegal. If it were illegal, there was no Member of the House who had not been guilty of illegality, except those who had been so fortunate as to have no opposition. There was no doubt that, providing food for a voter was illegal, and therefore the only question now was confined strictly to travelling expenses. On the one hand they were asked to declare the conveyance of voters to the poll illegal, which would lead to such absurdities as this, that a candidate who, going along in his carriage, overtook a voter and asked him to ride with him, would do an illegal act. On the other hand, if candidates, however, were allowed to pay money to voters for conveyance, a number of subsequent questions would arise such as whether an elector who always travelled third class would be allowed to charge first class? It would be utterly impracticable for the candidate or his agent to investigate minutely every claim of this kind which might be made upon him. Thus the clause would open a door to corruption and to the plundering of candidates, and would eventuate in the establishment of a regular system of mileage and head money, wholly disproportionate to the sums which electors were really out of pocket by their journey to the polling place. Under these circumstances he thought that they could neither affirm nor negative the proposition before the Committee. The proper way of meeting the difficulty was by a clause such as he had placed on the paper, which was to the effect that a candidate might provide conveyance for any voter for the purpose of an election, but that it should not be lawful to pay any money or to give any valuable consideration to a voter for or in respect of his travelling expenses for such purpose.

MR. SERJEANT KINGLAKE believed the clause in its present shape would not attain its object. The question of the legality of travelling expenses had long been doubtful; and that doubt had not been removed by the decision in "Cooper *v.* Slade." The Judges had declined to express an opinion whether travelling expenses *per se* were legal or illegal; but they held that the promise to pay them on the condition that the person receiving the money voted for a given candidate constituted bribery. Even Mr. Justice Coleridge, who thought such expenses legal, regarded this promise as a corrupt inducement, and as contrary to the 17 and 18 *Vict.* Therefore, though the Legislature were now to declare travelling expenses *per se* to be legal, no candidate could venture to pay them, because it would be next to impossible to satisfy a Committee of that House that there had not been either a tacit or an express understanding between the voters and the person who had paid them. The candidate would therefore be liable to be unseated, and to all the penalties of the statute. The only effectual mode of getting rid of the consequences of the decision in "Cooper *v.* Slade" would be by declaring in express terms that neither the offer nor promise of payment of travelling expenses, whether conditional or not on the elector's voting for a particular candidate, nor the payment of such expenses on account of having voted, should be taken to be bribery within the sense of the Act. But if they passed such a clause as that, the time, he thought, would not be far distant when the voters in such large towns as Liverpool or Manchester would put in a claim for loss of time, which could not consistently be repudiated.

MR. WALPOLE said, as the discussion had been raised by an Amendment involving a distinct declaration of the illegality of those expenses, he thought it might be convenient to consider the three points of the question. The first was, whether the travelling expenses should in no case be allowed. The second, whether the travelling expenses merely should be, under all circumstances, allowed; and the third was, whether those expenses might not be allowed or disallowed, under certain conditions or restrictions. As to the first point, he would venture to say that the Committee could not assent to it, and for this reason, that the House would be, for the first time, making an absolute declaration that it was illegal, under any circumstances, to pay the travelling expenses of a voter. It would follow as a natural consequence

that it would be a misdemeanour under the Act for any person to take his friend to the polling place in his carriage, or to convey him to the poll in any way. [*Cries of* "No, no!"] Hon. Members cried "No!" but he apprehended it was quite obvious that if by Act of Parliament they declared that a certain thing should not be done, the doing of it afterwards would be a misdemeanour. In many places in Scotland and Ireland it was necessary that such expenses should be paid. Take the case of an election for Invernesshire or for the Orkneys, where the electors had to cross the sea in order to reach the polling-place. Ought it to be made illegal for them to have their expenses paid, when many of the voters would be utterly unable to exercise their franchise unless some means were provided to convey them to the mainland. He, therefore, could never accede to the recognition of such a principle. He now came to the question whether they should allow these expenses under all circumstances, as his hon. and learned Friend (Mr. Serjeant Kinglake) opposite said would be the effect of passing the clause as it stood. Now, if the clause were to have really that effect, he thought it would be wise to guard against such a general application of it. His right hon. Friend the Member for Oxfordshire (Mr. Henley) whose opinion upon the clauses of an Act of Parliament was, perhaps, more shrewd than that of any other man in that House, had suggested a slight alteration in this provision to prevent colourable payments which might have taken place under its original wording. The words proposed to be substituted at the instance of his right hon. Friend were these:—

"It shall be lawful for any candidate to pay the actual cost of conveyance *bona fide* incurred in bringing any voter to or from the poll."

The effect of this was, that the mere payment of the cost of conveyance should not be bribery. The whole principle of their legislation had been, that where the payment was colourable, so as to enable the person making it to exercise a corrupt influence over the voter, there was a case of bribery. But the simple payment of expenses actually incurred had not been held to be bribery by any Committee or Court of Law of which he was aware. If they went beyond this limit, and sought to make the law too rigid, they would shock the feelings of the community, and defeat their own object. He should, therefore, propose at the proper time to amend the clause in the way he had stated. He should also, in order to obviate the doubt suggested by his hon. and learned Friend opposite (Mr. Serjeant Kinglake) propose a proviso, declaring that the payment of those expenses was not bribery within the meaning of the Act, and another proviso, that all such expenses should be paid through the election auditor.

Mr. GREER said, he objected to the clause, which he wished to see entirely omitted, instead of being nullified by the insertion of the word "not." It was unconstitutional to require the candidate to bring the voters up to the poll; and if the voters would not take the trouble to exercise their constitutional privilege, they were virtually self-disfranchised, and he felt no sympathy for them. The difficulties suggested might be obviated by increasing the number of polling places, so that no voter should have to go more than two or three miles to give his vote. If a candidate were allowed to pay travelling expenses, he would be entrapped into the payment of illegal expenses; and therefore, if the candidate was to be under the necessity of providing conveyance, the payments ought not to be made to each voter individually, but directly by the candidate himself or his agents.

Mr. BAILLIE said, he could confirm what had been stated by his right hon. Friend (Mr. Walpole), as to the difficulty which the voters of Invernessshire and the Orkneys had to encounter in attending their elections. The voters from the Orkneys had to travel twenty, thirty, or even forty miles to reach the mainland. They could not cross those seas in open boats, and it was the practice for the candidates to hire steamers for their conveyance. The case was the same with the electors of the Western Isles and of Invernessshire; and if some such clause as this were not adopted, they would be all practically disfranchised. In dealing with a question of this kind, then, they must have regard to the peculiarities of Scotland and Ireland, as well as to the circumstances of England.

Mr. VERNON SMITH said, what had taken place convinced him that he was right in the suggestion that he had made that such a principle as this should not be introduced in a continuance Bill. They were laying down for the first time this rule, that it was a favour and an act of grace for a constituent to vote for a candidate, and not an honourable privilege. Indeed, he defied them to prevent bribery

or check abuse, with such a clause as this. If the clause had remained as it originally stood, including the words "actual travelling expenses," there would have been the difficulty of saying what such expenses were. If a man took a two days' journey, his travelling expenses would include his bed at the inn. The term now proposed was, "actual cost of conveyance;" but would it not be bribery to take a man in a first-class carriage whose proper position was in the third class? If voters had great distances to travel, let the number of polling places be multiplied. A citizen had other duties to perform to the State at his own charge, and why should the exercise of his franchise form an exception to the general rule? He called the attention of his Radical friends to one point. They talked of abolishing the property qualification, but here was a proposal creating a new and more aristocratic qualification than ever. No man who was not possessed of very considerable property could contest a county, for the cost of carriage under this system would form one of the heaviest items in election expenses. If this Bill passed they would, in fact, have a property qualification of £1,000 a year, which would be about the expense to which candidates would be put, considering that each Parliament lasted on an average only three or four years. He could not, however, vote for the Amendment; but what he would suggest was, that the Committee should negative the present clause, and leave the Secretary of State to bring up an amended one, in accordance with the views he had that day expressed upon the Report.

MR. HENLEY said, he must deny that the carriage of voters formed the greatest element of expense in county elections. If they multiplied polling places, they would very much increase the expense of elections by rendering a greater number of agents necessary, who even at present were a greater source of expense than the conveyance of voters.

MR. REBOW said, he would suggest that the clause making it lawful for "any person" to pay the actual travelling expenses of bringing any voters to the poll should be so altered that "any candidate by his appointed election agent" should be substituted for "any person."

MR. BRADY said, he believed the Bill to be a sham, and should therefore oppose it at every stage. He contended, in opposition to the right hon. Gentleman (Mr. Henley), that carriage did form a very large item in the expense of a county election contest, knowing, as he did, that several county Members had expended upwards of £600 in that way at one election.

MR. LOWE said, he apprehended the effect of the clause under consideration would be to legalize bribery. If he believed that the giving a vote for a candidate for a seat in that House was a personal service, he should say it was right that that candidate should compensate the elector for that personal service; but if it was a great constitutional privilege for the elector to appear in the House of Commons by his representative, since he could not appear there himself, he ought to discharge the public duty of polling for the candidate whom he wished to represent him at his own costs and charges; and if he was too poor, or too lukewarm, the country ought to dispense with his services altogether.

MR. WHITESIDE said, the right hon. Gentleman was under a mistake in supposing that the Committee was about to establish a novel principle. It had never yet been decided that the simple payment of the expenses of a voter going to the poll by a candidate at an election was illegal; and that being so, if the argument of the right hon. Gentleman the Member for Kidderminster was a good one, bribery must have been practised at every election in this country from time immemorial. He did not think any Judge would ever listen to the question, whether a third, a second, or a first-class carriage, was fit for a particular voter, if the matter were brought forward as a charge of bribery. The law, however, being in a most uncertain state, he submitted it was the duty of the Legislature to settle this question by a distinct enactment. The clause, as proposed to be amended by his right hon. Friend, removed all uncertainty on the matter; and the Government, in adopting it, left it to the common sense of the country to form its opinion upon it.

MR. BYNG contended that by the clause under consideration candidates at an election might not stand on equal terms. A good man, though poor, might say he was prepared to pay all the necessary legal expenses; but another, possessing great wealth, might say he was determined to carry the election, cost what it might, and therefore was ready to spend large sums of money in bringing his voters to the poll. It would be easy to foresee the result of so

unequal a contest. The poor man would retire or be beaten, and the rich candidate would carry his election.

LORD HARRY VANE said, he did not agree with the hon. Member who had just sat down. In a borough like Kidderminster nothing could be more easy or proper than to prohibit the system of conveying voters to the poll; but in counties, where the freeholders were scattered over an extensive area, it was obvious that great numbers of them would be practically disfranchised if they were not furnished with the means of travelling to the poll. He thought that the proposition of the hon. Member for the Tower Hamlets (Mr. Ayrton) was the one which would best meet the case; but with regard to the proposition made that all these payments should be illegal, he should have no hesitation in negativing that.

MR. BERESFORD HOPE said, he would suggest that the risk of the allowance of travelling expenses being used as an instrument of bribery might be prevented by making the payment of such expenses through an impartial medium, rather than through an agent of any of the candidates.

MR. BARROW insisted, on the very principle enunciated by the right hon. Gentleman (Mr. Lowe), that the poor or infirm voter ought to be conveyed to the poll, and to be placed in a position to express his opinions in that House, through the representative of his choice, as well as his richer neighbour. He denied that in counties they would ever do away with the necessity of the voters having to travel some distance to the poll, however much they might multiply the number of polling places; besides, by multiplying polling places, almost as many poll clerks might be required as there were voters.

MR. GRIFFITH said, the proposition now before them was to insert the word "not;" but he trusted that the Committee would permit him to put the question upon its real merits. If not, and the Amendment was carried, he should have to amend the rest of the clause according to his own views.

MR. SPAIGHT said, he thought this clause would introduce a system of ruinous expense into elections for counties; and that where travelling was not really necessary a charge would be made by voters. He thought that the course suggested by the hon. Member (Mr. Ayrton) was the best that could be taken.

Mr. Byng

MR. GRIFFITH said, he would ask permission to withdraw his Amendment. [*Cries of* "No, no!"]

Question put, "That the word 'not' be there inserted."

The Committee *divided*:—Ayes 70; Noes 165: Majority 95.

MR. STAPLETON said, he proposed in Clause 1, after the word "lawful," to insert "in election of knights of the shire, but shall not be lawful in elections of burgesses." The object of his Amendment was to prevent the clause applying to cities and boroughs where he thought it was not necessary that conveyances should be provided for voters, in consequence of their having but a very short distance to go.

MR. WALPOLE said, he must oppose the Amendment, on the ground that what was good for the counties was also applicable to the boroughs. He had never witnessed an election going on in a metropolitan borough without seeing omnibuses and cabs provided without number for the purpose of bringing voters to the poll.

MR. COBBETT said, Shoreham was a borough which was sixteen miles in length, and Oldham, which he represented, was also very large, many of the voters living in outlying townships. If this Amendment were agreed to, it would disfranchise half the constituents of Oldham. He thought that the course proposed by the hon. Member (Mr. Ayrton) was the best that could be adopted.

SIR CHARLES BURRELL said, there were many boroughs in the kingdom in which it would be quite impossible for some of the electors, living at a distance, to come to the poll unless a means of conveyance were supplied to them. He had, however, the utmost contempt for everything in the shape of bribery.

MR. CROSSLEY said, he thought the question in dispute was really whether the Members of that House were to pay for their seats or not; and, considering how hon. Members sat there night after night throughout half the year, and often far into the morning, to their own personal inconvenience, it was not too much to ask the constituencies to make some little sacrifice in the exercise of the franchise. There was a feeling however that if they could only make elections expensive, they would prevent persons who were not rich from getting into the House.

MR. LIDDELL said, he was in favour of legalizing bare travelling expenses, and therefore he wished to see an express de-

claration of the legality of such expenses in the Bill.

MR. CRAUFURD contended that, after the decision in "Cooper *v.* Slade," which was a proper and righteous one, if the Committee now interfered to legalize travelling expenses they would reopen the whole question, and put it in the power of any one to make a corrupt bargain with a voter.

Amendment *negatived.*

MR. WALPOLE said, he would now move to amend the clause, so as to make it lawful for "any candidate, or his agents by him appointed in writing, according to the provisions of the first-mentioned Act" (the 17 & 18 *Vict.* c. 102), instead of "any person," as the clause originally stood, to pay the actual travelling expenses *bonâ fide* incurred in bringing any voter to the poll.

Amendment *agreed to.*

MR. AYRTON said, the question between him and the right hon. Gentleman (Mr. Walpole) was, whether candidates should pay voters money, or only provide them with the means of conveyance. He now rose to propose the Amendment to which he had alluded, and to move the omission of the words "to pay the actual travelling expenses," and the substitution of the words "to provide conveyance for any voter for the purpose of an election, but it shall not be lawful to pay any money or give any valuable consideration to a voter for or in respect of his travelling expenses for such purpose." He proposed that Amendment in the Radical interest, because he wanted the poor voters to come to the poll, and the rich gentlemen to understand that there were poor people whose interests required protection.

MR. KNATCHBULL-HUGESSEN said, he wished to call attention to an Amendment he had put upon the paper, which was in Clause 1, line 15, to leave out all after "pay," and insert "travelling expenses to voters resident above one mile from their place of polling; provided always, that such payments should not exceed 1*s.* per mile to every such voter for any distance less than ten miles, and 6*d.* per mile for every additional mile; provided also, that if the distance to be travelled by any such voter exceed ten miles, and there be available railway accommodation, the payment of travelling expenses shall not exceed the maximum rate of fare chargeable on such railway for such distance." If the Amendment of the hon. Member for the Tower Hamlets were rejected, he would take the sense of the Committee upon his (Mr. Hugessen's) proposition, and under that arrangement no advantage could be taken by one candidate over another.

MR. WALPOLE said, he thought this Amendment would more legitimately come before the Committee after the clause proposed by the hon. Member for the Tower Hamlets had been disposed of. With regard to that proposition, he should be prepared at once to adopt it, as he thought it was an improvement on the original clause. If they put the money into the hands of a voter, they ran the risk of its being otherwise used than for his conveyance to the poll, but there could be no objection to pay the *bonâ fide* cost of such conveyance.

MR. TATTON EGERTON said, if this Amendment were agreed to, they would require to have an agent at every railway station.

MR. AYRTON said, arrangements might be made to get rid of the inconvenience suggested in a hundred ways; there would be no real difficulty in carrying his Amendment into execution.

MR. VERNON SMITH suggested that the terms of the clause should be "reasonable" conveyance.

MR. CRAUFURD said, he thought that there would be great difficulty in carrying this Amendment into effect. The hon. Member (Mr. Ayrton) was bound to show how it could be worked in practice. He was prepared to resist this Bill in every possible way. This clause was an attempt to upset a solemn decision in the House of Lords, which was calculated to protect them against bribery. If this Bill passed, it would be clear that the House was not honest in trying to put down bribery.

House resumed; Committee report progress; to sit again *this day.*

CIVIL SERVICE SUPERANNUATION BILL. QUESTION.

MR. WILSON said he wished to ask the Chancellor of the Exchequer what he proposed to do with the Civil Service Superannuation Bill, or when he intended to bring it forward?

THE CHANCELLOR OF THE EXCHEQUER said, that it was not his intention to bring on the Bill that evening; but he would defer giving a more definite answer to the question for a couple of days.

THE FIREWORK EXPLOSION.
QUESTION.

MR. BOWYER said, he would beg to ask the right hon. Gentleman the Secretary of State for the Home Department whether his attention has been called to the dreadful explosion at the Firework Manufactories in the Westminster Road, and whether he proposes to introduce any measure to prevent the manufacture of dangerous substances within a certain distance of inhabited houses.

MR. WALPOLE said, that his attention had been called, and was now directed to the subject of the late accident in the Westminster Road, arising from the manufacture of fireworks: but he had not yet had time to determine whether any, and if so what, legislative measure should be introduced on the subject.

SUBALTERNS OF THE ARMY.
QUESTION.

COLONEL FREESTUN said, he wished to ask the Chancellor of the Exchequer if he will be pleased to grant him a day to bring on his Motion respecting the Subalterns of the Army, which he has been the last four months endeavouring to effect?

THE CHANCELLOR OF THE EXCHEQUER replied, that the moment the necessary business of the country was concluded he should be very happy if he could meet the wishes of the hon. and gallant Gentleman and other hon. Members on this subject. All he could say at present was that he should remember the question of the hon. and gallant Member.

RELIEF OF THE POOR.—QUESTION.

MR. J. LOCKE said, he desired to ask the President of the Poor Law Board whether it is the intention of that Board, previous to the next winter, to call upon the Guardians of the several Metropolitan Parishes and Unions to make better provision for the reception of the destitute poor who have not committed crime, in order that the cost of the assistance required for the vagrant poor, may be more equally divided amongst the parishes and districts than it appears to be at present, as shown by a Parliamentary Return, No. 291, of this Session, and in order that each parish or union may bear its fair share of this burden, in conformity with the spirit and intention of the Act 7th and 8th *Vict.* c. 101.

MR. SOTHERON ESTCOURT said, that the Act referred to in the question of the hon. Gentleman was passed in 1844. Immediately afterwards the Poor Law Board took measures to put it into operation. But in the following year a Select Committee was appointed to inquire into its operation. Although it was his opinion that this enactment would be the best mode of providing for the casual poor of the Metropolis, the same obstacles on the part of the ratepayers and the Boards of Guardians were to be apprehended as formerly prevented its being carried into operation. It was his intention during the approaching autumn to communicate with the different unions and parishes in the metropolis, with the view of ascertaining their sentiments upon this subject. If he found, as he hoped he should, that they were disposed to afford him support, he should be ready to do his best to carry into effect the provisions of the excellent Act to which he had referred. This he should do not so much with a view to the equalization of the burden upon the different parishes as to relieve the workhouses from the state of congestion which had been caused by the flocking into them of the lowest and most difficult to manage classes of poor.

THE BRITISH CONSUL AT NAPLES.
QUESTION.

MR. DALGLISH said, he wished to ask the Under Secretary of State for Foreign Affairs whether Mr. Barber, the British Consul at Naples, has received any promotion, or other mark of approbation, from Government for his great kindness to the English engineers of the *Cagliari* while imprisoned, and for his successful exertions in procuring their release.

MR. SEYMOUR FITZGERALD said, that he was so sensible of the zeal and intelligence which had been displayed by Mr. Barber that he did not wish factiously to criticise the terms of the question put to him by the hon. Member for Glasgow; but he must say that when the hon. Gentleman spoke of the successful exertions of Mr. Barber in procuring the release of the engineers he attributed to that Gentleman a monopoly which, remembering the exertions and ability of Mr. Lyons, he (Mr. FitzGerald) should not be inclined to admit. Passing that by, he might say that no one had been more sensible of the merits of Mr. Barber, or of the value of his services, than were Her Majesty's Government, nor had any one been more

anxious to give to him at the proper time a fitting recompense for his services. That was shown by the fact that when the *Cagliari* was to be restored to Sardinia Her Majesty's Government appointed Mr. Barber, although not a naval officer, to perform that duty, because it would place him in a position to receive the personal thanks of the Sardinian Government, and of the Sovereign of that country. At the first moment they had it in their power the Government expressed to Mr. Barber, their approbation of his services, and within the last few days, subject to the approval of Her Majesty, they had appointed him to a post which, amid other advantages, was of double the value of that which he had hitherto held in Naples.

GUANO.—QUESTION.

MR. CAIRD said, he desired to ask the Under Secretary of State for Foreign Affairs whether he will lay on the Table a Copy of the Letter from the Agents of the Peruvian Government on the subject of a reduction in the price of Guano?

MR. SEYMOUR FITZGERALD said, that he would do so on an early day. He must at the same time state, that when on a former occasion he made a statement on this subject, he was under the impression that a greater reduction would be made in the price of guano than it turned out would be the case.

ROMAN CATHOLICS IN THE NAVY AND ARMY.—QUESTION.

CAPTAIN O'CONNELL said, he would beg to ask the First Lord of the Admiralty if Roman Catholics serving on board any of Her Majesty's ships at present in commission, are compelled to attend Protestant Divine Service when read on board; and, if such be the case, whether the practice of compelling them will be allowed to continue? Whether the Admiralty will consider of allowing Catholics on such occasions to assemble on the forecastle, apart from the rest of the ship's company, under the charge of a warrant or petty officer of their own communion?

SIR JOHN PAKINGTON said, that he was informed that it was not the practice to compel Roman Catholic sailors to attend Protestant worship on board ship, but he thought that the rule should go further, and that there should be a distinct regulation that all who claimed exemption should be allowed to absent themselves. He would see that such a rule was carried out. He could no, however, go further, and assent at once to a rule that Roman Catholic sailors should be allowed to worship by themselves on a part of the deck. He thought that the Officers would object to that, for he believed that the experiment had been tried and had not been found conducive to the discipline of the ship. He would, however, make further inquiry on the subject.

CAPTAIN O'CONNELL said, he would now beg to ask the Secretary of State for War if Roman Catholic soldiers on board any of Her Majesty's Ships or hired Transports, were compelled to attend Protestant Divine worship; and, if such be the case, whether the practice of compelling them will be allowed to continue, when Catholic soldiers are not in any case compelled to attend Protestant Divine Service on shore?

GENERAL PEEL replied that Roman Catholic soldiers in the circumstances stated were not required to attend Protestant Divine Worship. The regulations on board ship were the same as on shore, and now thing could be more stringent.

THE KING OF OUDE.—QUESTION.

MR. PEASE said, he would beg to ask the President of the Board of Control whether the King of Oude is now in custody, and, if so, whether he is about to be brought to trial?

LORD STANLEY replied that at the date of the last accounts received from India the King of Oude was in custody at Fort William, and it was intended to bring him to trial; but he had no means of stating when the trial was expected to take place.

BATTERSEA PARK, &c.—QUESTION.

MR. ALCOCK said, he wished to ask the First Commissioner of Works, what is the amount of the Loan advanced by the Government for Battersea Park, Chelsea Bridge, and Chelsea Embankment, and what is the amount to be deducted for land sold to the Railway Company and to Chelsea Hospital, or disposed of in any other way, in order that it may be clearly understood by those who desire to remove the toll-bars at Chelsea Bridge what sum may be required to be raised by an appeal to public subscription, with a view to make up any deficiency (if the surplus land should not fetch the full amount due), so as to pay off in full all the money lent by

Government for the purpose of this great metropolitan improvement?

LORD JOHN MANNERS in reply said, that the sum of £200,000 had been advanced by the Government on account of the construction of Battersea Park; £58,000 of interest was due on that; and the annual interest was £8,900 per annum. The liabilities beyond that were fixed in the following manner. In the first place, any sum that might be obtained by the sale of land, or in any other way whatever, was appropriated to the formation and maintenance of the park; then they were to be devoted to the repayment of the advances by the State; and when that had been accomplished, there was a further liability lying over for the creation of a fund for other metropolitan improvements. There was, therefore, no possibility, under the present state of the law, of any sum of money accruing from the sale of land becoming available for the redemption of the tolls on Chelsea Bridge. As to the actual sales of land, he had to state that land to the value of £65,000 had been sold to the Railway Company; and land to the value of £16,500 to Chelsea Hospital. But on the latter sum there were many charges to be defrayed before any portion of it could be made available for the payment of any portion of the debt due to the State on account of the construction of the new bridge. There was, besides the advance to which he had alluded, a further loan of £80,000 on the bridge. So that, if the whole of the land in Battersea Park were sold to-morrow, owing to the present state of the law affecting this question, not one halfpenny of it would be available for the redemption of these tolls.

POOR LAW MEDICAL OFFICERS.

QUESTION.

MR. COBBETT said, he wished to ask the President of the Poor Law Board, whether he intends, before the Recess, to propose to Parliament any measure for altering the present sale of payment to Medical officers of Poor Law Unions?

MR. SOUTHERON ESTCOURT said, that he was willing to admit that the state of the law on this subject was very unsatisfactory, but nothing could be done in the way of legislation upon it until the next Session of Parliament. The subject was under his consideration, and he hoped to be able in the course of the autumn to communicate with the parties concerned, and thus to obtain such an amount of information as would enable him to lay a Bill on the Table of the House at an early period next Session.

THE CAPE OF GOOD HOPE.

QUESTION.

MR. PEASE said, he would beg to ask the Secretary of State for the Colonies whether the Government have received any information as to the occupation by the Cape Colonists of the territory between the Kei and Keiskamma, which has been temporarily evacuated by the Kafirs driven forth by starvation, and whether such a policy has received the sanction of Her Majesty's Government? Whether the last advices from the Cape afford any probability of the early termination of the hostilities now raging between the Orange Free State and Moshesh, the chief of the Bassutas; and whether Sir George Grey has offered to exercise his friendly offices as mediator between the two parties?

SIR BULWER LYTTON said, the Government had not received information of the occupation by the Cape Colonists of the territory between the Kei and Keiskamma. The Governor had expressed a wish to establish military villages composed of German immigrants, but his suggestion had not received the sanction of the Government at home. With respect to the hostilities between the Boers and the Bassutas, the last accounts indicated no approach to a termination of hostilities. Sir George Grey had offered to act as mediator, but it appeared that at the same time the Boers had called upon the South African Republic for aid, and the latter was sending an armed force into the country.

THE HUDSON'S BAY TERRITORIES.

QUESTION.

MR. ROEBUCK said, he wished to know if the Chancellor of the Exchequer could give him a day for bringing forward his Motion on the subject of the Hudson's Bay territories?

THE CHANCELLOR OF THE EXCHEQUER said, he thought the hon. and learned Gentleman had a claim upon the Government for an arrangement with respect to his Motion, and to-morrow or on Monday, at the latest, he would make a statement as to the way in which he intended to proceed with the business before the House.

TITLES TO LAND (SCOTLAND) BILL.
QUESTION.

MR. W. EWART said, he wished to ask the Secretary of State for the Home Department whether it is intended, in the next Session of Parliament, to extend the provisions of the Titles to Land (Scotland) Bill to property held by burgage tenure?

MR. WALPOLE said, that it was intended to bring in a Bill to amend the law on Tenures in Scotland next Session.

DUCHY OF CORNWALL.
QUESTION.

MR. ROBARTES said, he would beg to ask the Chancellor of the Exchequer whether, as the Council of the Duchy of Cornwall have signified their intention of recommending that the Duchy of Cornwall shall be placed on the same footing as the Crown with respect to the period of limitation of title, Her Majesty's Government will insert a clause in the Cornwall Submarine Mines Bill to give effect to that recommendation; or, if that can not be done, whether they will bring in a Bill for that purpose early next Session.

THE CHANCELLOR OF THE EXCHEQUER said, it was intended to provide, by a legislative enactment, that those persons who formerly held under the Duchy of Cornwall, but would in future, as the result of the recent arbitration, hold under the Crown, should not be placed in a worse position than they were formerly, particularly with reference to the application of the Statute of Limitations. He thought it would, however, be inconvenient to introduce a clause to that effect in the Bill relating to the Duchy of Cornwall now before the House, but he should feel it his duty to introduce a measure to that effect in the early part of next Session.

NEW CALEDONIA BILL.
QUESTION.

MR. GLADSTONE said, he wished to inquire whether it was proposed to take the New Caledonia Bill that evening, and suggested that as Amendments were to be introduced it should be recommitted for that purpose, and printed with the Amendments previous to the third reading.

MR. LOWE asked if the right hon. Secretary for the Colonies would have any objection to lay before the House an estimate of the charge which he anticipated would be cast upon the Exchequer by the formation and defence of this new colony?

SIR BULWER LYTON replied, that it was his intention to move the third reading that evening.

CLERK OF PETTY SESSIONS (IRELAND) BILL.

Upon the CHANCELLOR of the EXCHEQUER moving that the Orders of the day be postponed until after the notice of Motion for leave to bring in a Bill for the Main Drainage of the Metropolis.

MR. WILSON said, he observed that among the orders to be postponed was the report on the Clerk of Petty Sessions (Ireland) Bill. When that Bill passed through Committee he objected to a clause having for its object to apply to local purposes the public revenues of the Crown, but he was told that the fund only consisted of the fines of Petty Sessions, and was not the revenue of the Crown. Further investigation, however, had shown that was a mistaken view of the matter, as, by an Act of 1851, the fund was made a portion of the revenues of the Crown. No Resolution having been taken in a Committee of the whole House prior to the introduction of the Bill, it now turned out that the proceedings upon it were informal, and he wished he knew what course the Government intended to take with regard to the Bill. He did not think that recommitting the Bill would be sufficient. They must begin *de novo*.

COLONEL GREVILLE said, he wished to ask whether the Dublin Police Bill was to be proceeded with this Session?

LORD NAAS replied, that it was intended to proceed with the Dublin Police Bill as soon as possible. With regard to the Clerk of Petty Sessions Bill, he had consulted the highest authority and found that if he moved the preliminary Resolution in Committee of the whole House, and supposing that Resolution was carried, they recommitted the Bill and introduced a clause founded on that Resolution, it would be sufficient, and he would, therefore, now give notice to that effect. He must add, however, that the fund to which the hon. Gentleman alluded had never been appropriated to public purposes. By the Act of 1851, it was made a part of the revenues of the Crown, but it had never been so applied, but was lodged every year to the credit of the Under Secretary of the Treasury and the Receiver General, to be appropriated, after a time, as was the intention of the Act, in the same way as it formerly was, to local purposes.

MR. GLADSTONE said, he did not

wish to enter into any discussion as to the merits of the Bill, but confessed that he was startled at the noble Lord's announcement as to the usage and practice of the House with regard to Money Bills. He certainly had sat in the House many years under a totally different impression as to its rules in that respect from that which the statement of the noble Lord was calculated to convey, though, on many occasions, when he, as a Member of the Government, had had the charge of such Bills, it would have been a great convenience to him had he supposed that the doctrine now laid down by the noble Lord was in accordance with their rules and practice. He hoped to hear, however, at the proper time, from the highest authority, whether the noble Lord's doctrine was correct, or whether, as he (Mr. Gladstone) had always supposed, the neglect to proceed by a preliminary Resolution of the whole House was not fatal to Bills of this character. With regard to the New Caledonian Bill, if he understood the right hon. Gentleman (Sir Bulwer Lytton) aright, certain Amendments were to be introduced, and it was to be pressed to a third reading that evening without reprinting the Bill, or affording to the House any opportunity of knowing beforehand what those Amendments were. He was quite sure that, upon reconsideration, the right hon. Baronet would not press the Bill against a request so consonant with usage as that which had been made to him by the hon. Gentleman opposite to recommit it.

SIR BULWER LYTTON said, he would postpone the third reading, in order to have the Bill reprinted.

MR. LOWE said, that at the risk of being thought troublesome, he must repeat his question to the right hon. Gentleman, and hoped to receive an answer before the third reading of the Bill was moved—namely, whether he would make a statement to the House of the estimated expense the Bill would entail upon the Imperial Exchequer?

SIR BULWER LYTTON was understood to say, that he did not consider it the duty of a Secretary of State to furnish the House with an estimate of the probable cost to the Exchequer of this country of a new colony. He would, however, on the third reading, make a statement as to the probable expense which this colony would entail.

MR. LABOUCHERE suggested that an estimate of the expense ought to be laid on the table, and a Vote taken for the amount.

METROPOLIS LOCAL MANAGEMENT ACT AMENDMENT BILL.—LEAVE.

FIRST READING.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I took the liberty of moving that the orders of the day should be postponed in order that I might bring under the attention of the House a Bill the object of which is the purification of the river Thames. The condition of the waters of that river has fallen upon the inhabitants of this metropolis, generally speaking, as an unexpected calamity; but I believe there has always been an observant minority in the community which has expected the catastrophe that has recently occurred; and I find that several years back, when this House, in pursuit of health, determined that the sewage of the metropolis should be diverted to the waters of the Thames, there were some persons of great authority on such matters who foresaw the consequences of that measure. Sir, all that they then predicted has been more than fulfilled. That noble river, so long the pride and joy of Englishmen, which has hitherto been associated with the noblest feats of our commerce and the most beautiful passages of our poetry, has really become a Stygian pool, reeking with ineffable and intolerable horrors. The public health is at stake; almost all living things that existed in the waters of the Thames have disappeared or been destroyed; a very natural fear has arisen that living beings upon its banks may share the same fate; there is a pervading apprehension of pestilence in this great city; and I am sure I am only taking a step that will have been anticipated when I ask for leave to introduce a Bill which will attempt—and I trust the attempt will be successful—to terminate a state of affairs so unsatisfactory and fraught with so much danger to the public health.

"If this be your object, it will be asked, what is the quarter from which a remedy is to be provided? Where are we to find the means and where the machinery for attaining these remedial results?" In fact, the question at once arises, which has been asked by everybody in this city during the last few weeks,—"Is this a local or a national business?" Now, at the first glance it certainly does appear that the inhabitants of a great city should be responsible for the purity of the river that washes its walls;

but then it is urged, and no doubt with considerable force and plausibility, that the position of the City of London is of a peculiar character. It is not merely a city in Her Majesty's dominions, but it is the Metropolis of Her Majesty's dominions. It is a city of paramount importance. Here the Court is present; here the Parliament holds its sittings; here are the halls of justice; here is the centre of administration; and upon these grounds it is alleged that in a city which includes so many national interests, and where so many national institutions exist, the inconveniences which are experienced are of a national character and should be remedied at the national expense. It is alleged, however, on the other hand, that the very circumstances which are adduced to substantiate a claim on behalf of this afflicted metropolis to assistance from the national resources tend — when impartially considered—to a directly opposite conclusion; because, it is said, with equal plausibility, that the very facts that the Sovereign, the Legislature, the courts of justice, and the centre of administration, are to be found in this city, show that they must necessarily have greatly contributed to the importance and prosperity of the metropolis, and that if not the principal, they are, at least, among the chief causes of the splendour and power of the Capital. Under these circumstances, one is naturally inclined to ask—Are we, or are we not, to trust to that municipal principle which is so often eulogized in this House, and of which we are all so proud, as one of the chief characteristics of our constitution? What is the value of this municipal principle if it is limited in its application? Ought it to be so limited? If it is the duty of a population of 30,000 to cleanse their streets and clear their river, why should not such a duty be equally imperative upon a population which may be counted by millions? What becomes of that admirable principle of self-government, that system of local administration, of which we are all so proud, to which we appeal so frequently in our legislation, and in the influence and efficiency of which we have so much confidence, if when a great trial like the present arrives we abandon, as defective, the system of local administration, and we admit the inefficiency of the municipal principle; giving up all hope of relief from such sources, and declaring that this is a case which must be taken up by the nation, and which must be met from the aggregate resources of the people of this country. Sir, Her Majesty's Government having considered this question without prejudice, and with the utmost anxiety to submit to the House a proposition which would be adequate to the occasion, are of opinion that this is an instance which must be met by local resources. The object is to remedy or diminish a local inconvenience, and in their opinion means for applying a competent remedy should be provided from local resources. But then it is said that though in theory that is a very sound position it must be borne in mind, as I need scarcely remind the House is the fact, that, with the exception of a very small portion of the metropolis, which has been under the control of an ancient and celebrated corporation, the municipal administration of this great city of London — a city, not only the most extensive of modern times, but greater than any ancient cities of which we have authentic records—is still really in its infancy. In the disagreeable and difficult position in which the inhabitants of the metropolis have found themselves during the last six or eight weeks, they have naturally contrasted the enormous extent of the evils with which they have had to contend with the feebleness of the muncipal machinery by which only a remedy could be provided. We have looked into that question, and I trust also without prejudice. We have examined the conduct of that Metropolitan Board of Works which, not much more than two years ago, was instituted by Parliament to constitute the powerful and efficient municipality of this great city. That body has, however, beyond all question, not hitherto proved itself to be very effective in carrying out those works which come within its control. It must at the same time be borne in mind that the period of its existence has, as yet, been brief, and that although the Legislature has committed to its hands the performance of great and important duties, we have not combined with those duties the power adequate to their due discharge.

I hope that I have now given a fair and impartial summary of the position in which the Metropolitan Board of Works has been placed by Parliament. Well, the question then arises, can we invest that body—which occupies the influential position of the municipality of this metropolis, and which is, as a consequence, the body to which we ought to appeal

in those instances in which grievances connected with the metropolis should be remedied—with powers adequate to the accomplishment of that great work which we are all so anxious to promote? You will, generally speaking, find the corporation of a great city like London—the capital of an ancient kingdom—in possession of considerable estates, and when under those circumstances a large and unexpected demand upon its resources and energies arises, it has the means of raising the funds necessary for the performance of the work which it may be called upon to execute. We have, however, in the present instance to deal with a corporation which has great duties to discharge, and which nominally is intrusted with great powers for the purpose, but which in reality is almost completely denuded of all means of raising a considerable sum of money. In theory, it is true, its members have the power to avail themselves of large resources. They possess the power of rating, and of rating, I believe, to an unlimited extent, the inhabitants of those districts the affairs of which they administer. The House must, however, on reflection perceive that nothing is more illusory than a rate, and no means of raising money is more unsatisfactory, no matter how liberal the language used by the Legislature may be, than a rating power whenever a large amount is sought to be obtained. A corporation being called upon to invest capital to a considerable extent in public works very naturally does not anticipate that it is to be furnished with that capital out of its income. If, indeed, it should happen to be in the possession of large estates it might raise the necessary sum of money at a moderate rate of interest; but in dealing with a simple power of rating you must bear in mind that the rate exists only for a single year, and that therefore it constitutes, practically speaking, a security upon which no person would be disposed to make any considerable advances. When, therefore, a rate is the only security which you have to offer you are in this position, that you can procure only a small sum of money, and that too at a high rate of interest—a result which would by no means meet the exigencies of the case with which we have this evening to deal.

Now, Sir, the Metropolitan Board of Works have, I am bound to say, given to the question of the purification of the Thames and the main drainage of the Metropolis very careful consideration. They have employed in the investigation of the subject a long period of time. They have availed themselves of the knowledge, the science, and the practical and personal experience of the highest authorities. They have arrived, too, at results with respect to the subject in the accomplishment of which they place complete confidence. They in no way shrink from the responsibility of endeavouring to effect an object which we all have so much at heart, and which it will certainly become their paramount duty to use every means in their power to attain, provided Parliament will only place them in a position in which the remedies which they have in contemplation may be effectually brought to bear. Now, the expenditure which it would be necessary to incur in order to secure that end—in order to cleanse and purify our river and to complete the main drainage of the city—is estimated at a considerable amount. It cannot, indeed, be computed at much less than £3,000,000; and now comes the question, how is that expenditure to be met? In reply to that question, I have to state, in the first instance, that Her Majesty's Government propose, for the consideration and, as I trust, for the final adoption, of the House the following scheme. We propose to take steps by means of which this new corporation to which I have referred should find itself in the possession of a considerable income—I shall not say of a permanent, but at all events not of a transient character; that, in other words, it should have an income at its command for a considerable number of years, which will enable it to effect all those objects which we now seek to accomplish. In order to carry out those views we propose that Parliament should interpose and impose a rate on the inhabitants of the Metropolis, which shall form a special rate, for the purpose of purifying the river and completing the main drainage of the city; a rate which shall be confined to the promotion of those objects only, and which shall be denominated in legislation and practice "The Main Sewage rate of the Metropolis." We propose that it should be, both as regards its amount and the duration of the period of its imposition, a tax which should effect these two objects—namely, that it should supply the necessary funds for the accomplishment of the great work which I have mentioned—the cost of which, as I said before, we cannot estimate at a less sum than £3,000,000—and that it should

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furnish a basis upon which engagements may be entered into, conditions subscribed, and regulations made under the direction of competent authorities — to whom I shall subsequently more particularly refer—by means of which, at the expiration of the period during which the rate may be levied—a sinking fund having been in simultaneous action—the complete extinction of the whole of the debt which may be contracted for the attainment of the end which we have in view may take place. If that result can be brought about, it will, in our opinion, be found to furnish a satisfactory solution of the financial part of the question. Now, we are informed, and I have documents before me which afford evidence of the justice of the calculation, that a rate of not more than 3*d.* in the pound, levied for a term of forty years, will be sufficient to provide funds for the completion of the whole of the main drainage of the Metropolis, and at the same time furnish a sinking fund which, at the end of that period, will enable the Metropolitan Board of Works to liquidate the debt which they shall have incurred in order to carry this scheme into execution. That this result may be arrived at, an appeal—and to my mind an appeal of a legitimate character—has been made to Her Majesty's Government for assistance. It is not an appeal made on behalf of the Metropolitan Board of Works to aid them by an advance of the public money or by contributing by a tax levied upon the community generally to meet any portion of an expenditure which, although considerable in amount, is still of a local nature. They simply ask us to assist them, as we have been in the habit of assisting the prosecutors of public works in almost every portion of the kingdom. The House cannot fail to be aware that there is a machinery in existence through the medium of which pecuniary aid is extended at a moderate rate of interest, for the purpose of promoting public enterprises, such, for instance, as the building of bridges, gaols, and other public institutions, and which also provides the mode in which those advances should be repaid. The establishment through whose agency this is effected is known under the name of the Exchequer-bills Loan Commissioners Advances; but its powers and resources, I may add, are of too limited a character to enable us to avail ourselves of its interference in the present instance. We propose, however, to attain the end at which we aim by means of a machinery, if not of a precisely similar, at all events of an analogous character. The House will perceive that if we invest the Metropolitan Board of Works with the power of levying a rate of 3*d.* for a period of forty years, which would amount to about £140,000 per annum, they would then be in the possession of a considerable, though, not altogether permanent income, and would have it in their power to raise money. But another difficulty arises then—the money requisite. Most of those institutions in this metropolis which have large amounts of capital at their disposal, are prevented, either by by-laws or by conditions in their deeds of incorporation and settlement, from lending their capital except upon real securities or upon the security of the public funds. Therefore they would not be enabled to lend money to the Metropolitan Board of Works, even if it be endowed with this power of raising a revenue of £140,000 a year for forty years, and even if they would be satisfied with such security. What, under these circumstances, we propose is, that the Government should guarantee the principal and interest of the sums which the Metropolitan Board of Works may wish to raise for the fulfilment of the task imposed upon them upon certain conditions. We propose that the Government should guarantee capital and interest as to the sum of £3,000,000, provided the Metropolitan Board of Works raises this revenue of £140,000 a year for forty years, subject to conditions which are contained in this Bill, which will place the financial operation under the control of the Treasury, by which means we shall secure not only the payment of the interest, but also the regular operation of the sinking fund. We propose that we should guarantee these advances up to £3,000,000 during a term necessary for the construction of the works, and at a rate of interest not exceeding 4 per cent, and thus, according to an estimate which we have drawn up, by the highest authority, the £140,000 per annum to be raised will not only pay the interest upon the £3,000,000, but will leave the debt incurred by the corporation entirely liquidated. It is possible, indeed, that the Government may not be called upon for a single shilling, for, with such a guarantee, there will be no difficulty at this moment in the way of the Metropolitan Board of Works raising as much money as they may require at that rate of interest. By these means the Metropolitan Board of Works will find themselves in possession

of a sufficient and adequate income, not only for the construction of all works connected with the main drainage of the metropolis, but also for a sinking fund which at the end of the term will have liquidated all advances. Such, Sir, is the outline of the financial part of the plan we propose. Her Majesty's Government having now placed the Metropolitan Board of Works in an efficient position as regards finance—if this scheme be sanctioned by the House—had next to consider what should be their course as to the construction of the works themselves. After having given the subject all the consideration which its importance demands—and I assure the House with no desire of shrinking from responsibility—we are of opinion that it would be the wisest course, if our plan be adopted, to leave the Metropolitan Board of Works in perfect freedom as regards the construction of the works. We shall therefore propose, that all the regulations contained in the original Bill constituting the local government of the metropolis, which require that under certain circumstances it should be incumbent upon the Metropolitan Board of Works to apply for the sanction of the First Commissioner of Works, and under other circumstances to ask for the sanction of Parliament, shall be entirely repealed. We propose to give to that body ample and adequate means for the fulfilment of the duties imposed upon them, and we also propose that they should be left in the full enjoyment of freedom and of that responsibility which must result from the position in which we desire to place them. The Bill provides that the works shall be completed in the term of five years and a half—that is, by the end of 1863, and during that period the advances will be made. I anticipate, as far as I can at present form any opinion, that upon the whole we may reckon that £600,000 per annum, or £300,000 every six months, will probably be required to carry on these works. I believe I have now laid before the House a general outline of the scheme which we intend to recommend to Parliament. There are in the Bill many clauses of importance, but they are all details, and it would not be convenient for me now to enter fully upon what are proper subjects for consideration in Committee. The House will have to decide whether the course which we have taken is, upon the whole, the most prudent that could be devised, and at the same time adequate to the conjuncture. What we have sought to do is to make the Metropolitan Board of Works a real corporation; to invest it with sufficient funds—to endow it with sufficient power, and to give it not only power, but responsibility—a responsibility which cannot be expected unless we leave it perfectly unshackled and untrammelled. We have endeavoured to reconcile the attainment of these great objects without trenching in any degree upon the national resources in aid of what, after all, we cannot but consider to be a local work, and so far as we recommend Parliament to sanction any interference on the part of the Treasury, we have done so in unison with the general conduct of Parliament in such cases; and I trust the House will conclude that it is a legitimate and, under all the circumstances, a prudent application of that power. I have now, Sir, placed before the House the general features of this measure, and I ask for its leave to introduce a Bill to alter and amend the Metropolis Local Management Act (1855), and to extend the powers of the Metropolitan Board of Works for the purification of the Thames, and the main drainage of the metropolis.

MR. SPEAKER was about to propose the question, when

MR. ROEBUCK rose to a point of order. He wished to put it to the Speaker whether the right hon. Gentleman the Chancellor of the Exchequer ought not to have moved for leave to bring in the Bill in a Committee of the whole House, seeing that it was a Bill imposing a tax. It appeared to him that, according to the Rules of the House, the right hon. Gentleman ought to have begun by moving the Speaker out of the Chair, and then have introduced a Resolution in Committee authorizing the introduction of such a Bill.

THE CHANCELLOR OF THE EXCHEQUER: I beg, Mr. Speaker, to ask your opinion on this point. There is nothing in the Bill which levies a tax on the country. The character of the Bill is such as to show that it is not to Imperial but to local resources that we appeal.

MR. WILSON: I take it that the right hon. Gentleman will not require a preliminary Resolution, provided the Bill is only an extension of the borrowing powers of the Metropolitan Board of Works; but if it goes further, and pledges the public credit for any loan to be raised, you must proceed by Resolution, for the Standing Orders require that for a Bill for such a purpose you should proceed in that manner.

THE CHANCELLOR OF THE EXCHEQUER: No doubt we propose to guarantee

the payment of principal and interest of any money raised by the Metropolitan Board of Works. It is the main feature of the Bill.

MR. SPEAKER: I am not exactly acquainted with the form in which the Bill is drawn, but unquestionably if its main feature is the guaranteeing of money raised by loan, it may reach taxation, and the proper form of proceeding would then be by way of Resolution in Committee of the whole House.

THE CHANCELLOR OF THE EXCHEQUER: I am not aware whether I can move to go into Committee without notice.

MR. WILSON: Notice may be given for going into Committee to-morrow; but by the rules of the House there must be a clear day between every stage of a money Bill from first to last.

VISCOUNT PALMERSTON suggested, that the right hon. Gentleman might bring in a Bill without the clause of guarantee, which might be subsequently moved in Committee, thus saving a day.

MR. SPEAKER: The question really turns on the form in which the Bill is framed. If it is framed for the purpose of draining the metropolis and granting increased power to the Metropolitan Board of Works, and there are clauses in it which refer to public money, there are many precedents in which in those particular clauses the House resolved itself into Committee and a Resolution was moved. But, not having any knowledge of the exact form in which this Bill is drawn, it is difficult for me to express a decided opinion.

MR. GLADSTONE said, he had a case in his mind in which the judgment of a Speaker of the House had been taken, and which certainly constituted a precedent which it might be convenient he should state to the House. The case to which he alluded involved these points; not only whether the House should proceed by preliminary Resolutions on the question of a money Bill affecting the Imperial Exchequer, but whether they were not subject to the same restriction in the case of a Bill for metropolitan taxation; and subject to that restriction also, even where the tax was purely incidental, and beside the main object of the Bill. The case was this: In 1843, it was his duty, on the part of the Government of Sir Robert Peel, to introduce a Bill which had for its object the purely social purpose of operating a change in the condition of the coal-whippers, and which Bill was obstinately contested at every stage. There happened to be a necessity for raising the sum of £1,000, entirely beside the general purposes of the Bill, in order to enable the Corporation of London to furnish the office of the coal-whippers with pens, ink, and paper, desks and forms, and it was proposed that that sum should be secured upon the coal duties by a purely incidental provision of the Bill. But when they came to, he believed, the third reading of the Bill, the present Sir Benjamin Hawes, who had been its keen opponent, took the objection that incidentally the clause which authorized the payment of the £1,000 might be the means of laying a tax upon the metropolis, inasmuch as it was a possible case that the £1,000 might not be forthcoming from the funds provided by the Bill, which were entirely voluntary, and in that case the coal duties might be continued, perhaps, for one day longer. In that event there would be a tax; and if there was a tax it would be fatal to the plan, and the plan of legislation would go to the winds. That point was formally submitted to the Speaker, and also to the law officers of the Crown, especially the late Sir William Follett, who were asked to give their opinion whether the powers conveyed by the Bill would be sufficient to enable the authorities of the City to levy the coal duties for one day longer; and in the end the Speaker decided that the powers granted by the Bill would not be sufficient for that purpose, but he also stated that if the powers of the Bill were sufficient, in that contingency, and in order to enable the City authorities to levy a single shilling additional on coal duties, the Bill was good for nothing, and there was no option but to abandon it, for the error was irremediable.

MR. WALPOLE believed his right hon. Friend was perfectly right in the view he had taken of the precedent. He would suggest, however, that they might proceed in accordance with the forms and rules of the House, and not lose a stage by giving a new notice of Motion. There were clauses in the Bill, the object of which was to enable the Metropolitan Board of Works to execute certain works, and which might clearly be brought in without violating the forms of the House. For that purpose he thought leave might be given to bring in the Bill; and in that case the portions of the Bill to be introduced would be those which affected neither the question of the extension of the rating powers now vested in the Metropolitan Board of Works, nor the question of guaranteeing on the part of the country the repayment of the loan.

The House would be entirely in order if the Bill were brought in in that form to-night, and the Chancellor of the Exchequer could hereafter move that the House should resolve itself into a Committee of the whole House to consider Resolutions which would enable them to go on with the financial part of the measure.

MR. AYRTON suggested that the same object might be attained by introducing two Bills—one to extend the powers of the Metropolitan Board of Works, and the other to provide for the raising of the £3,000,000.

MR. SPEAKER quoted the Standing Order which referred to the introduction of Bills by means of a preliminary Committee, and said, I have not the least doubt of the power of the right hon. Gentleman to introduce the Bill; and if the clauses referring to the raising of the money were guarded by being passed through a preliminary Committee of the whole House, all that is required by the forms of the House will be accomplished.

MR. WILSON called attention to another Standing Order, of the 29th of March, 1707, which provided—

"That this House will not proceed upon any Petition, Motion, or Bill, for granting any money, or for releasing or compounding any sum of money owing to the Crown, but in Committee of the whole House."

That had been held to involve all questions of guarantee or whatever might become a charge upon the Consolidated Fund.

MR. SPEAKER then put the Question,

"That Leave be given to bring in a Bill for the Main Drainage of the Metropolis."

MR. AYRTON said, he had also heard with great satisfaction the statement of the right hon. Gentleman, because he had always repudiated the idea of this metropolis being dependent upon the Executive Government for the management of its affairs. What he desired to remark, however, was, that the right hon. Gentleman had not stated that he was disposed upon some future occasion to enter fully and completely into the question, and to consummate the good work which he had inaugurated that night. The right hon. Gentleman had truly observed that the metropolis had no corporate fund such as that which it would have possessed had it been an ancient institution like the Corporation of the City of London or Liverpool. Why was it in this position? Because it had been played and trifled with from century to century by the Ministers of the Crown. The Imperial Government, undertaking to some extent to manage the affairs of the metropolis, had indemnified itself for so doing by levying taxes upon the inhabitants and appropriating them to the public Exchequer. Now, that might have been justifiable if the Chancellor of the Exchequer took upon himself the responsibility of paying for all the great works, and it would have been equally justifiable to pursue the system if, for example, the right hon. Gentleman found money for the main drainage which was now required. But how did the Exchequer treat the inhabitants of the metropolis? In the first place, it had levied upon them a Hackney Coach Tax, which, in 1851, amounted to £95,000 per annum, and in 1855, after its reduction, to £73,000. This was entirely a local tax; and between this and the next Session of Parliament the right hon. Gentleman must be prepared to employ his comprehensive mind in reviewing the whole of the circumstances of the case, for when he laid down the principle that the metropolis had no claim upon the national Exchequer, he must also adopt the principle that the national Exchequer had no claim upon the local resources of the metropolis. Another charge which, though professedly a national tax, bore with peculiar weight upon the metropolis was the Stage Coach Tax. How did that tax operate? Why, that in 1855 the metropolis, with its two millions and a half of inhabitants, paid no less than £80,000, whilst the whole of the rest of the United Kingdom, with its twenty-five millions of people paid only £52,000. So that the metropolis was charged with £75,000 more than its just proportion of this tax, which, to that extent, was, in fact, a local tax upon its inhabitants. This was not all. For the Imperial Exchequer and the little Corporation of the City of London had the right to levy a Coal Tax. Here, then, was nearly £250,000 more per annum specially borne by the inhabitants of the metropolis. But there were other duties which this little corporation, in the centre of the metropolis, with its hundred thousand inhabitants, levied upon the two millions and a half of people who surrounded it, and appropriated to its own purposes, He did not desire to see this little corporation extinguished altogether, but he did wish to see it assume proportions which would remind us of its former power and dignity. He did not want great dignitaries like the Lord Mayor and other City functionaries to devote the whole of their time to the peddling affairs of a small community of 100,000 souls, for some of these civic offi-

cers were men of great ability, in the receipt of emoluments equal to those enjoyed by the heads of State departments; but he desired to enlarge their powers, extending them over the entire metropolis, and making them more commensurate with their great abilities and their handsome salaries. He wished, in short, to see the Corporation of London superintend the whole affairs of the metropolis, instead of being a mere instrument for gratifying the pompous folly of a few people in the City. Again, the inhabitants of the metropolis were taxed £280,000 per annum for the police, and the Commissioner of Police expended the amount without being subject to any contest, nor did he condescend to render an account of his expenditure to any local authority. This, with other contingencies, brought up the amount levied annually upon the inhabitants of the metropolis, by or under the auspices of the Imperial Exchequer, to a sum little short of £700,000, over the expenditure of which the inhabitants had no control, and a considerable portion of which was applied to none but Imperial purposes. But whilst the inhabitants of the metropolis were thus unduly taxed, a great extent of property was exempted from contributing towards any local charge, on the pretence of its being public property. There was no just reason why the public establishments, such as the Houses of Parliament, should not pay their fair share of taxation as well as all property now enjoying special and peculiar privileges. In passing the proposed Bill, the metropolitan Members should enter their solemn protest against its being assumed for one moment that they had justice done them in these great questions, they should rather regard the course now being pursued as a foundation for the consideration of their demands in another Session. The inhabitants of the metropolis were pressed down by this indirect taxation, and they might be led to entertain a dangerous ill-feeling against the Government, which they must consider as the cause of it, if they were now to be called upon to pay an additional rate to remedy the evils which had been entailed on them by the mismanagement of their affairs in former times by the Ministers of the Crown. For the sake of the public tranquillity, therefore, it would be the duty of the Government between the present time and next Session to examine all these questions, and to provide a complement to the measure wisely and judiciously begun to-night, dealing with the questions to which he (Mr. Ayrton) had incidentally alluded, by giving to the whole metropolis real and effective municipal institutions, and providing the resources requisite to enable the municipality to discharge the important duties it would be required to perform.

MR. JOHN LOCKE said, he regretted that he could not feel all the satisfaction which had been expressed by his hon. Friends (Mr. Williams and Mr. Ayrton). In his opinion the Bill shadowed forth by the Chancellor of the Exchequer was very much like the play of *Hamlet*, with the principal character omitted. The House and the public had been given to understand that the right hon. Gentleman was to bring on a measure for the purification of the Thames; but up to this moment the House was in utter ignorance whether any plan had been suggested either by the Metropolitan Board of Works or anybody else which Her Majesty's Government thought would be effectual for the grear object they had in view. Indeed, so fa from the Government having come forward and made any statement of the kind, the Chancellor of the Exchequer had carefully guarded himself against expressing an opinion upon the subject. On the contrary, the right hon. Gentleman said he would leave the matter entirely in the hands of the Metropolitan Board of Works; that he would take from them the shackles which were placed upon them by the Act under which they were constituted — namely, that the Chief Commissioner of Works should have power to veto any outrageous scheme which that Board might choose to adopt; that he had entire confidence in that Board; that he would not exercise his own ingenuity and look into the question himself, but come down to the House, dilate at considerable length upon the impure state of the Thames, describe everything that everybody was already acquainted with, and finally content himself with giving the Board some new facilities for raising money through a Government guarantee, for the purpose of doing —what? That "what" nobody knew better now than he did before the right hon. Gentleman rose to address the House. Now, he (Mr. Locke) did not feel satisfied with the present position of affairs; and he would appeal to the late Commissioner of Works whether, in his opinion, the sum of three millions mentioned by the Chancellor of the Exchequer could by any possibility be sufficient to carry out the works which the Metropolitan Board of Works

had had in view up to the present time. He knew not what was the nature of those works, but it was his opinion that they would never be executed for that sum. Moreover, they had no guarantee where the sewage was to be taken, or whether it was to be conveyed beyond the metropolis or not; and that was the great question at issue between the late Chief Commissioner of Works and the Metropolitan Board of Works. In the interview which took place between the Chief Commissioner and the head of the latter body, the right hon. Gentleman said, "You propose to convey the sewage down to such a spot; in the first place that is contrary to the Act of Parliament which gives you your powers, and in the next place, if you only carry it there, whilst you incur an enormous expenditure, it will be of no advantage at all." It was then suggested by the Chief Commissioner that the sewage should be carried to a spot beyond that, so as to relieve the metropolis from its coming back again. What was the answer of the head of the Metropolitan Board of Works? "Oh, if you do that it will cost eleven millions of money;" and, it appeared that the sum the Chief Commissioner was prepared to put it at was £5,000,000 or £6,000,000. The present, therefore, was the first occasion on which he (Mr. Locke) had heard of £3,000,000 being considered adequate for the great purposes which were to be attained by the Bill. What, then, was the meaning of the present Bill, which had been brought down to the House with such a great flourish. Nobody understood it. Her Majesty's Government had not explained what was to be done. All they said was, "We will place unlimited confidence in a body who have hitherto done nothing. They tell us they can do for three millions that which, up to the present time, they have always declared they could not do for less than five or six millions. Such is our confidence in them, however, that we will withdraw any wholesome restraint which has been placed upon them, leave the matter entirely in their hands, and give them facilities for raising money to do—what, we don't know," and it appeared they did not much care.

MR. BYNG said, he could not entirely agree in all that had fallen from the hon. Gentleman who had just spoken, and he should be wanting in his duty if he did not tender his thanks to the Chancellor of the Exchequer and the Government for having endeavoured, as far as they could, to grapple with one of the most important subjects that could command the attention of the House at the present moment. Still, there were omissions in the statement of the Chancellor of the Exchequer which he deeply regretted. As they would have eventually to consider how the purification of the Thames was to be carried out, he thought the Government ought to have kept in their hands the power of vetoing any proposal submitted to them by the Metropolitan Board of Works, until, at least, it was sanctioned by that House. He was confirmed in that opinion by the Parliamentary Papers recently presented, according to which it appeared that the Government referees had condemned, and in no measured language, the proposal which the Metropolitan Board were prepared to carry out, if the necessary powers were given to that body—he meant the plan of Messrs. Bidder, Hawksley, and Bazalgette. He believed that for carrying that plan into execution £3,000,000 would not be half enough. Again, there were circumstances connected with the Metropolitan Board of Works of recent date which required some explanation, and which ought to make the House careful how it gave to that Board the power of rating the metropolis. He referred to the intended purchase of Berkeley House, in Spring Gardens, for upwards of £40,000. He thought it but fair and right that the metropolis should pay for all that might be necessary in the way of drainage; but he trusted that the Government would take into consideration the propriety of subjecting the large amount of Crown property in London and the Government offices to a fair amount of taxation. He did not wish to enter into the various schemes that had been proposed, or to give an opinion upon them, seeing so many eminent men differed regarding them. He was not, however, disposed to agree to a rate of 3*d.* in the pound being imposed on the inhabitants of the metropolis for forty years until he had some explanation as to whether the Government were prepared to sanction the plan he had mentioned, or whether they intended to exercise the right of putting a veto on that or any other plan before the Bill passed into law.

MR. KENDAL said, that this was the first time that he had heard of Government advancing money on guarantee for such a purpose; and, instead of having a veto through the Chief Commissioner, as formerly, over the Metropolitan Board of Works, the responsibility would be shifted

on to that body. If the propositions contained in the Bill were adopted they would be virtually voting £3,000,000 for carrying out a plan which was at this moment being pulled to pieces by three of the most eminent engineers in this country. A great deal of evidence had been given on this subject before a Committee of the House of Commons now sitting on the purification of the Thames, and from the evidence given it appeared that if the sewage was sent to Barking Creek the chances were, that almost all the sewage matter of a most disagreeable and dangerous kind would be floated back again and deposited on the banks of the Thames. The Government acknowledged the difficulty they were in, and they took steps adroitly to get out of it, and the House received the announcement with considerable pleasure, because no one would have to pay but those who lived within the metropolitan area, and he was afraid that would carry the Bill. But then came another point, and it was this:—Suppose the Metropolitan Board should be successful, what course would then be taken to prevent the Thames being offensive, as at present, from its mud banks? The Board would have no control to remove them or other nuisances. The Committee on the purification of the Thames had suggestions pouring in upon them from engineers, chemists, and all quarters in England, Ireland, and Scotland, and they were anxious not so much to go through plans as to arrive at principles which should be insisted on by Government. His fear was, that if the proposed plan was adopted, and power was given to the Metropolitan Board of Works to throw the sewage where they liked, the House might have no right to inquire into how they managed the matter. Before the Government let go their hold of the public purse it should be quite sure on the subject; and, although the Metropolitan Board of Works were answerable for the expenses, the Government ought to take care that the outlay was efficiently administered. He wished, in conclusion, to know what steps in the meantime, while these alterations were being carried out, which would occupy five or six years, were to be taken by the Metropolitan Board of Works in the shape of palliative measures.

SIR BENJAMIN HALL said, he wished to describe what had occurred between him and the Metropolitan Board of Works when he was First Commissioner of Works. About six months after the Metropolitan Board was created, they sent him a plan for the main drainage of the metropolis having its outfall at or near Barking Creek. It was impossible for him to sanction this plan, because, according to the Metropolis Act of 1855, it was declared that the point of outfall should not be at any place in or near the metropolis. He had therefore no option in the matter, and immediately returned the plan, stating the ground of objection. The Board then sent another plan equally open to the same result, and which necessarily shared the same fate. He then appointed Captain Burstal to consider and report to him at what point the sewage could be discharged, so that the provisions of the Act might be complied with, and so that it should not reflow into the Metropolis. Captain Burstal reported that the nearest point was at one mile above Erith on the south side, and at a corresponding site on the north side. At an interview which he (Sir B. Hall) had with the Metropolitan Board in November, 1856, at which Captain Burstal was present, the Board agreed to adopt the points of outfall suggested by Captain Burstal and subsequently submitted a plan generally known as B*, as contradistinguished from a former plain B, which had its outfall much higher up the river, and was the second plan submitted and, as already stated, necessarily rejected. As soon as plan B* was received it was without delay referred to Captain Douglas Galton, Mr. Simpson and Mr. Blackwell, with directions that they should report fully upon it, and further, that if in the course of their investigations any better scheme should be suggested they should submit that scheme to him, together with their report upon the plan of the Board. The referees did submit a scheme, which he immediately transmitted to the Metropolitan Board without any special recommendation, but merely suggesting that as the plan emanated from persons of such eminence it might be worthy the consideration of the Board; such were the facts of the case as far as he was concerned. Subsequently the Board referred that scheme of the three referees to their own engineer, and associated Messrs. Bidder and Hawkesley with him, and they had agreed upon a plan altering in some parts the plan originally submitted, which plan he understood had been laid before the present Government. Although the right hon. Gentleman the Chancellor of the Exchequer had not mentioned this fact in his statement, he believed the Government had already, to a great extent, approved that plan, and were prepared to sanction a very ma-

terial alteration in that part of the Metropolitan Act of 1855 which determined that the outfall of the drainage should not be at a point in or near the metropolis. The point of outfall now proposed was, he believed, on the south, two miles higher up than the point indicated by Captain Burstal and acquiesced in by the Board, and he thought some explanation on this subject was called for from the Government. Into the details of the plan submitted he would not go, but he approved entirely the principle that they should entertain none of the absurd projects and ridiculous notions which had been submitted to the Committee up stairs, but should have the work carried out by means of intercepting sewers to remove the drainage, as he hoped, out of the metropolitan area. The real question was, what was the nearest point at which the outfall should be fixed? And on this most important question he hoped the Government would, in the event of any alteration in the Act of 1855, propose proper safeguards, so that the metropolis should not be polluted by the reflux of sewage matter. If this was not secured the works would be incomplete, and the ratepayers would hereafter have to suffer. Although the principle of interception was one which, above all others, ought to be adopted in any scheme for the main drainage of the metropolis, yet he did not think that mere interception would carry out all that was absolutely desirable. He entertained a strong opinion that some day or other a much greater work must be undertaken—one which could not be borne by the metropolis, and which must be a national work—he meant the embankment of the Thames. Every civil engineer of any eminence who had investigated the subject arrived at the same conclusion, and believed that this was the only way to prevent the exhalations which otherwise would constantly arise from the river banks. As regarded local taxation, the metropolis was in a peculiar position on this point. To a certain extent, it possessed municipal institutions; certain local boards created under the Act of 1855 were invested with certain corporate powers; but, in point of fact, they bore no analogy whatever to corporate bodies existing in other parts of the empire. The hon. Member (Mr. Ayrton) said the taxation which was levied upon the metropolis, and which was not placed at the disposal of the metropolitan ratepayers, or persons elected by them to represent their local interests, and to be expended for their use, was £400,000 a year, but it really amounted to much more. That calculation did not include the metage of corn and other articles, which was at present swallowed up by the City Corporation. Now, if those powers of levying taxes were given to the whole metropolis, and the proceeds expended for the benefit of the metropolitan area generally, instead of having that power placed in the hands of the Corporation of the City of London, which was now a most insignificant portion of the metropolis, he believed there would be no reason to complain, for the ratepayers generally would then have those proceeds of taxation in aid of the rates, and in diminution of the rates to which they might be subject. As to the means proposed for providing the necessary funds for the main drainage, he must of course approve of the proposal of the Chancellor of the Exchequer, inasmuch as the 141st Section of his Bill in 1855, when first introduced, contained the same special provision as that now suggested by the Chancellor of the Exchequer, and he must again remind the House that it was no fault of his that the Metropolitan Board had not this power of obtaining funds when that Board was first created. He (Sir B. Hall) had urged the point most strongly, but he was so strenuously opposed by the right hon. Gentleman opposite and then sitting on the Opposition benches, that he was actually compelled to strike the clause out of his Bill. Respecting the provision by which the approval of the First Commissioner of Works was rendered necessary in certain cases, it would have been a great gratification to him if that duty had not been imposed upon him. It was a very troublesome one, and the noble Lord, his successor in office, was no doubt glad to get rid of it. The Bill enunciated by the Chancellor of the Exchequer now placed the whole of the main drainage in the hands of the Metropolitan Board—it gave them all they asked for in point of means, and he (Sir B. Hall) hoped that the Board would show some symptoms of vitality, and that the ratepayers would not eventually be called upon to pay more than the Board now said was sufficient for fully carrying out one of the great objects for which the Board was created.

LORD JOHN MANNERS observed, that his right hon. Friend, in introducing this measure, had confined his statement to the general principles on which it was proposed to legislate on this important metropolitan matter, and in doing so he acted wisely and well, because unless the House arrived at distinct and definite conclusions as to the

general principles that ought to guide the future relations between the Government and the municipality of this great city on this question, it was in vain to come to that House with plans, be they definite or be they indefinite, either for draining the metropolis or for embanking the Thames, or for doing anything connected with the duties of this newly constituted municipal administration. Therefore it was that his right hon. Friend was contented with explaining the general principles on which the measure he proposed to introduce was founded. These general principles, he begged the House again to understand, were, that those who had to pay for the works under consideration should have the liberty of deciding what those works were to be; and he did not know that he could put it in terser or more apposite terms than those of the homely proverb, which said "that he who pays the fiddler has a right to call the tune." He should be very happy to furnish any supplementary information in his power to the right hon. Member who had just sat down, and who was naturally jealous lest any alteration should be made by the Board of Works as regarded the points of outfall specified in the Act of 1855. Now, he was sure that his hon. Friend (Mr. Kendall), the Chairman of the Committee on the purification of the Thames, would bear him out in saying that if there were one thing that was established more clearly than another in the course of their important investigation, it was this—that they cannot arrive at anything like a conclusion as to the points at which the sewage thrown into the Thames would not return back again to the metropolis. He alluded to this because there had been a tendency during the debate, especially on the part of the hon. Member for Southwark (Mr. John Locke) to argue the question on engineering grounds, and to bring before the consideration of the House all the schemes that had been or that might be proposed, and to ask it to express an opinion, either favourably or unfavourably, on every one of them. Now, any one who had paid attention to the investigations of the Committee up stairs would know that it was absolutely impossible for any set of gentlemen, however well intentioned they might be, who had not professional and practical knowledge and experience, to form a sound conclusion on the subject. It was impossible for the House of Commons, constituted as it was, to express on a measure of this kind what should be or what should not be the points of outfall from which the sewage thrown into the river with certainty could not come back. He, for one, in his official capacity, must decline all responsibility in expressing an opinion upon that question; but he thought the hon. Gentleman had a right to ask, there being such very considerable doubts upon the matter, what security was about to be taken, whatever point of outfall the Metropolitan Board of Works might in the exercise of their discretion fix upon—what security was to be taken that no nuisance should be created by any change in the point of outfall? He thought the Metropolitan Board of Works had done wisely and well in determining that, should they fix on the points of outfall at Barking Creek, on the north side of the river, and Crosse's Point upon the south, they would deodorise the sewage there during six months in the year; and in the event of their fixing on a point nearer the metropolis than these two points, that they would then deodorise the sewage previously to discharging it into the river during the whole year. He did not know that any more practical or secure guarantee could be given that the discharge of the sewage into the Thames at any point should not create a nuisance, than those that had been mentioned to the House, and provisions would be found in the Bill to that effect. The hon. Chairman of the Committee which had investigated this subject seemed to think that Her Majesty's Government were wrong in not satisfying their minds as to what plan the Metropolitan Board of Works should adopt previous to introducing this measure. Now, it was utterly beyond the competency of this or any Government to satisfy their minds upon plans that required the greatest amount of professional intelligence and skill, and devotion to scientific details, and on which, after all, he must say, there was not an amount of agreement amongst those most qualified to pass their opinion on the subject to induce this or any other Government to come to the House of Commons and say, this is a plan that above all others satisfies the requirements of the case; we recommend you not now to adopt this plan and to become responsible for it, but we ask you to tie up the hands of the Executive Board, who should defray the whole cost of the works, and compel them, whether they like it or not, to adopt the plan. His hon. Friend (Mr. Kendall) would remember, in the course of the investigation that had taken place in Committee, they had other gentlemen there

connected with great cities besides that of London, and a great deal of very important evidence was given from Glasgow. It was notorious, and he betrayed no confidence when he said that Glasgow found itself in as disagreeable a plight with respect to the Clyde as the metropolis did with respect to the Thames; but he did not find that the Government had been called on to dictate to the corporation of Glasgow how they should deal with the Clyde. The Corporation of Glasgow had called in the highest and most intelligent engineering and chemical assistance for the purpose of purifying the Clyde and preventing the nuisance, which they were informed was almost as disgraceful as it was in London; but no one ever thought of asking the Government to advise the Corporation of Glasgow as to how the matter was to be done, as the cost of the necessary works were to be defrayed out of the pockets of the people of Glasgow; and the principle of the Bill now introduced by his right hon. Friend was perfectly in accordance with the principle that it was not the duty of the Government or the House of Commons to take upon themselves to say to the municipalities of London how these great works were to be carried out. He had heard with some surprise the inquiry of the hon. Member for Southwark (Mr. John Locke) as to who were the persons to whom they were going to entrust these great and extensive powers. Now, he should have thought that the liberal representative of a great metropolitan community would not have asked Her Majesty's Government who the elected representatives of the metropolis were for its local management. If he really wanted an answer to the question he would give it him. They were the elected of the people for the purposes of local management; and Her Majesty's Government thought they could not better perform their duty in this matter than by acting fairly and fully in accordance with the wishes and views of those who do unquestionably represent this great metropolitan community for all local purposes. That was the principle on which this Bill was based, and he believed it to be a sound one, and that it would settle this question as satisfactorily as did another great sanitary and municipal measure connected with interments, which he had the honour to introduce when he was last in office, and upon the same principle—namely, by giving power to the municipal authorities to take such measures as they deemed most advisable for the removal of a great and growing evil. The hon. Chairman of the Committee had asked what temporary palliative for the existing nuisance would be adopted before the great works which were requisite could be undertaken and rendered effective. The hon. Gentleman would find that the Bill contained a clause giving full power to the Metropolitan Board of Works to adopt such temporary palliatives as might be necessary to prevent the evils complained of. He believed that when the Bill was in the hands of hon. Members they would find it was carefully and skilfully framed, and he believed that if the House sanctioned the measure, as he trusted they would, the country, on the one hand, would be spared the expenditure of a single shilling, and on the other, the metropolis would have the credit and glory of removing these long-complained of evils through a machinery and in a manner entirely consistent with the habits and institutions of our old-fashioned Anglo-Saxon community.

MR. WILSON thought the Government acted wisely in leaving the Board of Works responsible to those by whom they were elected for the expenditure of the loan; but he wished the House to consider whether the mode in which the loan was to be raised was the best and most economical that could have been adopted. As he understood the proposition of the right hon. Gentleman, this Bill would authorize the Board of Works to impose a rate to the extent of 3*d.* in the pound upon the inhabitants of the metropolis for a period of forty years. He took it that the sinking fund would not be by way of annuities, but the fund would be allowed to accumulate at compound interest. He would suggest whether as the Government took all the responsibility it would not be better for them to make a loan for that specific purpose, and advance the money as required through the Exchequer Loan Commissioners, who had a perfect machinery for the purpose. That would be the more economical course, and would avoid the necessity of creating a new department in the Treasury, which was not at all fitted for the duty. With respect to a question that had been mooted, whether the public buildings ought not to be made liable to the proposed rate, he would observe that the Committee which had sat to consider the question of exemption from poor-rates now enjoyed by public buildings had reported that, with the exception of buildings in the personal occupation of the Sovereign and buildings for religious purposes, there

should be no exemption from poor rates. He thought there was no reason why the same principle should not be applied in the case of this sewage rate, nor why that House, the occupants of which would certainly derive benefit from the contemplated works, should be exempted from all contribution to the expense.

MR. NORRIS hoped that her Majesty's Government and the First Commissioners of Works would avoid committing themselves to any particular scheme devised for carrying out the works. The entire responsibility ought to rest with the executive body, which should be entrusted with carrying out the scheme. A question had been raised as to whether the Board of Works ought to be entrusted with this duty, but in his opinion their conduct had been without reproach, and they were fully equal to carrying out this great undertaking.

Mr. TITE did not desire to enter into any detail of the plan that might be adopted, but wished to remind the House that the evidence before the Committee clearly showed that if they deodorized the sewage, it mattered little at what part the sewage water was turned into the river. Therefore it would be unnecessary to continue the limits within which the outfalls were not to be made. The cost of deodorization would probably be about £40,000 a year, or an additional penny in the pound upon the proposed rate; although, he must confess, that he felt apprehension that all the results desired to be produced would not, in the first instance, be derived from this measure; yet he thought it was a step in the right direction, and could not help believing that, had it not been for the veto given by the Bill of the right hon. Member for Marylebone (Sir B. Hall), the sewage question would have been settled before now, as the plan which it was understood had been adopted was the same as that which was proposed five years ago. At first, no doubt, the ratepayers, when they were called upon to pay the rates, would endeavour to diminish the expenditure, and he therefore desired to see in the Bill some provision by which the operations of the Board should not be rendered imperfect by interference of that nature. The money, he had no doubt, would be easily raised at 4 per cent. The Metropolitan Board of Works, it appeared to him, had at first set to the consideration of this great measure with diligence and skill; but he was astonished to find that, a few days since, they had postponed further consideration till October. He was inclined to think that the Board was too numerous for an executive, and that if a few of the most experienced were selected, presided over by the Chairman, they would form a more manageable and efficient body for carrying out these works. At all events, he would congratulate the metropolis on the probability that the great nuisance and evil of which they justly complained was in a fair way of being got rid of.

SIR JOHN SHELLEY said, he must deny that the Committee now sitting had come to any decisive opinion on the subject of deodorising the sewers—the efficacy of which system he very much doubted. At any rate the evidence which had been taken showed that for deodorization a large space was required, and he doubted much if it could be accomplished without being a nuisance of the greatest magnitude to the metropolis. The works at Leicester were in the country at some distance from the town, and the whole circumstances were quite different. He did not wish that it should go out that the opinion of the Committee was in favour of the deodorizing scheme. He was glad that this Bill had been brought forward, and he agreed with those who said that the whole difficulty had been one of money. That difficulty was owing to the 141st clause of the original draft of the Metropolis Local Management Act having been struck out. The guarantee of the Government was what the Metropolitan Board had asked for all along, and by giving it the Government would remove the difficulty which the Board had to contend with. He was very glad to think that they were likely now to arrive at some conclusion. With regard to the position which the Commissioners of Sewers held in regard to the question, he was bound to say that if they had agreed to the original plan of Mr. Bazalgette it was pretty clearly proved that the plan would have turned out an entire failure. He had always entertained the opinion that, to make the work complete, they ought to carry the sewage to a point so low that none of it should flow back again to the metropolis. He was satisfied by the papers now before them that there was considerable difficulty as to the point of outfall, but he felt that they had delayed long enough, and that the work must be begun. There was nothing in the plan now proposed, he believed, to prevent the sewage being ultimately carried to Sea Reach, if

it should be found necessary. As to the period of forty years, which was proposed for the repayment of the money advanced, he thought that the period of fifty years might be given, as that would facilitate the borrowing of the money.

MR. STEPHENSON said, he could not allow one remark of the hon. Baronet to pass without remark. The hon. Baronet said, he rejoiced that the Commissioners had rejected the original plan of Mr. Bazalgette, for it would have turned out a total failure. Now he (Mr. Stephenson) happened to have been a party to that plan, and was, therefore, practically acquainted with its minutiæ. As the drainage of the metropolis then stood, the intercepting system, as originally proposed by Mr. Frank Foster, and afterwards by Mr. Bazalgette would have been effectual, and would have saved much subsequent alteration in the internal drainage of London. But since then the improvements in the sewerage had been extended most rapidly, and they were undergoing such continual alteration that the plan that was approved of now, would be rejected six or eight months hence. He believed Mr. Bazalgette's plan was the best for the drainage as it then existed, and if it had been carried out, it would have saved a great deal of money, as a great deal of the internal drainage of London would have been rendered unnecessary. He thought the House was labouring under an error as regarded the question of outfall. They seemed to be under the impression that by adopting the intercepting system and fixing an outfall, they would be fixing themselves to a certain plan. That was not the fact, because provided they adopted the intercepting system, it was a matter of indifference whether the outfall was at Barking Creek or at Sea Reach. One point he should like to see the Government insist upon, and that was that the intercepting system should be carried out. If thoroughly carried out between this and next year, it would produce the most important benefits in the river. It was essential, therefore, that the system should not be delayed, but that it should be vigorously persevered in. It possessed this striking advantage, every step you took you improved your condition, which could not be said of any other plan. The great difficulty in the matter was the storm-water which came down from the surrounding country and forced the sewage into the Thames in a mass. Few persons would believe that a large portion of the area of the metropolis was below high water-mark, and consequently, for a great part of the day, perfectly tide-locked; and the consequence was that that portion of London was practically undrained for eleven hours every day, and a great deal of the sewage was constantly accumulating in the sewers above low-water mark. The consequence was that when the storm waters came, all this mass of sewage was swept out into the Thames at once, a great deal of it was deposited on the banks which were uncovered at low water, and thence arose those periodical visitations of stench which were so much complained of. A system of intercepting sewers would, in a great degree, prevent that; and then when they were constructed they might proceed to arrange the internal drainage of London at their leisure.

COLONEL SYKES: Sir, there have been so many Thames doctors, with their prescriptions, both in the House and out of the House, that I have hitherto abstained from increasing the list and offering my nostrum. But there is now before the House a proposition to introduce a Bill specifically upon the drainage question, and as that Bill will sanction increased taxation of the inhabitants of the metroplis, I, as a house-owner and resident for more than twenty years, feel that the question comes home to myself, and I must offer therefore a few words upon it. Although the Bill will sanction increased taxation, I accept it willingly, because it is a step in the right direction; but at the same time I must express my regret that advantage is not taken of the occasion for a more comprehensive measure, in fact for taking the bull by the horns. Admitting that the proposed plan for the drainage of the metropolis proves effective at a cost of three millions of money—but in my opinion much more likely to prove five millions—the mud banks in the Thames will be still left to exhale their pestiferous gases, and both banks of the noble river will be still left in a state which has so long been a disgrace to the mightiest and wealthiest city in the world. Why not, therefore, combine the drainage, by means of intercepting sewers, with the embankment of the river; cover the mud banks with wharfs, which being made national property could be let out at an annual rent, and thus the outlay, whatever it might be, by the issue of Exchequer bills, would be more or less productive, whereas, the proposed plan involves the entire loss of the outlay and the per-

Sir John Shelley

petuation of taxation, to repay money borrowed and the annual cost of the management of the drainage. More than fifteen years ago the celebrated Belshazzer-feast painter, Martin, begged of me to look at his plans and drawings for the embankment of the river, and my attention has been called to the matter frequently since. Last week a series of plans and drawings were brought to me, which embraced the novel proposition of collecting a water head upon the areas of low lands about and above Battersea bridge, which are overflown at spring tides, for the purpose of flushing the intercepting sewers. It has been proposed to deodorize the feculent matters, and to burn some of the gases from the sewers: no doubt both these objects could be effected; but they would only prove palliatives, and the advantages would be wholly incommensurate with the cost and trouble. The only effective plan is that of intercepting sewers; which if combined with embankment and wharfage of the Thames, would, I repeat, not only be remunerating for the outlay, but remove a stigma from London.

SIR JOHN SHELLEY said, that in reference to what had fallen from his hon. Friend the Member for Whitby (Mr. Stephenson) he wished to explain that he had not intended to say anything against Mr. Bazalgette's professional ability; but only that, as the circumstances had altered, he was glad that his plan had not been adopted.

GENERAL CODRINGTON said, that the question of outfall had been treated as an important one for the health of London; but, besides the various districts of London, there were other localities, such as Woolwich, Deptford, and Greenwich, which ought to be considered. The object of the inhabitants of the metropolis as well as that of the Metropolitan Board was naturally to get rid of all the sewage from London, and they did not care much where it went to. There was however an important minority to be considered in this matter, and he hoped that when the details of the Bill were known, fair consideration would be given to the question, and that hon. Members would not forget the very large population which existed down the river.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I think that I may congratulate the inhabitants of the metropolis upon the manner in which, generally speaking, the proposition of the Government has been received. So far as we are concerned the measure is chiefly of a financial character, and I cannot say that I regret that the Government have thought proper to limit their interference to the financial part of the subject. One result of the Bill will be to convert the Metropolitan Board of Works into a real corporation. It will give them power; with that power they will feel a sense of duty, and I cannot doubt that a body of Englishmen, elected by a large and enlightened constituency, like the inhabitants of this great city, will do their duty, and that their conduct will entitle them to the confidence and respect of their fellow-citizens. We have given them great responsibility, but we have also given them considerable resources, and I think that the union will be satisfactory. I will not touch upon the scientific portion of the question, which scarcely comes within the scope of the Bill; but I may tell my hon. Friend, who speaks with authority on the subject (Mr. Stephenson), that we make it a condition with the Metropolitan Board of Works that in effecting the object which we desire, that result shall be attained by the system of intercepting sewers, and that provision shall be made for such temporary and permanent works of deodorization as the metropolis has a right to require. With respect to the recommendation of the hon. Member for Devonport (Mr. Wilson), that assistance should be given to the Board of Works by the Exchequer-bill Loan Commissioners, I may repeat that we did consider that proposition, but that the result of our deliberations led us to a different conclusion from that at which the hon. Gentleman has arrived. I see no reason whatever why under this Bill any advance of public money need take place. The Board will have the power of issuing bonds and debentures, which probably they will do at a fixed rate of interest, and they will obtain for them a sum of money according to the rate of interest in the market. At all events, they will have the power to deal with their own bonds and debentu res, ad I have no doubt that they will become a very popular and satisfactory security, supported, as they will be, by the guarantee of the Government. Another subject of importance, to which the hon. Gentleman called attention, was the necessity of considering whether a large and valuable portion of public buildings should continue to be exempted from rating. So far as I am concerned, and I believe I speak

the opinions of my colleagues upon the subject, I think exemptions are bad in principle—and certainly in financial legislation they should always be avoided. The Government had it under consideration whether they should not meet this point in the Bill; but considering that a Committee has been appointed to investigate the whole question, and anticipating from that Committee such a report as we have learnt to-day it turned out to be, we did not think it advisable to include the matter in the Bill. I cannot, however, doubt, that we are approaching a time when exemptions from rating will cease altogether. The practical effect of this will, no doubt, be to increase the resources of the ratepayers, as it will involve a large contribution from the Consolidated Fund to the rates, but it will be a contribution based upon sound principles of finance. The inquiry of the Committee, no doubt, has been limited to the poor rate; but the poor rate regulates all other rates, and if the recommendations of the Committee are adopted by the House, it will, of course, influence all other rates. The hon. and gallant Gentleman, who last addressed the House, seemed alarmed lest the Bill should lead to the removal of the nuisance from London to Woolwich; but he will find in the Bill a proviso which renders it impossible for the Board of Works to create a nuisance anywhere or in any way. But if that proviso were not in the Bill, I think the law generally would have come to the rescue of the district which the hon. and gallant Gentleman represents. On the whole then, when the Bill shall be in the hands of hon. Members, and when it shall have been well considered by them, I hope their mature opinion will be in favour of its details as well as its general scope. I take, I confess, a more sanguine view of the consequences of the measure than some of the Gentlemen who have spoken upon it. I believe that not only will it further the object in view, and go very far towards attaining it; but that it will give to the country perfect security for the advances it will make, and if there should be any excess of expenditure beyond the £3,000,000, it will not at all affect the security provided for the country. That security is guarded by a clause that renders it necessary that a separate account shall be opened at the Bank, under the supervision of the Treasury, and the proceeds of the rates for forty years can only be applied to the objects specified in the Bill. At first sight it seems hardly credible that the large financial result contemplated by the Bill can be carried out, to construct public works to the extent of £3,000,000 with a threepenny rate, and yet at the end of the operation to find yourself entirely out of debt; but the calculation has been made by a person of the highest authority. I believe the House may rely upon that judgment, and that the result will display the magic influence of compound interest when applied with prudence and discretion. I propose to read the Bill a second time on Monday, and with regard to an objection which has been taken on the point of order, I am empowered to state, that I have made no mistake in introducing it in its present form, and that no stage of its progress need be delayed on that account.

MR. ROEBUCK said, the right hon. Gentleman had observed that he desired to make the Metropolitan Board of Works a true corporation. Now the Metropolitan Board of Works was constituted upon the principle of double election; but if this Bill passed, it would be found in process of time that the people who paid the money would desire to have the power of directly electing the Board of Works.

Leave given.

Bill to alter and amend the Metropolis Local Management Act (1855), and to extend the powers of the Metropolitan Board of Works for the purification of the Thames and the Main Drainage of the Metropolis, *ordered* to be brought in by Mr. CHANCELLOR of the EXCHEQUER, Lord JOHN MANNERS, and Mr. HAMILTON.

Bill *presented*, and read 1°.

LEGITIMACY DECLARATION BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

Clause 1.

THE ATTORNEY GENERAL said, that he had at one time intended to extend the operation of this Bill to Ireland. As he found, however, that this proposition was likely to give rise to a good deal of discussion, he should not press the Amendment at this period of the Session. But he should be glad to give his assistance in extending it to Ireland in a future Session, if any hon. Member should be of opinion that it ought to be so extended.

MR. WHITESIDE said, that he should in a future Session feel it his duty to introduce a measure extending this Bill to Ireland; and he should be prepared to take a similar course with respect to all measures dealing with the common law, in order to

make the constitution of the two countries as far as possible the same.

MR. J. D. FITZGERALD said, he wished to explain that the opposition of the Irish Members arose from their being taken by surprise in the matter of the Attorney General's Amendments.

MR. LEFROY said, he was glad the Attorney General for Ireland had come to the determination he had expressed.

Clause *agreed to*, as were Clauses 2 to 7 inclusive.

Clause 8, extending some of the provisions of the Bill to Scotland.

THE ATTORNEY GENERAL said, that to the principle of the Bill he believed there would not be the slightest opposition; but as he understood that several Scotch Members entertained objections to this particular clause, he would only say that he had no intention of pressing it, if such objections were still retained by those hon. Gentlemen. The clause had been introduced at the instance of his learned Friend the late Lord Advocate.

MR. CRAUFURD said, that he entertained objections to the clause, and therefore heard with satisfaction the statement of the hon. and learned Gentleman that he was not anxious to press it.

MR. BOWYER said, he should view the withdrawal of the clause with much regret, more particularly as it had emanated from so high an authority as the late Lord Advocate.

Question put, "That the Clause stand part of the Bill."

The Committee *divided*:—Ayes 137; Noes 31: Majority 106.

Clause 9.

MR. CRAUFURD said, he would then move that the Chairman do report progress. He must complain that the hon. and learned Attorney General should have given a pledge that he would withdraw the clause if there should be any opposition to it on the part of the Scotch Members, and yet, when a division took place, he voted with the "ayes." All the Scotch Members objected to the clause and it ought to be withdrawn. He felt it his duty to resist the further progress of the Bill, unless the Government gave an assurance that some Amendment upon this clause would be introduced. He concluded by moving, that the Chairman report progress and obtain leave to sit again.

THE ATTORNEY GENERAL: He must deny that he had been guilty of any breach of faith. The clause was in the shape in which he had received it from the Lord Advocate, with the understanding that it had received the approval of the general body of Scotch Members. He had learnt from the House generally their opinion on the subject, and he had shown his readiness to withdraw the clause, but he had no power over the proceedings of the House. When, however, he was called upon to vote as an individual Member, he had voted for what he thought to be for the general benefit of both countries. In that belief he should oppose the present Motion.

Question put, "That the Chairman do report progress and ask leave to sit again."

The Committee *divided*:—Ayes 14; Noes 148: Majority 134.

THE ATTORNEY GENERAL said, in deference to what he understood to be the wish both of Scotch and English Members he should withdraw the 9th clause.

MR. BOWYER said, he must object to the withdrawal of the clause, which embraced a great principle of jurisprudence, by which, though a question of property already decided by act of competent jurisdiction, yet the question of *status* could be again raised. It was a sign of weakness to withdraw the clause. He appealed to the learned Attorney General not to withdraw this clause, but to give his vote in its favour. He should divide the House on this question, and hoped the Attorney General would vote with him.

MR. ROLT said, he feared there was some mistake as to the clause the Committee was discussing. The principle of so-called jurisprudence embodied in the clause was this—it enacted that after a man had litigated to the utmost in the courts of this country, and had established his right to the last, and had been put in possession of his property, notwithstanding all that, and his *status* had been fully determined, for the purpose no doubt of establishing his right to the property. [Mr. BOWYER: No, no!] Yes, yes; yet, after all this, his right might again be disputed, and a new litigation might be set on foot to disturb his right, if not his possession, and establish that of another person. The clause was a most mischievous one, and must have been introduced into the Bill by mistake.

MR. BOWYER said, he thought the clause could not have been introduced by mistake, considering the three eminent

lawyers whose names were on the back of the Bill.

MR. STUART WORTLEY said, he hoped the clause would be withdrawn. He thought it was a most dangerous one. He would appeal to the hon. and learned Member for Dundalk (Mr. Bowyer) to withdraw his opposition.

MR. CRAUFURD said, he had been informed that, whatever may be the opinion of the late Lord Advocate, the present Lord Advocate was wholly opposed to this clause.

Clause *withdrawn.*

MR. CRAUFURD said, he would then propose to introduce a clause providing that except in certain cases, the Act should not extend to Scotland.

THE ATTORNEY GENERAL said, the Act related only to England, and a provision might just as well be inserted that it did not apply to Ireland or the Colonies.

Proviso *negatived.* House *resumed.*

Bill *reported;* as amended, to be considered *To-morrow.*

CIVIL BILLS, &c., (IRELAND) ACT AMENDMENT BILL.

SECOND READING.—ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [13th July], "That the Bill be now read a seond time.

Question again proposed.

Debate *resumed.*

MR. COGAN said, he considered that a Bill of such importance as the present ought not to have been delayed until this period of the Session, when many of the leading Irish Members who were opposed to it were necessarily absent, more especially as many constitutional principles were involved in the measure. The Bill proposed to alter the tenure of office of Assistant Barristers, and enabled the Lord Chancellor to certify to the Lord Lieutenant, who might remove these gentlemen for misconduct or infirmity. That portion of the Bill had been reconsidered, and now the Lord Lieutenant could only remove those gentlemen on account of permanent infirmity. He (Mr. Cogan) contended that the Lord Chancellor and the Lord Lieutenant had no more right to dismiss these gentlemen on account of infirmity than they had a right to discharge them on account of misbehaviour. These gentlemen had political duties to perform in the revision of the electoral lists, and they ought, therefore, to be kept aloof, as far as possible, from the Executive of the day, of whatever party that Executive might be composed. The only excuse he had heard for the measure was that the Lord Chancellor in this country had the power to dismiss County Court Judges, but there was no analogy between the two cases, because the County Court Judges of England had no civil jurisdiction, no criminal powers, no political functions. He would move that the Bill be read a second time that day month.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day month."

Question proposed, "That the word 'now' stand part of the Question."

MR. ROEBUCK, in seconding the Motion, said that in England we had thought that the best mode of providing for the independence of Judges was to render them irremovable except on the Addresses of both Houses of Parliament. The English Judges had a civil and a criminal jurisdiction, and in certain cases a political jurisdiction. The assistant barrister in Ireland was a civil and a criminal Judge and a revising barrister. The Bill contained two provisions; the first was that in the statement of the Lord Chancellor, that an assistant barrister was incapable of performing his duties, he should be removable by the Lord Lieutenant; the next was that the Lord Lieutenant might transfer an assistant barrister to any other county than that to which he had been appointed. They called an assistant barrister a humble Judge, but the matters he determined were of as much importance as any decided in Westminster Hall; and his independence was of as great concern to the country at large as the independence of the Judges of the superior courts. He should like to know why the Bill had been introduced. There were Judges of the superior courts in Ireland totally incapable of performing the duties of the office, and it would have been more consistent to have begun at the top instead of the bottom of the tree in making this change in the law; but those who promoted this Bill dared not do so.

MR. WALPOLE said, the hon. and learned Member had asked a pertinent question, and he would give him an answer which would show the extreme importance of passing the measure. Nothing was more important than that the assistant barristers, who were dispersed in different parts of Ireland, should be capable of discharging the functions cast upon them. There were thirty-two or thirty-three assis-

tant barristers, and during the last three years there had been thirty instances in which their three-fold functions had, from infirmity or other causes, been discharged by somebody in their stead. The cause of that was that their retiring allowance was so small compared with their income, that they had no inducement to retire when, owing to infirmity or other causes, they ought to do so. There were three classes of assistant barristers; the first class received £1,100 a year; the second, £900; and the third, £700; and the retiring allowance for all of them was £400 a year; so that those having the largest salaries had a very strong inducement to remain in their office as long as possible. That was not a state of things which ought to be allowed to continue. Now, the object of the Bill was to have efficient Judges to discharge the important three-fold functions cast upon the assistant barristers. The first clause of the Bill, therefore, proposed a remedy for this state of things by providing that the assistant barristers could retire on two-thirds of their salary. He admitted that there was a constitutional objection to the wording of the second clause, which gave the power of removal on account of permanent infirmity or for misconduct. The clause was taken from the County Court Act for England, but he admitted that the words "for misconduct" might be taken advantage of to remove a Judge without due cause. His right hon. Friend the Attorney General for Ireland was, therefore, ready to strike out the words "for misconduct," and make permanent infirmity the only ground on which a Judge could be removed, while the retiring allowance was to be increased to two-thirds of the salary. His learned Friend also proposed to introduce words which would meet the objection that the clause gave the Lord Lieutenant undue powers. The Lord Chancellor would only be authorized to remove, and the Lord Lieutenant to sanction this removal, when the Irish Privy Council, composed principally of Judges, deemed the case a proper one. The third clause provided for the removal, upon cause shown, of the assistant barrister from one district to another. In Ireland an assistant barrister, unlike a County Court Judge in England, was at liberty to practise, and this being so, circumstances might arise which would render his removal to another district desirable. In this case, also, however, his learned Friend would make such removal dependent on the sanction of the Council, and also would provide that he should never be removed from a higher class to a lower one; and if that were not enough the Government would be prepared to withdraw the clause altogether. All the Government asked, therefore, was, to allow the Bill to be read a second time, that these alterations might be made in Committee.

MR. BERNAL OSBORNE said, he must complement the right hon. Gentleman on the clearness of his statement, but at the same time he must express his regret that the whole system with regard to assistant barristers had not been remodelled. These appointments at present seemed much like the Pool of Bethesda—every man who could do nothing else was made an assistant barrister. He thought great mischief might result if those gentlemen were allowed to practise on circuit, and he should like to see them put on a respectable footing as Judges. As to the mode of removing them from their appointments, he would remind the right hon. Gentleman that the Privy Council in Dublin was only called by the Government of the day, whereas publicity was insured by an Address to the Crown, which he looked upon as the constitutional and the proper mode of procedure. He suggested whether it would not be well to withdraw the Bill, and introduce next Session a new measure, having general reference to the *status* of assistant barristers.

MR. WHITESIDE said, that he had undertaken this Bill in consequence of a request made to him to revise the retiring allowances of the assistant barristers, it being stated, at the same time, that the late Government had intended something of that kind. And when he mentioned his intention to revise the system, a hope was expressed that in so doing he would follow the system pursued in the case of the sheriffs of Scotland, rather than that of the Judges of the county courts of England. As to the present mode of removing an assistant barrister, he could assure the House that nothing could be more troublesome and difficult than to do so; it required as much trouble as to impeach a Chief Justice. This Bill was framed to meet that objection, and he could see no just reason why the House should not agree to it. There were cases now in Ireland in which the assistant barristers were so paralysed that they could not move, and yet they would not retire, because the

retiring allowance was so small. Within the last three years there had been at least thirty deputations complaining of their conduct in that respect. The result was that these Judges were in the habit of appointing incompetent persons, at small salaries, to do badly that work which they were paid a large salary to do well. At present, by the law as it stood, an assistant barrister could not be removed from one county to another without his own consent. The operation of this law was, that when an assistant barrister got his appointment, he never changed the scene of his labours during the natural period of his life, and therefore became inconveniently acquainted with all the persons with respect to whom he had to administer justice. As to the mode of removal, he asked the House whether it was reasonable that the business of the House should be ever and anon stopped to inquire into the question whether an assistant barrister in Ireland was or was not capable of performing his duties; and that too when there was a clause in the English County Courts Act providing that those English Judges should be removed by the Lord Chancellor. He hoped the House of Commons would agree with him that there was nothing unreasonable in the proposition, and that they would support the Bill.

MR. J. D. FITZGERALD said, he felt bound to resist the Bill at every stage, as long as the second and third clauses remained in it. To the first clause, which provided for the retiring annuity, he had no objection; but the other two clauses raised a question of the highest constitutional importance, and he would never consent to have the constitutional independence of the Judges trenched upon. At the same time, he agreed with the right hon. and learned Gentleman that when assistant barristers were incapacitated for the performance of their duties, they ought to be removed; but the question was, by what tribunal and in what mode they should be deprived of their offices. In 1851 a Select Committee inquired into the question, and they recommended that these Judges should receive the same protection as the superior Judges. A Bill was then introduced to carry out their recommendation, and that was the present law; and in cases of permanent incapacity the Lord Chancellor had the power at present of withholding his certificate for the appointment of a deputy. His opposition was not based on factious motives, but the Bill, as proposed to be altered, would equally trench upon the constitutional principle as it did in its present shape. To make the Judges liable to removal except by Address from both Houses of Parliament was to detract from their independence, a principle that ought to be guarded with the most jealous care.

MR. S. B. MILLER said, he had looked with sadness and sorrow on the existing state of things. Session after Session the Lord Chancellor was making appointments of persons who virtually settled the constituencies. A just and adequate retiring pension ought to be provided to induce the assistant barristers to retire—if they would retire—though he did not believe they would for any pension below the actual salary. He approved of the tribunal appointed for determining incompetency—namely, the Lord Lieutenant sitting in Council; it would be a gross injustice to subject an assistant barrister to the expense of an impeachment before both Houses of Parliament. He implored the House to put a stop to the crying evil of the system of deputies, which had been so much abused.

MR. P. O'BRIEN said, he should give his opposition to the Bill on the ground that it was hastily and inconsiderately framed, and that it was inimical to the feelings of those it would affect. In his opinion, also, the Bill would tend to destroy the independence of Judges. He could not forget the remark of Blackstone:—

"It deserves particular remark that in this distinct and separate existence of the judicial power—nominated, indeed, but not removeable by the Crown—consists one main preservation of the public liberties."

He had heard of a case where the result of an election depended on the assistant barrister. Notwithstanding this, he should vote against the provision for removing them from place to place.

MR. BRADY said, he wished to know what the right hon. Gentleman meant by the word "infirmity." He had neither alluded to want of eyesight nor of hearing.

MR. WILSON said, he objected to the Bill as an infringement of the principle accepted by the House, that no one who was allowed to practise should be entitled to a superannuation allowance. He admitted, however, that such a principle was allowed in the Bills of 1851. He wished to see the Judges put upon an equality

with a liberal retiring pension, which had operated well in England. It could not be right that a person acting as Judge one day, should act as advocate another day.

Question put,

The House *divided*:—Ayes 97; Noes 62: Majority 35.

Main Question put, and *agreed to*.

Bill read 2°, and *committed* for *To-morrow* at Twelve o'clock.

POLICE FORCE (IRELAND) BILL.

SECOND READING—ADJOURNED DEBATE.

Order for Second Reading read.

MR. MAGUIRE said, that the Irish Members on that side of the House would object to it in every stage. Every line, every word of it would be contested, and he therefore suggested that it should be given up for the present Session.

MR. COGAN urged the postponement of the Bill, on the ground that the Earl of Derby had agreed to an interview with the Lord Mayor of Dublin on Monday night; and also on the ground that certain documents connected with the subject had not been laid on the table.

MR. P. O'BRIEN said, he would move that the Order be discharged.

MR. WALPOLE said, he would propose that the Bill should stand for Monday next, and be brought on at an early hour.

Debate further adjourned till *Monday* next.

CHARITABLE TRUSTS ACTS CONTINUANCE BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

MR. KINNAIRD said, he must complain that a large proportion of the charities in the kingdom were exempted from the operation of this Bill, while the staff was large enough to deal with the whole of the charities. He should move that the Chairman should leave the chair.

MR. WALPOLE said, that this was merely a continuance Bill. The Roman Catholic charities had been exempted from the operation of this Bill for several years—perhaps longer than they ought; but if the exemption was continued for another year, he hoped that communications would be made to the Government in the course of the autumn which would enable them to decide on some method of dealing with those charities.

MR. SPOONER said, the same promise had been made two years ago—that communications would be made to the Government in the autumn. He hoped the House would not be played with any longer.

Amendment, by leave, *withdrawn*.

Bill *considered* in Committee.

Bill *reported*, without amendment; to be read 3° *To-morrow*.

REFORMATORY SCHOOLS (IRELAND) BILL.

CONSIDERATION.

Order for consideration read.

MR. GROGAN said, he would propose to add the following proviso to Clause 3:—

"Provided always, that it shall not be lawful for such Grand Jury, or for such Town Council as aforesaid, to present any sum of money to be raised off such county or borough respectively in aid of the maintenance of such offenders sentenced to or detained in any reformatory school, of which the direction and management shall be exclusively under the control or in the hands of Jesuits and members of other religious orders, communities, or societies of the Church of Rome, bound by monastic or religious vows, unless such Jesuit or other persons shall have delivered to the clerk of the peace or to his deputy of the county or place where he or they shall reside, the notice or statement required by the Act passed in the 10th year of the reign of His Majesty George the Fourth, chap. 7."

MR. J. D. FITZGERALD said, he must oppose the proviso, and if it were adopted he should endeavour to prevent the further progress of the Bill. A very considerable number of the Reformatories to which young criminals would be removed were conducted by members of monastic institutions.

Proviso *negatived*.

Bill to be read 3° *To-morrow*.

House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Friday, July 16, 1858.

MINUTES.] PUBLIC BILLS.—2ª Medical Practitioners; Stipendiary Magistrates; Copyhold Acts Amendment; Titles to Land (Scotland); Four Courts (Dublin) Extension; Copyright of Designs; Militia Ballots Suspension.

THE EX-KING OF OUDE.—QUESTION.

THE MARQUESS OF CLANRICARDE called attention to the Report which had appeared in that morning's papers of an answer stated to have been given by the President of the Board of Control on the previous evening to a question addressed to

him with respect to the ex-King of Oude, and asked whether it was true that the ex-King was awaiting a trial, as was there represented? If this were not the case, it was desirable that the error should be corrected, or it might have a very bad effect both in India and elsewhere.

THE EARL OF DERBY said, that the question to which the noble Marquess referred had been put in the other House on the previous evening, and the answer given, he believed, had not been altogether inaccurately reported. It was not correct, however, to say that the ex-King of Oude was awaiting his trial. He was at the present moment a State prisoner in Calcutta, under strong suspicion of having promoted and fomented the late revolt; and he was now awaiting, not his trial, but the result of an investigation as to how far he had been involved in encouraging that revolt, he being a pensioner of the East India Company. On the result of that investigation would depend the future measures of the Government in respect to him.

CONVOCATION OF YORK.

MOTION FOR PAPERS.

LORD REDESDALE: In moving for the documents set forth in my notice, it is not my intention to enter at all into the general question as to the expediency of allowing free action to Convocation. I propose to confine myself strictly to the unfortunate difference which exists in this respect between the northern and southern Provinces, and the cause of that difference. It is, however, necessary for a clear understanding upon the subject, and in my own excuse for bringing it forward, that I should state shortly what has before occurred. Ten years ago the meetings of the Convocation of Canterbury were of the most formal and barren character. At York no attendance had been given for more than a century. In 1851 I called the attention of this House to the advantages which would arise from allowing more extended action to these bodies, by moving for papers, which led to a long debate, in the course of which the present Archbishop of Canterbury expressed himself unfavourable to any change in the existing practice. When the Convocation met in the following year, after the usual forms had been gone through, it was proposed in the Upper House to address the Crown for licence to proceed to other matters. The opinion of Sir John Dodson was given that no business could be undertaken without express permission, which was disputed by some of the Bishops, and the Archbishop stopped the further discussion by prorogation. The opinions of Dr. Phillimore, the present Lord Chancellor, and Sir William Page Wood were then taken by those interested in obtaining further freedom; and they all concurred in holding that the limitations in the Act of Henry VIII. only referred to making new Canons. The Archbishop gave way under the sanction of their authority, and in the succeeding and every subsequent year the Convocation of Canterbury has treated of matters of high importance to the Church, and those prejudices against their deliberations which were at first strong and widely felt, have gradually decreased; and it may now be confidently asserted that churchmen generally are well satisfied of the advantages which must arise from the clergy being thus allowed to meet in lawful assembly. At York, as I before stated, Convocation had not met for a very long period, even to address the Crown. In 1847, Archbishop Harcourt wished to allow his clergy at least the same liberty as was enjoyed in the southern Province, and had agreed that the Convocation should meet on the 12th of November, and adopt an Address to the Crown, which had been approved by his Grace and the other Bishops. He, however, died on the 5th November, before the meeting, and the President elected by the Dean and Chapter, during the vacancy of the see, was unwilling to sanction any departure from the former precedents, and prorogued the Convocation to the 12th of May without agreeing to the Address. The present Archbishop was appointed shortly after that prorogation. On the 12th of May there was no attendance given, and from that time the practice of former years was resumed. In 1852 several Proctors attended with petitions, and finding the doors closed, inquired of the Archbishop, by letter, when they might perform their duty, and his Grace desired that the petitions might be sent to himself. In that year I brought this matter before the House, and contended that the clergy were entitled to similar privileges in both Provinces, being summoned under similar writs. The Most Reverend Prelate then stated that he had only acted in accordance with precedent, but promised that my suggestions should receive his best consideration. Since that time the doors have been open—the members have assembled—petitions have been

received, but the Archbishop's Commissioners have been instructed not to allow any discussion, and to take written papers only, which are not even allowed to be read, and the Convocation is immediately prorogued. In regard to the term of prorogation his Grace (who professes such extreme reverence for precedent) has introduced a new practice. The custom had always been in both Provinces to prorogue to an early day—and for some time the Archbishop did so—but when he found that the clergy attended, he prorogued beyond the probable term of the Session of Parliament, in order that the Queen's Writ for prorogation might arrive before the time appointed for the assembling. This was first done when Convocation met on 15th December, 1854, when it was prorogued to 31st August, 1855, a period of more than eight months. The Queen, I believe, cannot prorogue Parliament for more than eighty days, and as the Sessions of the two bodies correspond, such prorogations must be of doubtful legality. At all events, his Grace can quote no precedent for them. I now proceed to draw your Lordships' attention to the inconvenience which has arisen from this inaction in the Northern Province, and the disagreeable position in which its clergy are placed by it. In 1855 the Convocation of Canterbury agreed to an Address to the Crown, asking for licence to consider modifications in the constitution of the Lower House, and desired the Archbishop of Canterbury to communicate the same to the Archbishop of York, as they desired the concurrence of the Convocation of that Province. This was never submitted to the Convocation of York, and I believe no notice has been taken of it to this day. In 1856 I presented a petition from members of the Convocation of York, signed by five Archdeacons, four Cathedral Proctors, and by one or both the Proctors of every Archdeaconry in the Province—constituting, I believe, the largest representation of that Convocation which has concurred in any Act since the Reformation. The petition stated, that the Convocation of York was of equal antiquity with that of Canterbury; that the latter had lately met and deliberated, but that all opportunity of participating in such deliberations had been denied to the former; that a Bill relating to the discipline of the clergy was before Parliament, and the petitioners prayed that before that Bill was proceeded with, the House should take steps to have it submitted to the Convocations of both Provinces. The Archbishop was then unfortunately ill, and was unable to attend when the petition was presented, and no explanation of his views and intentions on the subject was then given to the House or to the public. His Grace, however, pursued his former course, and turned a deaf ear to the expressed wishes of the members of his Convocation. In 1857, in the Convocation of Canterbury, a Committee was appointed to consider the best mode of sustaining and extending the missionary efforts of the Church at home and abroad; and the President was requested to communicate this to the Archbishop of York, in order that the co-operation of his Province might be secured. No communication was made to the Convocation of York on the subject, and yet this was a question touching it more nearly than that of Canterbury, inasmuch as the greater number of the large manufacturing towns, to the spiritual destitution of which the inquiries of the Committee were to be particularly directed, are to be found in the northern Province. In his charge to his clergy in this year the Archbishop of York referred to the subject, and expressly stated as the reason for his course that the Convocation of York had become a mere form which he had no authority to alter, and that he could not sanction discussions of at least doubtful legality, which were permitted in Canterbury; that he resolved to adhere to what he believed to be the plain law of the matter, and his duty to the Crown. On this charge the opinions of the present Attorney General and Mr. Stephens were taken, and were clearly in favour of the lawfulness of the Archbishop's allowing the same liberty as is used in Canterbury, and that disuse in no way affected the power or privileges of the Convocation of York. This was communicated to the Archbishop, and a correspondence ensued with his Grace and his legal advisers. I must now express my deep regret that his Grace has not thought fit to attend here to-day, and I must state what has passed between myself and him, in order that I may not be charged with any want of courtesy towards him in bringing this matter forward in his absence. In March last he voluntarily told me, knowing the interest I took in the subject, that he hoped that the dispute about Convocation was likely to come to a settlement, which gave me sincere pleasure.

Of course I abstained from bringing the question before the House under such circumstances, and I shortly after was informed of the correspondence before mentioned. In the beginning of June a letter from the Archbishop's legal advisers was shown to me, in which they stated that, having fully considered the documents placed in their hands, they "do not deny that the Northern Convocation may have power, with the consent of the Archbishop, to proceed to action." I immediately wrote to his Grace, noticing the change which the opinion thus given by his own legal advisers made in the position of affairs, as it was now clear that his own sanction alone was required to enable the York Convocation to receive and attend to the communications made to them by Canterbury, which up to that time, under the impression that he was bound by long practice not to allow them to proceed to business, had hardly met with a courteous reception, and asking whether that sanction would be given on the next occasion. I added that, if he gave me that assurance, I should accept it as a most satisfactory settlement: if not, that I must make the present Motion. In his reply, the Archbishop informed me that for more than a year, "The Committee of Convocation" were about to move for a mandamus against him, which he did not object to, and was looking to this result when he spoke to me in March, and was waiting for it. He added that his circuit of confirmations would not end till July 10, and possibly not so soon. In reply on the 7th of June, I remarked that when the Committee of Convocation first proposed to proceed by mandamus, it was understood that he considered himself bound by precedent to prevent the Convocation of York from proceeding to any business. I added, "Your own advisers now tell you that you can give the desired permission, if you like, and you have allowed that fact to be communicated to the Committee. This materially alters the position of both parties. The moving for a mandamus might be considered, before this announcement, only as a means of obtaining a legal opinion on a point on which you differed in regard to your own powers from those applying for it. Now that you have acknowledged that you have the power, it will appear to be a movement to compel you to do that which it must be presumed you dislike; a state of things which it is surely desirable to avoid. I can scarcely believe that now you are assured that you can legally permit the Convocation of your province to receive and deliberate upon the communications made to them by the Convocation of Canterbury, you can propose to resist the wishes of both bodies; and I should be sorry that your acquiescence in their wishes should lose the grace of appearing to be your own spontaneous act, consequent on the opinion you have lately received, by any notice of Motion in Parliament on my part." In reply, he informed me that a circular had lately been issued by the Committee, proposing another mode of bringing matters to an issue. I immediately endeavoured to find out what this was, and was told that an Address to the Queen was thought of. I wrote to the Archbishop on the 22nd of June, telling him that I concluded this to be the movement he alluded to, and that, as the answer to any such petition must be delayed till Convocation met next year, the waiting for it would lead to the abandonment of all notice in Parliament this Session, to which I could not consent, unless he had resolved to sanction the meeting of Convocation. I mentioned this day (16th July) as the one I proposed to give notice of my Motion for, if it would suit his convenience. I added, "I most anxiously hope, however, that you will render any such proceeding unnecessary, by announcing that it is your intention to permit Convocation to proceed to business. The recently announced opinion of your solicitor enables you to do this without being in danger of taking an illegal step, and I cannot imagine that you can intend, without good reason, to conduct your province in a different manner in this respect to that of Canterbury. If you still resolve to do so, you will be no doubt glad to state in the House your views upon the subject, and it is certainly important that the public and the Church should know them, and that there should be some opportunity given for an expression of opinion upon them. If any other day, within a reasonable time, would suit you better, pray say so, and I will endeavour to arrange accordingly." His Grace replied, that he begged to be understood as not pledging himself to any alteration of his proceedings, and that with respect to the Motion, I might decide on the time I judged most fit. I wrote on the 27th of June that I had fixed the 16th of July, as proposed in my former letter, as he had not said that it would be inconvenient to him. I have not heard from him since, and I am sure that your Lordships will

admit that it is not from want of proper notice or courtesy on my part that he is not in attendance on the present occasion. I hope that in the statement which I submit I have not made use of any expression of which he could complain. I have endeavoured to bring the question before your Lordships in the fairest manner, and to abstain from saying anything which might excite unpleasant feelings. I am unwilling, in the absence of the most rev. Prelate, to say more than is necessary to make the subject intelligible to your Lordships, or to detain the House this evening, when all are naturally impatient to proceed to the consideration of the Government of India Bill. All, however, must admit the importance of the question before them, and that the clergy of the northern Provinces have just cause to complain that they are, by the arbitrary act of their Archbishop, prevented from enjoying the same privileges as their brethren in the south. Unity in action is always to be desired, and the advantages which may reasonably be expected from the deliberations of the clergy lawfully assembled in Convocation must be seriously marred by those of a large portion of the kingdom being excluded from all participation in them. All other religious bodies in this country meet and discuss matters connected with their interests, and I trust that the Archbishop of York will not continue to place his clergy in a position which must be disagreeable to themselves and injurious to the Church at large.

Moved,—

That there be laid before this House,

Copies of so much of the Acts of Convocation in the Province of Canterbury, at the Sessions of the 29th June, 1855, and 6th February, 1857, as relates to any communication to be made to the Convocation of York or the President of the same; together with the replies to such communications, or tither of them: Also,

Copy of the Queen's Writ to the Archbishop of York, directing the assembling of the Convocation of that Province on the 10th December last.

THE BISHOP OF RIPON said, he was commissioned by the Archbishop of York to express his regret at not being able to be present to-day, being called away from town by important diocesan business. He (the Bishop of Ripon) thought the terms of the noble Lord's Motion were somewhat calculated to mislead, as they seemed to imply a communication between the Convocations of the two Provinces which in fact had not taken place. The first date referred to in the Motion was June, 1855. In that month an Address was carried in the Upper House of the Convocation of the Province of Canterbury, praying the Crown for licence to consider certain proposed modifications in the constitution of the Lower House; and in that Address was a paragraph, praying that a similar licence might be granted to the Convocation of the Province of York, and that the Convocation of Canterbury might have leave to communicate with the Province of York on the subject. That paragraph was, however, struck out in the Lower House, on the ground that it seemed to interfere unduly with the prerogatives of the Convocation of York; but a Resolution was passed at the same time, praying the President of the Convocation of Canterbury, if the amended Address should be agreed to, to communicate it to his Grace the President of the Convocation of the northern Province. That Resolution was carried in the Lower House, and the Address was taken to the Upper House; but there was no record to show that the Upper House accepted the Resolution, or made any communication in consequence to the Lower House or to the Convocation of York. As to June, 1855, therefore, it was absolutely incorrect to say that any communication took place between the Convocation of Canterbury and the Convocation of York. In the meeting of the Convocation of Canterbury, in February, 1857, a Committee of the Upper House was appointed to inquire into the best mode of extending the missionary efforts of the Church at home and abroad, and the Lower House was directed to appoint a Committee to co-operate. It was then that the Bishop of St. David's moved that his Grace the President be requested to communicate with his Grace the Archbishop of York upon the subject, so that the members of Convocation in the northern Province might be brought into deliberation with those Committees. Objections were expressed by the Bishops of Gloucester, London, and Oxford, and the Bishop of St. David's withdrew that Motion, and moved that his Grace the President should inform his Grace the Archbishop of York of the appointment of these Committees, and request him to take such measures as might seem fit to him to secure the assistance in their deliberations of the Bishops of the northern Province. That was agreed to, but it was not a communication from the Convocation of Can-

terbury to the Convocation of York; it, was simply a communication from the Archbishop of Canterbury to the Archbishop of York in his private capacity, and therefore he was at a loss to know what acts of Convocation could be produced in compliance with the Motion of the noble Lord. With regard to the production of the writ there could be no objection whatever. At the same time he did not see with what design it was moved for, except to raise the whole question how far the Archbishop of York was justified in the course which he had pursued. It was well known that from the time the power of granting subsidies was taken away the Convocation of York had never met for the transaction of general business, and only very rarely for the transaction of specific business, specifically mentioned in the Royal licence. They met in 1562 to adopt the Thirty-nine Articles, and again in 1571. They met in 1604 for the adoption of the Canons, in 1640 for their settlement, and in 1661, when the Liturgy was revised; but those cases afforded no precedent for the revival of the action of Convocation in the northern Province, such as was now proposed. He believed he was correct in stating that, while the Archbishop of York was perfectly open to receive any suggestions with regard to this important subject, he did not feel obliged, under present circumstances, either by law or by precedent, to take steps for the revival of the action of Convocation. He believed that there were few advantages to be secured by allowing the Convocation of York to meet for the despatch of business which might not be equally secured by the action of the Convocation of Canterbury; and, speaking for himself, and for a large number who were interested in this question, he would simply say that while they would watch with great interest and anxiety the deliberations of the Houses of Convocation of the Province of Canterbury, and while they would cordially hail any practical result from their deliberations, they saw nothing in existing circumstances to render necessary the revival of the action of Convocation in the Province of York.

Lord REDESDALE: Whatever technical objection may be taken to the wording of the Motion, on account of the proceedings alluded to not being Acts of Convocation, it is clear from what has fallen from the rev. Prelate that the Convocation of Canterbury, on both the occasions referred to, did desire the co-operation of the Convocation of York, and that if it did not directly address that body, it only arose from a feeling of delicacy towards the Archbishop. It is clear also that this co-operation is prevented by the act of the Archbishop, who admits that he can legally permit it, if he pleases, and the question is whether it is expedient or seemly that such difference should exist in the conduct of the Archbishops of the two Provinces, in regard to Convocation.

The Bishop of LONDON said, the discussions in Convocation were reported in a somewhat irregular manner, and in consequence a wrong impression prevailed as to what had passed. No Resolution had been adopted by the Convocation of Canterbury expressive of a desire on their part to enter into communication with the Convocation of York. Such a Resolution had been proposed in 1857, but it had been withdrawn, as the Bishops generally of the Province of Canterbury had felt that it would be highly indecorous that they should appear, even by implication, to pass the slightest blame on the Archbishop of York.

The Bishop of OXFORD explained that the Resolution had been withdrawn because the Prelates present considered its adoption would cast a direct personal slur on the Archbishop of York; but it was considered the same result might be arrived at by other means. There was the strongest feeling in favour of the two Convocations consulting together, as they had done in all the great crises of the English Church. The greatest advantages had been derived from the action of the Convocation of Canterbury, and great credit was due to the Archbishop of the Province, who had not allowed his own opinions to prevent him from sanctioning what was so generally desired. There might, perhaps, be reasons which would make what was desirable for the southern province, dangerous in the north; it was not for him to say. The Archbishop might distrust those who would form it.

The Bishop of CARLISLE, as a member of the Convocation, could corroborate every word that had fallen from his right rev. Brother the Bishop of Ripon. The Archbishop felt no distrust in his suffragans; but he felt it to be most undesirable to call up another body which might come into collision with the Convocation of Canterbury, and the Archbishop of York had, he thought, acted wisely in following the practice of the northern province for the

last 200 years, and in leaving the Convocation of Canterbury to take its own course. He believed that if Convocation were sanctioned generally, all that had taken place would be mere child's play compared with that which would follow. The canvassing at elections would then be the rule, and party spirit, of which there was already too much in the Church, would be increased. For himself he must demur to the assertion that the country generally would be pleased to see the revival of Convocation. The great body of the working clergy had no confidence whatever in Convocation. The majority of its members were dignitaries of the Church who were not elected by the body of the clergy, and as to curates they had no voice whatever in the election.

THE BISHOP OF CHICHESTER could not assent to the proposition that the clergy had no confidence in Convocation. He did not see why the Church of England should be the only religious body in the country that had not the power of meeting and discussing its own affairs. It was the opinion of that distinguished Prelate the Archbishop of Dublin, expressed in that House, that if Convocation had been permitted to meet for discussion many of those questions that now agitated and disturbed the Church might have been avoided.

LORD REDESDALE: As the right rev. Prelate assures me that there are no Acts of Convocation of the nature I have moved for, and that there could be no return to my Motion, I shall not press it. It would be useless to ask for that which I am told does not exist.

Motion, by leave of the House, *withdrawn.*

GOVERNMENT OF INDIA BILL.
COMMITTEE.

Order of the day for the House to be put into Committee read.

Moved, That the House do now resolve itself into Committee.

Agreed to.

House in Committee accordingly.

Clauses 1 to 6 *agreed to.*

Clause 7.

LORD BROUGHTON said, he should rejoice at the abolition of the East India Company, if a better scheme for the government of India were substituted for it; but he did not think that this Bill would effect such a substitution. He thought that the substitution of the present system of governing India by a Secretary of State, or single Minister, to be called by any other name, to whom should be intrusted the administration of the whole government of India, would have been a far better scheme than that proposed by this Bill. He had arrived at that opinion after much deliberation and conversation with men of the highest authority on Indian affairs. This Council was part of the very essence and principle of the Bill. Since the introduction of the Bill a great change had taken place in the minds of Members of both Houses of Parliament as to the expediency of allowing a Council to interfere in the administration of Indian affairs. He collected from the speech last night of the leader of that House under the Palmerston Administration that his views as to the expediency of appointing any such Council had considerably changed since the introduction of Lord Palmerston's Bill. The present form of home government for India was no doubt liable to objections for which every man must be aware, on the ground of delay and differences of opinion between the authorities of Cannon Row, and Leadenhall Street. The shots they fired at each other, however, were sped from a distance, and were cooled by time. But when this new Council was formed, what would be the degree of antagonism — and antagonism there must be if the Council was to be of any good— when they met under the same roof and at the same board, and had to fire across the table? Unless some means could be devised for making this Council, he would not say a little more peaceable, but at all events a little more practical, their Lordships should not pass this clause. He was sure of that. He was opposed to any Council at all; but if he were for a Council it would not be for this Council, which was constructed in a manner that was calculated to ensure the greatest quantity of strife and difference of opinion. Some of the Members were to be East Indian servants—some were to be chosen by the Crown, and some not. He did not see how the objection of the noble Earl opposite (the Earl of Ellenborough) was to be got rid of when it pleased God to remove any of the Members, and the Council had to be refreshed. The Secretary of State would probably be a person who entertained some general principles of government — such principles as were likely to be entertained by a person reared among the institutions of this country. But when he proposed some scheme to the Council for the government of India, the member of the Council

acquainted with Bengal would say, "This won't do at all for Bengal; I know more about Bengal than you." The Members who were acquainted with Madras and Bombay would say the same; and there would be the Secretary of State alone in the midst of these gentlemen, every one of whom would be better acquainted with India than himself. Then the Bombay gentleman would help the Bengal gentleman one day, and the Bengal gentleman would help the Bombay man the next; and the consequence would be that the responsible Secretary would be liable to be thwarted at every turn. Nor was this the only annoyance [or difficulty that would beset him. Those who were acquainted with the system of Indian government must be aware that the great vice of Indian servants was that of making what were called minutes—minutes sometimes on subjects of no more importance than the water bottle before him—which it took hours to read and days to write. Suppose a Member of the Council to be in a minority, he would record his objections in a minute. He would not be satisfied, and would proceed thus. He would seek out some Member of Parliament and say, "I am in a minority in the Council on such a question; most good men are; the case is a good one; I can help you, if you like to make a speech. I wrote a minute of my objections; Mr. So-and-so says it is one of the cleverest he ever read." The Member was ambitious — most Members used to be; he did not know if they were now — and he replied, "Will you let me have it." The Member of Council says, "No, I cannot; but it is a clever document, take my word for it; ask in your place for a copy." The Government of the day would be obliged to say, "We cannot refuse this minute. Under a Parliamentary Government the opinions of the minority should be known at least, if not acted upon." The document was produced; it was read; its was clever; it was submitted to Sir James Graham, or some of those clever fellows in the House, and he was asked what was to be done, for the case was a hard one. He said, "Make a Motion, and we will see what we can do." A meeting of some twenty Members took place in some House or other—it might be the Crown and Anchor; the posts were assigned to each—"you are to bring forward this point, you this, and so on. Do not abuse the Governor General, for he is my friend; but abuse the Secretary of State; he is an unfair man, and he is not of our party: abuse him." He could assure their Lordships he was not exaggerating what was a very possible case. He agreed with the noble Lord opposite that this might not occur in the first Council. The first members would probably meet with general approbation, and things would go on smoothly for a time; but that would not continue—it could not continue. Did any one ever find fifteen men in a room, even at a party of pleasure, who agreed altogether? If out of the fifteen there was one disagreeable man he would spoil the whole party. That happened in matters of amusement. But what might be the consequence if, when matters of government, when the best interests of the country were depending on the result, what was vulgarly but well called an "ill-conditioned fellow" got amongst the party? The consequence would probably be this. One member of the Council would say, "You cannot agree with me, I cannot agree with you; no one can agree with that fellow; let us hand over the decision to the Secretary of State." That must be the only mode of settlement, or nothing would be done. These inconveniences were so entirely felt by the framers of this Bill that they had most judiciously deprived the Council of a great part of its powers, for they gave the Secretary of State power to act without the Council in some cases, and by the twenty-fifth clause they empowered him to act even against the Council. That was wise and proper if there was to be a Council at all. The effects of a bad plan and a bad project might be got rid of by having no project or plan at all. The great objection made to the existing system was what was called the double Government. Now, there was no double Government in the present system, unless a man [riding on horseback, with an old woman behind him, might be called a double Government.

THE EARL OF DERBY: Which is the old woman?

LORD BROUGHTON: Not the noble Earl, certainly. This so-called double Government was no double Government. But the double Government was brought back by this Bill. One of the great inconveniences of the present system was said to be this, that Parliament could not interfere as much in the Government of India as it could, if there was a single responsible Minister. Now, he thought that one of the great advantages of the present system was, that it prevented the perpetual

introduction of Indian questions into Parliament. That was his decided opinion. They could not govern India on these terms, especially with the increased facilities of communication which now existed between this country and India. He would therefore keep the Government of India out of Parliament as far as possible. But this measure would really diminish the responsibility of the Indian Minister, because he would be fettered by the existence and by the control of his Council. If the Secretary of State was outvoted in the Council on some question or plan of Indian Government, he would, in stating the plan in the House of Commons, indicate to his friends that though he was moving the plan, it was not his—that he was overruled in the Council. The Council might object to the Secretary of State taking matters out of their cognizance. That had been said to him when at the Board of Control very frequently; and what was his answer? "I don't think so; you are quite wrong." There was civility on both sides, and there was an end of it. But that would not be the case now with these gentlemen, who had their friends in Parliament, in the City, and everywhere. If this Bill passed, it would create that form of government which had been condemned by all authorities on Government — an *imperium in imperio*. Though the members of the Council themselves might not sit in Parliament, there was nothing to prevent their sons, or sons-in-law, or fathers-in-law from doing so. For the fifteen who could not sit, there might be thirty nearly connected with them who could sit in Parliament, and who could do the work better than themselves. The more they considered this scheme, the less likely did it appear to hold together. He did not say that he was sure it would fail. He did not want it to fail. It was a dangerous thing to prophesy about what was to happen to-morrow or at home. It was a safer course to predict what was to happen in 100 years, or in Armenia, or some distant part of the world. All he said was, that if the measure did succeed, it would succeed against the experience of all the men he had ever heard talk on the subject, against the experience of the country, and against their Lordships' experience with reference to other matters. It was said, "Would you trust one man with the government of 180,000,000 of people?" Why, they trusted the noble Earl (the Earl of Derby) with the government of a great many more than 180,000,000; one man was responsible for the government of the whole empire. [The Earl of DERBY: With his Cabinet.] He selected his Cabinet on that principle; so would the Secretary of State for India. If there was anything which the Prime Minister could not settle off-hand, the Cabinet would be assembled. He (Lord Broughton) would rather trust one intelligent, honest man with the management of affairs with which he had been previously properly acquainted, than he would trust half-a-dozen men. The Secretary of State would have no difficulty in getting a staff about him. He might easily get a sufficient number of men to advise and assist, not to thwart him, but to give opinions; in this way, if a proper choice were made of the Secretary, the Government of India would be conducted as well as human prudence could devise. The notion of the necessity of a Council had arisen from the functions of the old Court of Directors. Did their Lordships think that the despatches were written by the Court of Directors or any of them? When he was at the Board of Control they always recognised certain hands, and knew, or thought they knew, who wrote each of the despatches, as well as if they had stood behind the gentleman's chair while he was doing it. It was one of the great merits of the Court of Directors which ought to be recorded and never forgotten, that they chose good servants and wise servants. Did their Lordships ever know a foolish person choose wise servants? Never. The servants of the Court were as good men as were ever found for the performance of their functions, and those men were available now. Mr. John Mill was alive—so were many others; he mentioned Mr. Mill, without any intention of disparaging others, because he was a well-known and distinguished man. There were others at the Board of Control whose assistance would be most valuable. Upon great questions of peace or war, the Secretary of State would of course summon his Cabinet, and take their opinions and advice. He would ask how matters were conducted at the Board of Admiralty? He had been told that the experiment had been tried of conducting all the business by a Board instead of by the First Lord; but when they met they fell asleep. Sometimes one man did not agree with the First Lord, and threatened to talk him out. There was such a thing, he believed, as the Treasury Board;

he should like to know how often that Board met. They might do so occasionally; but he was told that it was not a real, consultative, deliberative Board. If the Treasury did not require a Board, why should the Secretary for India require one? Surely, if anybody needed others to share his responsibility, the master of the British dominions for the time being, the First Lord of the Treasury, must do so. It was certain that the Secretary of State for India never would derive from such a Council as the Bill proposed any light or knowledge that he could not get from others, without the embarrassment of a deliberative Council. He entreated the noble Earl (the Earl of Derby) to reconsider this question, if there was any chance of doing so. It was perpetuating the worst part of the old East India Company. The proposed Council would be like the Phœnix, that

"Soared and shined, another, and the same."

THE EARL OF DERBY said, that the noble Lord had made an amusing speech, but he had drawn largely upon his fertile imagination, and had misrepresented the provisions of the Bill. His object was to pass the Bill, and if he followed the noble Lord in discussing all the points he had raised and all the clauses he had adverted to, and if other noble Lords did the same, the Bill could scarcely be passed during the present Session.

LORD BROUGHTON: The clauses I referred to all relate to the Council.

THE EARL OF DERBY: But they were now discussing the Bill clause by clause, and it was contrary to all order, upon a clause which constituted the Council, to discuss everything relating to that Council. This was entirely beside the question, which was whether a Council should be established for the advice and assistance of the Secretary of State, and to that question, contrary to the example of the noble Lord, he should confine his observation. The noble Lord had said that because the Treasury Board and the Board of Admiralty did not meet as Boards, there was no reason why the Secretary of State for India should have a Council to assist him. But the Council proposed was upon a totally different footing from any of the Boards referred to. The Secretary of State would allot the business among the different members in such a manner as he thought most convenient for the public service. It was part of the duty of the head of a department to allot the business in such a manner as was most convenient, and a discretionary power was given to the Secretary of State in the Bill to divide the Council into Committees for the despatch of business. Special power was given to the Secretary of State to divide the Council into Committees for the despatch of business, and to obtain the assistance and advice of the most competent persons. The questions of how the Council was to be constituted, what should be its duties, and so on, would be discussed on the different clauses; but the question raised by the noble Lord was—should the Secretary of State have a Council at all. It was true this was a main principle of the Bill; and if upon one question more than another there had been a universal agreement in both Houses, it was this—that it was expedient that the Minister for India should be assisted by such a Council to a certain degree. The Bill of the late Government proposed a Council of eight members, to serve for ten years. By the Bill introduced when Lord Ellenborough was at the Board of Control, the Council was to consist of eighteen members; they would of course have divided their duties. But that the Secretary of State of India should have the means of resorting, not unofficially but officially, to persons of great experience and knowledge on all subjects connected with India was a principle that had been adopted and laid down by almost all men of any eminence who had been called upon to discuss the question. He wholly denied that this Council was a recurrence, or any thing like a recurrence, to the double government which had existed under the former system. The evil of that double government was this—that there were two separate and entirely distinct authorities, each of which expressed an independent opinion—that these authorities were frequently brought into conflict or collision—and that it required voluminous correspondence and a great deal of time to settle their differences and obtain their entire concurrence and consent. Here there was no such double government—no such conflict of authorities; the council was not an authority adverse to or competing with the Secretary of State; its duties were precise and limited; they were limited, except in particular cases, to giving advice and opinion to the Secretary of State; and that advice and opinion he was at liberty to adopt or reject as he thought fit. There was nothing to fetter or diminish in the slightest degree the responsibility which he

owed to Parliament. He agreed with the noble Lord that it was desirable in practice that the affairs of India should, as far as possible, be withdrawn from the weekly and daily discussion in Parliament; and the most probable way of doing that was to surround the Secretary of State with a body of persons of eminence and distinction, of knowledge and experience, to whom with regard to every question he had it in his power to apply, not for authority, but for advice and opinion; and that advice and opinion would be given with a perfect knowledge of the subject. The principle of Council or no Council was all that was involved in this clause; upon that principle rested the main provisions of the Bill; and he trusted that their Lordships would not reject a clause which had been almost unanimously agreed to by the other House, and a principle which had the sanction of every authority.

THE DUKE OF SOMERSET felt some surprise at the language of the noble Earl, for he thought his noble Friend (Lord Broughton) was quite right in discussing the question of the Council upon the first clause relating to that body. The noble Earl appeared to think that the speech of his noble Friend was one that ought to have been made upon the second reading; but their Lordships had quite enough before them yesterday in discussing whether the dominions of the East India Company should be transferred to the Crown. The noble Earl said that all parties were agreed upon the subject of a Council; but having more leisure than the noble Earl he had carefully read the discussions which had taken place in the other House of Parliament, and found the greatest diversity of opinion upon all the questions relating to the Council — of whom, for example, it should consist, whether its members were to be elected for life, what their powers were to be, and how they were to be appointed. It would be most unwise in their Lordships to say whether there should be a Council or not without knowing what sort of Council it was to be, and what the Bill proposed. He believed that as the Bill was first prepared the Council were to meet on the requisition of five members; but that power had been taken from them. Then they were to see the despatches that went to India; but there was no provision that they should see those that came from India. Indeed the greatest jealousy was shown of the Council throughout the entire Bill. The noble Earl told the House last night that secrecy would be observed by the Secretary of State in regard to the operations of war and dealings with Native States. But how was the Secretary of State to go on in case of war without the Council? He would have to come to the Council for money; and was he likely to obtain that unless they were told all about the objects for which the money was wanted? Those fifteen gentlemen would naturally be desirous to see all the papers—they would hold meetings to consider the subject, and before the money was given they would insist on knowing all about the business on hand. He knew something of the Admiralty, of the Treasury, of the Board of Control, and other public departments, but he must say he had never seen or heard of the business of any of them being conducted after this fashion. What would the noble Lord the Secretary for Foreign Affairs think if he had a Council the members of which would have to be informed of every important transaction in which he was engaged, and that too before he would be able to carry out his policy—take, for example, the recent outrage in Arabia? How would he like to have a number of gentlemen going into his office, turning up his papers, and insisting on being made acquainted with the business he had on hand? Why he would be apt to turn them out of doors. The members of this Council were to be excluded from Parliament, but nevertheless the consent of Parliament was to be obtained to all important measures that were resolved upon with regard to India; and the Secretary of State was to be left to grapple alone with these cases in which the wrongs, real or supposed, of Native Princes were sometimes taken up with so much professional zeal in the House of Commons. With regard to the supposed influence of the Council he would put this case. Suppose, when Sir Colin Campbell came home—as he hoped he would, and receive the honours which awaited him—suppose when he took his seat in that House he were to make a statement regarding the organization of the Indian army and the best means of securing its health and efficiency—what would be the effect of that statement as compared with the opinions which might be held by the fifteen old men who constituted the India Board? Would their opinions have the slightest weight alongside of those held by such a man as Sir Colin Campbell? He believed this Council had answered its

purpose—it had got the Bill through the House of Commons, and he thought that now the best thing for the Bill would be to get rid of the Council altogether. The only effect of setting up a number of Old Indians as a Council would be to interfere with and annoy the Secretary. Most of them would have been long out of India; they would have lost the thread of policy, and in no respect would their counsels have any great weight. The House of Commons passed this Bill under the idea that they would make the Secretary of State responsible; but they nevertheless established a Council which, whenever money was wanted, would have him entirely under control—for he would be unable to move in opposition to the views of a majority of the Council. Perhaps the Council might say they wished to lay by so much money for purposes of irrigation; but the Secretary of State might think it was more desirable to expend it on barracks, in order to improve the health of the army. In such a case, whenever a question as to the health of the troops was raised in the House of Commons the Secretary of State would be compelled to say he was no longer responsible for the health of the troops, because his hands were tied. How could they say there must be divided management and not divided responsibility? This was a problem which they must solve, and unless they could solve it the best thing they could do was to strike the present clause out of the Bill. If the Council were given up the Bill would be worked much more efficiently, the Secretary of State would be able to originate measures and to carry them out with more energy than would be possible if it were retained. He would move that the clause be omitted from the Bill

THE EARL OF ALBEMARLE said, that he had, on a former occasion, stated at length the objections he entertained to the constitution of a Council. He could not see any advantages in a Council that were not equally attainable in a Secretariat with a staff proportionate to the work to be done. But he had another objection to the constitution of the Council, to which, as the noble Duke had rightly said, their Lordships were bound to look. He objected to its constitution on the ground that its members for the most part would consist of those very "Old Indians" who had always declared that system to be perfection which had recently exploded in rebellion. He asked whether this class of men were best suited to carry out a new system of government for India? He did not altogether share in the panegyrics which had been bestowed on the Board of Directors; but they were wise in their generation:—they did not select "Old Indians" for their servants. In 1817, when the Earl of Buckinghamshire was President of the Board of Control, he found the East India Directors could not write their own despatches. He immediately requested that a class of men should be appointed to do the business for them, and those persons were introduced under the name of Examiners, and, *quoad* the duties of the East India Company, these were the persons who virtually carried on the government of India. There were great names connected with the Company in that capacity who had never set foot in India; and, amongst others, John Mill (the historian), Mr. John Stuart Mill, and Mr. M'Cullagh. Now, what, he would ask, was an "Old Indian?" He was a person who possessed great knowledge of a small locality, who knew nothing of India itself, and was in utter ignorance of English statesmanship. What was wanted in this Bill was more of the European element. The Indian element, which had hitherto prevailed, had got them into the scrape, and the European element was required to get them out of it. The Indian Councils were composed of men who had been many years in India, but the great majority of those gentlemen were never out of Calcutta in their lives; and what was the consequence? Residing in only one part of India, they supposed that all the inhabitants of the country were like those docile creatures by whom they were surrounded, and then they resorted to extreme measures, and attempted to strip the proprietors of the North-West Provinces of their lands, and were surprised to find they had roused them into rebellion. He should only add that he intended to vote with the noble Duke.

LORD MONTEAGLE said, he felt as great a respect for the distinguished gentlemen who had been in the service of the East India Company as any other noble Lords could do; still he did not think that even the combination of the highest endowments in persons whose experience had been exclusively acquired in the civil service could be all that is necessary for the future government of India. They must have a direction of a different kind to bring that government into complete harmony

with English institutions; yet, by the system proposed they would exclude from the House of Commons fifteen of the best men who could advise that House on Indian subjects. Without some Parliamentary restraint upon the Secretary of State, they would leave him a complete and positive despot; but, by the exclusion from the House of Commons of every member of the new Council, that uncontrolled despotism had been recommended as the best system to adopt. He could not, however, agree to it. There had been objections raised to the members of the Council which were not sound, for it should be remembered that that Council would not be merely a Board of Treasury, a Board of Trade, a Privy Council Office, a War Department, a Foreign and Home Secretaryship, and a Board of Admiralty, but it would be charged with the functions of all, and with Legislative duties in addition. No doubt the Council would have occasion to meet in one body to dispose of the most important business brought before them, but it was by a division of labour in Committees that they could alone be enabled to get through the whole business efficiently; the same system was proposed to be adopted, or rather continued, by this Bill. It should be remembered that they were not dealing with the business of a Department, but with the Governments of many great States, and all analogies drawn from Downing Street and Whitehall failed when they attempted to apply them to our great Indian empire. The only President of the Board of Control in our time, and who had acquired practical experience in India, was the noble Earl opposite (the Earl of Ellenborough). Almost all the other Presidents of that Board possessed no practical knowledge of the dominions they governed—and were their Lordships wise in depriving Parliament of the assistance of those who had had experience in India, because on account of that experience they had been selected as Councillors for India? When they spoke so disparagingly of "Old Indians," he would ask what they would not give for the assistance of such a man as Mr. Mountstuart Elphinstone, or others whom he could name? But, for some reasons which he could not fathom, such men, if added to the Councils, were banished from Parliament. At the commencement of the Session their Lordships returned an answer to the Speech from the Throne, pledging themselves to give their utmost deliberation to the affairs of India. How imperfectly had that pledge been redeemed! They now found themselves in the middle of July, with the knowledge that their days were numbered, in the midst of a discussion where great differences of opinion existed—opinions as contrasted as those which had been foreshadowed as likely to exist among the Council. This, too, without witnesses, documentary evidence, or effective guidance. If Mr. Mountstuart Elphinstone were now in Parliament, and could enter into the direction of affairs, or if Sir Thomas Munro survived, and were amongst us, what would they not give for their advice? There were many whose great names were sufficient to defend the Indian service and the class to which they belonged from vituperation and the sneers of those who disposed of the argument by their use of the designation of "Old Indians." While they sought the assistance and advice of eminent men who had served in India, they should not make complaints against a clause which admitted into the Council eminent public men who had served in India. But why should they rashly exclude from Parliament the services of those men? When it was stated that there was a growing feeling in favour of a Minister without a Council, he invited those who ventured on such an assertion to test that statement by taking a vote upon it either in this House or the other House of Parliament. He was for a Council effective and consultative, exercising a moral control, though he did not deny that the Secretary for India should be supreme, and empowered to act alone when circumstances demanded and justified such exercise of his authority.

LORD WODEHOUSE said, he could not agree with the noble Earl that the general feeling was now in favour of a Council. He believed that there was formerly such a feeling, for it was a natural one, and one which he had himself shared. Everybody must at the first blush agree that the Minister charged with the affairs of an empire so vast and so varied as India ought to have the assistance of persons who possessed the greatest knowledge of the country; but the more they went into the question, the more they would be convinced that the construction of an independent Council for such a purpose was impossible. He had arrived at that conscientious conclusion; and if he wanted any confirmation of that view of the case, it would be supplied by the Bill which had been sent to their Lordships by the House of Commons.

That Bill was neither more nor less than a compromise—a compromise between the principle of having a responsible Minister and the principle of establishing a controlling Council. They would find in it one set of clauses which seemed to give the Council great power, and they would find another set which took its power away altogether. There seemed to be in the Bill a desire to create a balance of power; and a balance of power they had got—the power of the Government was, in point of fact, completely nullified by the Bill. Nobody could be more averse to despotism than he was himself; but in the Bill they were dealing with an executive Government, and an executive Government must in some respects partake of the nature of a despotism, or it must be inefficient; but a check was provided against despotism on the part of the Executive in this country by the constitutional action of Parliament; but nobody had proposed that the action of the Executive should be nullified by the action of Parliament. He knew that there was a disposition on the part of Parliament to encroach upon the Executive; but he knew of no more dangerous principle than that it should so encroach. An Indian Minister would of course be responsible to public opinion; but the Council they proposed would be responsible neither to the Minister nor to the public opinion—that was, supposing the theory of the Bill was carried out. But the other House, while it had created a Council over which no one had control, had taken very efficient means to prevent the danger of an independent Council. It had taken care that there should neither be an efficient Council nor an efficient Minister. By the 27th clause it was proposed that all matters at present discussed by the Secret Committee should be left entirely to the Minister. There was a vague idea prevalent that to entrust the highest interests of India to any one man would be dangerous to the public service; but the Bill carefully provided that those very interests should be entirely removed from the cognisance of the Council. But it might be said that the Bill gave the Council a control over the finances of India. Yes, and a more inconsistent power was never conferred, because the Council would have to deal with questions of finance, connected with circumstances of which they would have no cognizance. Again, the country, deluded by the speeches they had heard, thought that when such men as Elphinstone, Frere, Outram, and Lawrence came home, they would immediately have seats in the Council. But just imagine such men sitting in Council, performing duties which might be entrusted to clerks, and never being consulted about those more important matters in which they had been, for twenty or thirty years before, engaged—questions of war and peace, of treaties and negotiations? Such men would never enter the Council at all. They would rather endeavour to enter Parliament, and in that capacity they might render essential service to their country. He did not complain that the matters he had referred to were withdrawn from the Council; for he thought that they would be much better left to a responsible Minister; but in pursuing the shadow of an independent Council, he was afraid they had impaired the efficiency of the Minister.

LORD STRATFORD DE REDCLIFFE said, that if the Amendment of the noble Lord were carried the Council would be set aside altogether. He was not prepared to vote for going that length as the Council appeared to him to be an essential part of the Bill; at the same time he would be ready to join with those noble Lords who might feel disposed to suggest Amendments with regard to its constitution. The great object of the Bill was to insure direct and complete action for the Government of India, and he was not prepared to say that that could be accomplished so well without the agency of a Council. It struck him that a Council so constituted as to admit those who had the greatest experience with respect to the affairs of India would be the best. He was bound at the same time to admit that, in his opinion, the Council as proposed was far too numerous. He was of opinion that a Council of five or seven at the utmost would be far better than a Council of fifteen, as proposed in the Bill. He would not on the present occasion intrude further on their Lordships' attention, except to repeat that, while he would not take part in a vote to exclude the Council altogether, he was quite prepared to join with those who desired to make a change in its constitution.

LORD ASHBURTON said, he thought the great use of a Council would be to examine into the details of the administration of the Government of India rather than to give advice on matters relating to peace and war; and after all, the real question their Lordships had to consider was the best way to preserve the liberties of the people of In-

dia. The Indian empire was governed by an absolute power, and the only check upon that power existed in England. The grievances of the Natives were never heard until they rose in mutiny. At present every act of our officers in the East came home and was carefully examined; and he hoped the same accurate supervision would be perpetuated under the Bill; otherwise we could never hope to ensure the people from injustice. It must not be supposed that the demoralisation of our Bengal army had now become apparent for the first time. In 1833 statements were made which showed the necessity there was for immediate reform. When the noble Earl (the Earl of Ellenborough) went out to India, he took one of the best possible measures that he could possibly have adopted. He established a police, and withdrew the army from the demoralising duty of guarding traitors and gaols, to which, from what had since occurred, he was afraid they again returned. In 1853 the necessity of some measures to avert a threatened disaster, was again acknowledged; and why were they not taken? Because all the officers to whom the Government was entrusted held their appointments by so fleeting a tenure, that none of them had time to devise and introduce a better system. He trusted that the Bill would remedy that evil, and would also render a continuous and consistent Indian policy possible. Hitherto the East India Company had known that their only chance of resisting the power of the Crown had laid in the choice of able persons to serve them, and hence there had been a desire to secure the most eminent persons for the office of Director; but what reason was there to expect that the Council would be superior to the officers of any other department of the Government? When vacancies had to be filled up the ordinary motives would prevail, and there would be an indisposition to set aside an old and faithful servant in favour of a stranger.

LORD BELPER said, it appeared to him rather extraordinary that it should be proposed by the noble Duke (the Duke of Somerset), to intrust the momentous interests of our Indian empire, without any control whatever, to a single Minister, who would perhaps be totally inexperienced in Indian affairs. He knew it was said that the Minister would be responsible to Parliament, but it was always urged that Parliament ought not to interfere in Indian affairs, except on occasions of extreme importance. It was argued that it was impossible to reconcile responsibility to Parliament with a Council thus composed. He did not see that difficulty; for, although the Minister must ultimately be responsible to Parliament, he would act under the knowledge that in differing from persons well informed and well acquainted with India, who had the power to record their opinions, he must be prepared to defend his own decision by the weightiest arguments. He should like to see the enactment with regard to the powers now exercised by the Secret Committee expunged, so as to have all matters brought before the Council, because he was afraid that if the Secretary of State had the power, when he pleased, to act upon his own responsibility without consulting his Council, a great part of the advantage expected from the Council would be lost.

EARL GRANVILLE said, that whatever opinion might be entertained as to the expediency of having a Council, constituted as proposed, it had been generally agreed that some Council was necessary. For himself, from the beginning he had had doubts as to the expediency of a Council, and these doubts had been strengthened by reflection. Their great object, however, was to pass a bill simplifying the government of India, and for that reason he thought that it would be better that the present Motion should not be pressed to a division.

THE MARQUESS OF CLANRICARDE said, as he understood the noble Earl, the object of this Council was to give advice. That was an object which would have been obtained by the Bill of the late Government, but he thought this Bill failed very much in that respect. The Council would degenerate very much into a small Parliament. Why so large a number should have been selected he did not know, unless it were to absorb some twelve Directors, at any rate that would be the result. With the view of reducing the number he would move the insertion of the words "not more than" before fifteen.

Moved after the first "of" to insert "not more than."

THE EARL OF DERBY would assure the noble Marquess the number fifteen had been chosen without the slightest desire to provide places for individual expectants, but rather because they thought that number necessary for the discharge of the duties devolving upon them. Indeed his noble Friend (the Earl of Ellenborough)

thought that eighteen would be necessary to discharge these functions. If these words were inserted it would not only affect this clause but make many of the others, to a certain extent, inapplicable. When the noble Marquess compared this Bill with that of the late Government, he seemed to have forgotten that in the constitution of the Council, the mode of proceeding, functions, power over the Secretary, the course with regard to secret despatches, the meetings of the Board, and the much-objected-to restriction on the finance—in all these respects this Bill was so nearly taken from the other with which it was compared that when they came to these clauses he was afraid the Government Bill would be charged with being a servile imitation. In fact, the noble Lord opposite and the late President of the Council had been expending their witticisms on their own Bill.

Amendment put, and *negatived.*

Clause *agreed to.*

THE DUKE OF SOMERSET then moved "to disagree to the said clause."

Question put, "Whether the said clause shall stand part of the Bill.'

Resolved in the *Affirmative.*

Clause *agreed to.*

Clause 8.

THE EARL OF ELLENBOROUGH said, this clause gave the present Directors power to elect seven persons from among themselves and from among the number of those who were now or who had been Directors. The gentlemen who were now in the direction, and who were to have this power of electing seven from among themselves, and those formerly in the direction eligible to be elected, were of the average age of sixty, and the united ages of the fifteen would be 900. The persons who had been made to retire from the direction had been declared to be persons inferior to those who remained, and he could not see the propriety of asking the latter to elect men whom they thought inferior to themselves. The persons thus made eligible were now five or six years older than when they were in office, and he had never heard that an old man improved by being laid on the shelf for five or six years.

THE EARL OF DERBY said, he thought it might safely be left to the Court of Directors to elect those whom they might think the most capable men among those who were at present serving, or who had before served in their body. He did not think the point raised by his noble Friend was one of much importance, and he saw no occasion for altering the clause.

Clause *agreed to.*

Clause 9.

THE EARL OF DERBY said, his noble Friend had last night made some jocose remarks upon the arrangement in this clause, by which alternate appointments were to be made by the Crown and the Council, and he seemed to think that as the clause stood the balance between the elected Members and the nominated Members would be disturbed. If his noble Friend thought the arrangement was defective he would not object to the introduction of a clause by which, as vacancies occurred, they should be filled up alternately by elected and nominated members, in such a way as to preserve the proper proportions of the two.

THE EARL OF ELLENBOROUGH said, it was unnecessary to introduce a new clause, as the correction could be made in the existing clause; and he suggested the introduction of words for that purpose.

Amendment made.

Clause, as amended, *agreed to.*

Clause 10.

THE EARL OF SHAFTESBURY proposed that after the words, "ten years at the least," there should be added, "and (excepting in the case of late and present Directors and Secretaries of the East India Company) shall not have last left India more than ten years next preceding the date of their Appointment."

THE EARL OF DERBY said, the object of the noble Earl was to get the most recent experience in the Council, but as the alteration was not necessary and might restrict freedom of choice he must oppose the addition of the words.

Motion, by leave of the Committee, *withdrawn.*

Clause *agreed to.*

Clause 11, (Council are to hold office during good behaviour).

THE EARL OF ELLENBOROUGH said, he believed that by this clause the Members of the Council were to be appointed for life. He much preferred the provision in the Bill of the late Government, and in the first Bill of the present, which made the tenure for a term of years only. It was impossible to predicate of any man that he would be fit for duty during the whole period of his life. Indeed they could not say with certainty that any man would for the next five years be fit for duty, much less for life. He recollected

that the late Sir Robert Peel never promised office to any man, because although he might be fit at the moment, yet he might be altogether unfit when a vacancy occurred. There was no doubt a sort of safety valve in the shape of pensions to the members of the Council after ten years' service; but, whatever might be the collective wisdom of the Council, he was confident that their individual wisdom would be such that they would greatly prefer remaining in office at £1,200 a year, with all the patronage, to taking a pension of £500 a year with no patronage at all. He thought it would be much better that the members should be appointed for five years only, as the Government and the Council would then have an opportunity of reconsidering the propriety of any individual appointment. The consequences of appointing men to public offices for life had been most injurious to the public service. He happened to know that there was a case not long ago in which a gentleman in the East India directorship was so utterly inefficient that he could not perform any business whatever except distribute his patronage, which was done by his wife. That lasted for three years. Another gentleman was so utterly inefficient that when he was put out of the directorship five years ago it was impossible to make him understand that he was out; and he persisted in going continually to Leadenhall Street to take his seat as a Director. Now, he (the Earl of Ellenborough) wished to avoid such scandals. Five years, he thought, was quite long enough. That period would enable the Government and the Council to eliminate three Members every year. The noble Earl concluded by moving that the appointments should be only for five years.

Moved, to leave out "during good behaviour" and to insert "for five years."

THE EARL OF DERBY thought his noble Friend must have been unfortunate in his old acquaintances in Leadenhall Street and elsewhere. There might be exceptional cases, but practical experience, he believed, showed that men in judicial and other public situations did not, when a moderate retiring pension was offered to them, hold on, when they had become unfit for the performance of their duties. The late Government proposed that the appointments should be for ten years; but the House of Commons, with the view of securing the independence of the Council, determined that the appointments should be for life. He certainly could not agree with the proposition of the late Government that the appointments should be for ten years, and much less could he agree with the proposition of his noble Friend.

EARL GRANVILLE thought that the difference of five, eight, or ten years was of no great importance, so long as there was some restriction. It was impossible to say that any fifteen men, however well they might be known, were the best men to serve on a Council like this for life. If they were not re-eligible it would be impossible to avoid their giving stale advice.

Amendment *negatived*.

Clause *agreed to*.

Clause 12, which provides that no Member of the Council, appointed or elected, should be capable of sitting or voting in Parliament,

THE EARL OF SHAFTESBURY proposed as an Amendment to substitute for the words "no member," the words "not more than three members at the same time." As the clause was framed he believed that its effect would be to exclude from the Council some of the very best men who could be placed upon it. For example, it would deprive the Council of the services of such men as Lord Canning, Lord Dalhousie, Lord Ellenborough, and Sir Colin Campbell, if he should return to this country and be made a peer. His object was to provide that men of this description should not be precluded from sitting on the Council.

THE DUKE OF NEWCASTLE hoped the Government would adopt the Amendment, otherwise the best men would be excluded from the Council. It was a great object of ambition with those who had served in India to terminate their career in Parliament, and they would prefer a seat there to any temptation held out by the Council. He could see no reason for a limit of three as proposed by the Amendment. They should admit all or exclude all. It would be very dificult to carry out in practice the principle of a limitation. It was not likely that any great number of the Council would be in Parliament. The average number of Directors in Parliament had never exceeded five.

THE DUKE OF MARLBOROUGH suggested that the words "or elected" should be struck out. If that was done, the elected members only could sit in Parliament, and the difficulty as to the danger of Ministerial corruption would be avoided.

THE EARL OF ELLENBOROUGH hoped

his noble Friend would adhere to the Bill as it stood. A conflict in the House of Commons between the Minister and his subordinates would be most unseemly and most injurious, and he urgently entreated their Lordships not to adopt any suggestions for the alteration of the clause.

Amendment *negatived.*

THE EARL OF ALBEMARLE moved, at the end of clause to insert the following words ("or shall hold or carry on any Office, Business, Trade, or Profession from which any gain or profit may arise").

EARL GRANVILLE admitted that the members ought to be excluded from Parliament; as to the suggestion of his noble Friend (the Earl of Albemarle) he thought they were entitled to ask what were the real intentions of the Act on this point, and whether a rule was to be laid down that the members should devote their whole time to the duties of their office. If the pressure of business was such as to require fifteen members, it would be rather an anomaly to allow them to engage in any other business.

THE EARL OF DERBY said, it was certainly not intended that those gentlemen should be *dilettante* members of the Council. The business of the Council must be their primary duty, and whatever time was required from them by the business they would be called upon to give up to it. Further than that he could not go. With regard to the Councillors being Members of Parliament, there must of course be great inconvenience in having them sitting on the opposite side of the House and taking different views on Indian and other matters from the Secretary of State: moreover, to give the Secretary of State the power of holding out to a Member of Parliament the prospect of getting a permanent situation of £1,200 a year, on condition of supporting the Government, might lead to great Parliamentary corruption.

THE EARL OF CLARENDON wished to know whether any member who at the time of his appointment or election might be engaged in trading or banking would be obliged to give it up, as persons appointed to under Secretaryships or similar offices are now compelled to do?

THE EARL OF DERBY replied, they could not continue any business requiring a degree of personal attention which would interfere with the duties of their office; but he could not admit that a man should be disqualified because he was an eminent merchant, or a great banker, or a sleeping partner in a great brewery.

THE EARL OF CLARENDON said, the same rule ought then to be applied to the offices he had mentioned.

THE EARL OF ELLENBOROUGH strongly urged that the Councillors should not be allowed to engage in trade. Not a month would pass but they would have large contracts to take up for shipping, or to open or close a loan for India, or to decide upon a railway; and it would be much better that they should be above suspicion by their being free from trade altogether. All possible grounds of suspicion of motives of self-interest, on the part of the Councillors, should be avoided.

THE EARL OF MALMESBURY said, there was no analogy between the members of Council and Under Secretaries of State. As to the noble Earl's (the Earl of Ellenborough's) objection, if he was so averse to members being engaged in trade, what became of his own pet scheme of firms having representatives from the great trading powers in England?

THE EARL OF ELLENBOROUGH said, he had always thought that, if they were to have a Council entirely devoted to their duties, they ought to retain no interest which could possibly be affected by their official acts.

THE MARQUESS OF CLANRICARDE believed it was a fact that £4,000,000 of supplies were now annually contracted for in London which could be more advantageously obtained in Calcutta; but the object was to keep up the City influence.

THE EARL OF ELLENBOROUGH said, that the government of India was essentially a government of records, as had been remarked by a noble Lord opposite, who had been himself President of the Board of Control. Everything was reported home, and the documents passed through the various departments. He could assure their Lordships that, if every member of the Council were to attend every day for four or five hours, there would be ample for them to do. The great difficulty was to have all the details and records before them which were necessary, in order to arrive at a sound conclusion.

EARL GRANVILLE proposed the insertion of words which would oblige every member of Council, on his appointment, to give up any trade or profession in which he might be engaged.

THE EARL OF HARDWICKE was of opinion that even the sacrifice of four or five hours a day on the part of the members of the new Council would not be in-

compatible with the discharge of commercial pursuits, and that it would be of great advantage to have the experience and general information of gentlemen largely engaged in commerce.

THE LORD CHANCELLOR said, he was strongly of opinion that such a restriction as was proposed ought not to be made. Persons in trade might very probably be the best members of Council. At all events they ought not to disqualify persons who might be otherwise qualified for the duties of the office.

LORD CRANWORTH thought that no man ought to be in such a position that his interest should clash with his duty; and on that ground he was of opinion that no person engaged in any trade or profession should continue in the Council.

THE DUKE OF SOMERSET thought that they ought to make the Council as free from the suggestion of suspicion as possible, and he was, therefore, favourable to the proposed restriction.

LORD STANLEY OF ALDERLEY also thought that men engaged in commercial transactions ought not to have seats in the Council.

On Question, whether the said words shall be there added?

House *divided*:—Contents 35; Not-Contents 50: Majority 15.

CONTENTS.

Marlborough, D.
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Somerset, D.
Ailesbury, M.
Camden, M.
Lansdowne, M.
Albemarle, E. [*Teller.*]
Chichester, E.
Clarendon, E.
Ellenborough, E.
Granville, E.
Harrington, E.
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Ashburton, L.
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Boyle, L. *E. (Cork and Orrery.)*
Calthorpe, L.
Cranworth, L.
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Foley, L. [*Teller.*]
Hamilton, L. *(Belhaven and Stenton.*
Monteagle of Brandon, L.
Mostyn, L.
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Stanley of Alderley, L.
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Wodehouse, L.
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NOT-CONTENTS.

Chelmsford, L. (*L. Chancellor.*)
Cleveland, D.
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Dungannon, V.
Hardinge, V.
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Gage, L. *(V. Gage.)*
Grantley, L.
Melros, L. (*E. Haddington.*)
Raglan, L.
Ravensworth, L.
Redesdale, L.
Sheffield, L. (*E Sheffield.*)
Sondes, L.
Templemore, L.
Wrottesley, L.

Clause *agreed to.*

Clause 13 *agreed to.*

Clause 14, providing that any Member of Council may, by writing under his hand, which should be recorded on the Minutes of the Council, resign his office, and that it should be lawful for the Queen to grant to any person having held the office of Member of Council for ten years a retiring pension during life of £500, *agreed to.*

Clause 15, referring to the Appointment of Secretaries and Officers of the Council of India.

THE EARL OF ELLENBOROUGH said, that those who were appointed should be gentlemen possessing a knowledge of engineering and works in that country.

Clause *agreed to.*

Clauses 16 to 21 *agreed to.*

Clause 22.

THE EARL OF DERBY moved the omission of the words empowering a certain number of the members of the Council to require a meeting of the body within the space of three days. He did not think that provision could be necessary, as the Council must, by another clause in the Bill, meet at least once a week.

THE EARL OF ELLENBOROUGH said, he thought that cases might arise in which it would be desirable that the Council should have that power. It would, besides, add to the dignity and importance of their office.

EARL GRANVILLE said, it appeared to him that such a power would only enable the Councillors to take up a hostile attitude towards the Secretary of State.

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Clauses 23 to 26 were *agreed to.*

Clause 27.

THE EARL OF ELLENBOROUGH said, he would not repeat the observations he made last night upon the regulations as to seeing the despatches which had hitherto passed through the hands of the Secret Committee. Formerly these despatches might be inspected by the Chairman or the Deputy Chairman and one member of the Court of Directors. He would suggest that the Secretary of State should be obliged to communicate his despatch to the Under Secretary and one other member of the Council.

THE EARL OF DERBY said, that if there were any inadvertence, it was the inadvertence of noble Lords opposite, for this clause was copied from Clause 22 of the Bill of the late Government. If his noble Friend thought any advantage would arise from the provision he suggested, he had no objection to bring up an amended clause on the Report, to carry out the suggestion he proposed.

EARL GRANVILLE said, he did not see the necessity for such a check on the Secretary of State, who would have to communicate with the Cabinet upon all matters of special importance. That, in his opinion, would be quite sufficient.

THE DUKE OF NEWCASTLE said, he thought there would be a singular inconsistency in forming a Council to advise the Secretary of State, and then enabling him to dispense with their advice on all questions of paramount importance. He hoped his noble Friend at the head of the Government would introduce the provision he had stated.

Clause *agreed to*. Clause 28 *agreed to*.

Clause 29.

EARL GRANVILLE suggested that the Governor General and the Governors of the several Presidencies should have the power of appointing the members of their own Councils respectively.

THE EARL OF DERBY said, that he had no very strong opinion upon the subject, and that he would reconsider it before the bringing up of the Report.

Clause *agreed to*.

Clause 30.

THE MARQUESS OF CLANRICARDE moved the omission of words in it which make the consent of a majority of the Council necessary to any regulations made by the Secretary of State as to the distribution of patronage in India and the restoration of suspended officers.

Amendment *agreed to*.

Clause, as amended, *agreed to*.

Clause 31 *agreed to*.

Clause 32 (Admission of Candidates to the Civil Service of India).

THE EARL OF DERBY moved an Amendment, transferring the power of making regulations for the admission of persons into the Indian civil service to Her Majesty in Council.

EARL GRANVILLE opposed the Amendment. So far experience had shown that the system of open competitive examination had worked well. It surely could not have been the intention of the noble Earl to smooth the passage of the Bill through the House of Commons by inserting this clause. [The Earl of DERBY: No!] Then he was inclined to think the President of the Board of Control had followed the example of the noble Earl (the Earl of Ellenborough) in abstaining from communicating with the Prime Minister upon the business of his department.

THE EARL OF DERBY said, the alteration was not proposed with regard to the sanction or non-sanction of the competitive principle, but because it was found that the clause was an infringement on the Royal prerogative.

THE EARL OF ELLENBOROUGH said, he must correct the noble Earl (Earl Granville) who had made the observation, not for the first time, that he was in the habit of abstaining from consulting the Prime Minister. He never laid down the principle that he would not communicate with the Prime Minister. When he did not communicate with Sir Robert Peel he invariably communicated with the Duke of Wellington. The Duke of Wellington was thoroughly acquainted with India, and Sir Robert Peel knew nothing about it. He once asked Sir Robert Peel a question about India, and the answer he received prevented him from ever repeating the experiment.

EARL GRANVILLE had understood the noble Earl to state that he never communicated with Sir Robert Peel, and he inferred that the noble Earl thought it better to exercise his independent judgment.

Amendment *agreed to*.

Clause, as amended, *agreed to*.

Clause 33,

"All appointments to cadetships, naval and military, and all admissions to service not herein expressly provided for, shall be vested in Her Majesty; and the names of persons to be from time to time recommended for such cadetships

and service shall be submitted to Her Majesty by the Secretary of State."

THE BISHOP OF OXFORD then proposed an addition to the clause vesting the right of nominating to chaplaincies in India in future alternately in the Crown and in the Bishop of the diocese in which the chaplaincies were situated. He hoped he should have the concurrence of Her Majesty's Government on the subject. From the commencement of legislation in connection with the East India Company they were bound to maintain and provide certain chaplains and ministers for their principal factories. Hitherto these appointments had been made by the Board of Directors at home, but under this clause they would transfer the appointment of all these chaplains to the Secretary of India. He, however, would propose that this should be done alternately by the Secretary of State and by the Bishop of the diocese. This would assimilate the ecclesiastical system in India to that of the system at home; and there was precedent for it in an Act passed by the late Sir R. Peel. It was desirable the resident Bishop should exercise this power, seeing that there were many missionaries whose fitness and whose merits could not come duly under the cognizance of the Secretary of State; and by the method he proposed one-half the patronage would be in the hands of the Government and the other half in the Bishop.

THE EARL OF ELLENBOROUGH was happy to bear his testimony to the merits of an efficient and most respectable body of men: but he had as much confidence in the nominations of the Secretary of State as in those of the Court of Directors. It would be a most injudicious act at the present moment to permit the Bishops in India to take gentlemen from the missionary body and connect them by chaplaincies with the Government.

THE BISHOP OF LONDON supported the Amendment. It had been said that it was in the power of the Bishops already to distribute patronage; but the only patronage he knew of was that of the Bishop of Calcutta to nominate his own archdeacon. He was far from wishing to import into this discussion the tone of the platform, but the feelings of the religious community ought not to be ignored, and it was generally thought that we ought to show a more manly and straightforward policy in regard to the Christian religion.

THE EARL OF DERBY thought it would be exceedingly disadvantageous to have chaplains situated at such a distance dependent, not on the Government, but on their Bishops, thus giving rise to a conflict of authorities. The chaplains were stipendiaries of the Government, and it was of great importance that the present relations between them should be maintained.

THE BISHOP OF OXFORD said, the noble Earl had not met his arguments in any way. The question did not relate to the dependence of the chaplains either on the Bishops or the Government. His proposal simply was, that the Bishops should have an alternate share with the Secretary of State in the appointment of the chaplains.

Amendment *negatived.*

Clause *agreed to.*

House *resumed;* and to be again into Committee on *Monday* next.

House adjourned at half past Twelve o'clock A.M., to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, July 16, 1858.

MINUTES.] PUBLIC BILLS.—1° Incumbered Estates (West Indies) Act Amendment; Marriages (Moscow, Tahiti, and Ningpo).

2° Jews; Law of False Pretences Amendment.

3° Ecclesiastical Jurisdiction Continuance; Charitable Trusts Acts Continuance; Turnpike Trusts Arrangements; Copyhold and Inclosure Commissions, &c.; Indemnity; Army Service; Friendly Societies Act Amendment; Reformatory Schools (Ireland).

CORRUPT PRACTICES PREVENTION ACT CONTINUANCE BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

Clause 1,

Amendment proposed,

"To leave out the words 'to pay the actual travelling expenses,' in order to substitute the words 'to provide conveyance for any voter for the purpose of an election; but it shall not be lawful to pay any money or give any valuable consideration to a voter for or in respect of his travelling expenses for such purpose.'"

MR. KNATCHBULL-HUGESSEN said, he thought the Amendment proposed by the hon. Member for the Tower Hamlets (Mr. Ayrton) very objectionable, and intended to divide the Committee against it. In the first place, it would occasion

the necessity of employing a great number of agents, and thereby increase considerably the expenses of a candidate at an election. He also thought it was calculated to create great abuses. The words "conveyance for the purposes of an election" were too vague, and might cover conveyance to the nomination as well as to the polling. The conveyance which the candidate should provide should be strictly confined to the journey to the poll. It would be very difficult to work the clause in practice without exposing candidates to petition. The only two courses open to the Committee were either to generalize the language of the clause, which would, perhaps, be the better plan, or to particularize by laying down a scale of mileage. He would suggest the insertion of the words "it shall be lawful to pay the 'necessary' travelling expenses of any voter resident at a distance of more than one mile from the place of polling," leaving it to be determined by a Committee whether any given expenses were "necessary" in the event of any question arising.

MR. VANCE said, he thought that the clause, as amended, would entail enormous expense on candidates. There was a freehold qualification for voters in Dublin, and they were scattered all over the country. If this clause were adopted, the candidates would have to send railway tickets to all parts of Ireland. He should prefer the law remaining as it was, rather than that it should be altered in the form proposed.

SIR W. FRASER said, it appeared to him that the Amendment of the hon. Gentleman would not only negative the principle involved in the original clause, but that it would be impracticable in its operation. He regarded the words "*bona fide* travelling expenses" as sufficient. Such a definition had always been admitted by the practice of Election Committees. The Amendment was impracticable, because it would not permit the payment of any money to a non-resident voter. Was the candidate, then, to be expected to send a special train for him? It was astonishing that this legislation to reduce election expenses should emanate from quarters professing to be liberal. It was a mockery to extend the franchise to the poorer classes, and then say that they should not have the means of exercising their right.

MR. BAGWELL said, he should support the Amendment exactly because he sat on the Liberal benches. Without some such provision the power of the landlords at Irish county elections would be overwhelming.

MR. BOOTH said, he should cordially vote for this proposal, because he believed that in the vast majority of cases there would be no difficulty experienced in working elections with the aid of travelling orders or tickets.

MR. LOWE said, the clause of the hon. Member for the Tower Hamlets (Mr. Ayrton) seemed founded on the distinction between money and money's worth—a distinction which in the matter of bribery was of no great value. As he understood the proposal, if a candidate wanted to bring up a voter from a remote village he could not send him the money to pay for his journey by post-office order. But if the candidate knew anybody else living in the same village, he might transmit the post-office order to him, and then get him to go to the railway station with the voter and buy a ticket for him. If, on the other hand, he did not know any inhabitant of the place, the candidate must send an agent down there expressly to go through the process of taking the man to the railway station, and then obtaining a ticket for him.

LORD HARRY VANE said, he thought the right hon. Gentleman who spoke last could not understand the question, because in the county of Durham, at least, which was, perhaps, more intersected with railways than any other part of the country, the common practice was to provide the voters with blank travelling tickets, and the arrangement was well recognized between the different railway companies. No inquiry was made at the railway station for which candidate the elector meant to vote; and each candidate had to pay his proportion of the cost of these tickets. The fears conjured up by hon. Gentlemen as to the effect of this provision were, therefore, purely imaginary.

MR. LABOUCHERE said, he was afraid the noble Lord viewed this Bill with too exclusive reference to his own particular county. The plan which had just been described might work exceedingly well in Durham, but might not be so convenient for districts possessing inferior facilities for communication. Neither ought the case of boroughs to be wholly overlooked. In Taunton, which he represented, there were about ten or twelve non resident electors,

whose votes at a contested election would probably turn the scale, and it was obviously a great object to get them up to the poll. The candidates, however, were often in great perplexity to decide whether they ought or ought not to write to the voters, offering to pay them their travelling expenses if they came to vote. At the last election he had himself been in this position; but he had thought it safer, owing to the uncertain state of the law, to prevent his agent from making such an offer. It would be only fair both to the candidate and to the voter that the Legislature should settle this doubtful question. The payment of the actual expenses of the voter might reasonably be allowed; but, in his opinion, the original clause would carry that principle out better than the proposition of the hon. Member for the Tower Hamlets. If it was desirable that an elector should come up from Kent to an election in Somersetshire, how could he be got to do so unless his expenses were paid? He thought the Amendment, indeed, would not work, and he should therefore support the clause as it stood originally.

MR. MILES said, he understood the sense of the Committee to be in favour of allowing fair travelling expenses to the elector, and the only question was, which was the safest mode of giving effect to that principle. He thought that the clause as originally proposed would be open to great difficulties, and, if adopted, would lead to a large amount of litigation and bribery, which must be the case if money were allowed to pass between the candidate or his agent and the voter. On the other hand, the Amendment proposed by the hon. Gentleman opposite would, in his opinion, remove all difficulties, and settle the question in a distinct and satisfactory manner. It seemed to him that they were really straining at a gnat and swallowing a camel. There was no difficulty in making arrangements for the conveyance of soldiers, and why should the case be different for the conveyance of voters?

MR. DEEDES said, he intended to vote against the proposition of the hon. Member for the Tower Hamlets, because it would open a door to bribery. If the Amendment was, as he hoped it would be, negatived, then the Committee ought to pause before it assented to the first clause at all. Nothing but the absolute refusal of travelling expenses altogether would check abuse. Supposing a non-resident voter had omitted to procure one of the recognized tickets before starting on his journey, and afterwards claimed repayment of his fare from a candidate's committee before voting. If refused, the man might turn round and say, "Oh, very well; I know where to go; they are not so particular over the way!" This was not an imaginary case, but one that had actually occurred.

GENERAL THOMPSON said, he thought the whole of the discussion would be viewed by the country as an effort to give elections to the longest purse. What chance could the poorer candidate have against the rich man who could bribe under the thin disguise of paying for travelling expenses? The clause was nothing but bribery ill-wrapped up. He had sufficient acquaintance with elections to know how the thing would go. The out-voters would find business to settle or friends to see at the place of poll, and then they would ask which of the candidates would pay for their travelling, and to him they would promise their vote. It was just as much bribery as any other manner of offering pounds, shillings and pence for a vote. It was said that the poor voter must have the means of exercising his franchise. If that was not a hollow pretence, let those who urged it show their sincerity by proposing that the Consolidated Fund, or the county rate, or anybody except the candidate, should pay the money.

SIR ARTHUR ELTON said, he advocated the payment of the poor voter's conveyance on the same principle as he advocated the ballot. He wished to place him on an equal footing as regarded the exercise of his franchise as his wealthy neighbour. If privileges were conferred on the poor man, they ought to be a reality, not a mockery. At the same time it was essential that none of the candidate's money should touch the palm of the elector. He could not share in the morbid sympathy shown for the candidate's pocket. If a candidate without large fortune fairly threw himself upon the sympathies of the great mass of the electors, he was not likely to be left without support.

MR. A. MILLS said, there was a large class of cases of constructive bribery which the hon. and learned Member's proposal would not meet. In a late election in Northamptonshire in which a noble Lord, now a Member of the other House, was a candidate, all the carriages and chaises in the district were hired at an expense of as much as £7,000. Abuses of that kind required correction as much as any others.

MR. HORSMAN said, he concurred with the hon. Member for East Kent (Mr. Deedes) in condemning the principle of allowing a voter's travelling expenses at all. The elector did not go to the poll on the candidate's business; and if he was indifferent to the exercise of his suffrage, it would be better that he should stay at home. The spirit of modern legislation was to raise and purify the franchise, though he could not but fear that recently they had been retrograding on this subject. As they would next year have to discuss a new Reform Bill, he thought that they should not now be called upon to enunciate a principle of such doubtful policy at the fag end of a Session. This clause had given rise to much difference of opinion, which there was no hope of their now bringing to a mature and satisfactory adjustment; and he suggested that it would be much more expedient, instead of entering upon new ground, to make the measure simply a continuance Bill.

MR. WALPOLE said, that if the right hon. Member for Stroud (Mr. Horsman) had been present yesterday he would hardly have made the speech which he had just delivered, as at the commencement of the discussion the same objection was raised as that he had just now made. The answer he gave was this: that certain difficulties had arisen in the law of the case which rendered it necessary for the Government to deal with this question; and it was intimated on the part of the Government some months ago, that the point under discussion would be dealt with by a Bill introduced at the end of the Session. When the right hon. Gentleman said they were introducing a new principle he would remind him that the question as to the legality or otherwise of the payment of the elector's travelling expenses by the candidate had never yet been decided by either courts of law or Election Committees. Moreover, a majority of nearly two to one had recognized the propriety of legalizing travelling expenses under certain conditions; and the only question was what was the least objectionable form in which that principle could be carried out. If direct money payments were allowed, there was the danger of larger sums than the real cost of conveyance being obtained from the candidate, which might have the effect upon a scrutiny of vitiating the purity of particular votes. On the other hand, if the candidate was left to provide the conveyance, he believed that in the great majority of cases nothing would be more easy than for orders to be given to the various railway authorities to grant the voter a ticket for his conveyance to the poll. There might, no doubt, be some cases in remote parts of the kingdom in which there would be a difficulty of settling the matter in that way, but even in those cases the difficulty could be easily surmounted in another way. Weighing the difficulties on both sides, and considering which of the two propositions before the Committee was preferable, he had no hesitation in saying that that of the hon. Member for the Tower Hamlets was the least open to objection. To disallow those expenses in all cases would in effect be to disfranchise a large number of electors. He was of opinion that the clause, as amended by the hon. Gentleman, would have the effect of allowing those expenses in such a shape as would at the same time shield the voter from any corrupt influences.

Mr. MASSEY said, he agreed that this clause did not introduce any new principle whatever. For his own part he thought the conveyance of the elector to the poll was the business of the elector, and not the business of the candidate, and he thought the House would be guilty of evading its duty if it neglected this opportunity of clearing up the present uncertainty of the law. He was satisfied that if any money was allowed to pass from the candidate to the voter there would be a great deal of bribery. In the case of overcharge no candidate or agent would have the moral courage to tax the voter's demand, and bribery would follow as a matter of course. Contrasting the two plans before the Committee, he thought the proposition of the hon. Member for the Tower Hamlets was entirely free from the objections which attached to the former.

MR. BRADY said, he should oppose this clause in any shape, as he thought that it would open the door to the grossest acts of bribery and corruption. The measure, in his opinion, was a perfect delusion, and was calculated to demoralize the voter, instead of to protect his interests. If the House were really anxious to put down malpractices at elections, let them pass a stringent measure which would be intelligible to all parties, and not attempt such patchwork legislation as this, which, in his opinion, would legalize bribery in its worst form. Besides, under the clause this practical difficulty might arise, that if

there were three candidates, and the outlying voters were brought in to vote for them, each candidate might be made to pay separately for the same man's conveyance. Again, in the case of split votes, what check would there be upon double charging? Their legislation would therefore open the flood-gates of bribery under a new form. Was there, he asked, any hon. Member in that House—["No, no!"] There was, perhaps, many a true word spoken in jest. Was there any hon. Member who was not aware that unjustifiable practices were carried on at elections which were apparently the most pure?

MR. BERNAL OSBORNE said, it was an answer to the case put by the learned doctor, to say that no one voter could go to the poll in three omnibuses.—[MR. BRADY: There might be three candidates.]—But the voter could only go in one omnibus. He agreed that there might be difficulty in carrying out the clause. He himself had had some considerable expense—he meant experience as to the costs of cabs and omnibuses. When he contested Middlesex, a county which was said to exhibit great purity, a Bill was brought to him for cabs and omnibuses, amounting to £1,200 and upwards. The electors seemed to have got an idea that it was contrary to the British constitution to walk to the poll, and he thought such a feeling was encouraged by such speeches as that of the hon. Baronet the Member for Bath (Sir A. Elton) who talked of the "morbid sympathy for the candidate's pocket." He, for one, confessed to having a morbid sympathy for the pockets of candidates, but that was only because he had a sympathy for the electors, and a wish that they should preserve their position and respectability. What necessity was there for disfranchising electors in counties in consequence of not providing conveyance? why not increase the number of polling places? If they legalized this payment for conveying voters to the poll, they would open a door to bribery on a large scale. He had so much morbid sympathy for the pockets of candidates, and for the respectability of voters, that he hoped that the clause would not pass. If the matter, however, came to a division, he should support the Amendment of the hon. Member, Mr. Ayrton.

Mr. P. O'BRIEN said, he thought it necessary that this clause should pass in its present shape, and not as it was proposed to be amended. In many parts of Ireland it would be impossible for a candidate to provide conveyance for voters, and the only way of getting them to the poll was by paying them their expenses.

MR. SPAIGHT said, he believed that a system of direct money payments for so-called travelling expenses would demoralize the electors and ruin any candidate in the south and west of Ireland.

MR. GREER said, he hoped that the word "reasonable" or "suitable" would be inserted before the word "conveyance" in the Amendment. He believed, however, that a majority of the Committee was in favour of leaving the law as it now stood, without any alteration at all, and that that was the effect of the decision arrived at by the Committee on the day previous.

MR. AYRTON said, they were simply passing a declaratory act on a doubtful question. The right hon. Member for Kidderminister (Mr. Lowe) had said with his usually ingenuity that there was no difference between money and money's worth, but he would put a case on that point. If the right hon. Member got a number of likenesses of himself printed at a cost of half-a-guinea each and presented them to his constituents, would that be the same as if he had presented them each with half-a-guinea? The likeness would be not money, but money's worth. This Amendment was peculiarly suited for Ireland, for otherwise six voters would go to the poll in one car, and they would each charge for the car. If his proposition were adopted, the carman would be paid once for the car, and there would be no bribery. He submitted, therefore, that by his proposition it would be impossible to carry on any system of bribery, while it would effectually establish the principle of enabling the poor voter to exercise his franchise without any difficulty or inconvenience, by compelling the payment of his travelling expenses in such a manner as would avoid any direct money advances to the individual elector.

MR. M'CANN said, he was decidedly opposed to the payment of any travelling expenses in any manner; and thought that the number of polling places should be increased.

MR. CONINGHAM said, he must protest against legislating in this direction at all, and especially to the introduction of such a principle in a continuance Bill. He should vote against the Amendment, though he admitted it was an improvement on the original clause.

MR. WHITE said, he would not use any strong language about Pharisaical intentions or whited sepulchres, but must avow his invincible repugnance to this Bill. He would therefore oppose it to the utmost of his power. The people out of doors would put their own construction upon the conduct of the Committee. They all knew that they were rapidly approaching to a general election, and this clause was intened to apply to it. He believed, that by this clause the whole flood-gates of corruption would be opened, and that to pass it would be a disgrace to the legislation, honesty, morals, and character of the country.

Question put, "That the word 'pay,' stand part of the clause."

The Committee *divided*:—Ayes 39; Noes 145: Majority 106.

MR. COX said, he believed there were many hon. Members who were in the same position as he was, that they did not know exactly on what they had been dividing. He wished them now to decide the question whether candidates ought not to be precluded, not merely from making direct money payments to voters but even from providing conveyance for them at all. He was against doing either of those things, and thought that the number of polling places should be increased. In his own case a number of voters went down to Brighton, and sent word that they would vote for him if he would pay their expenses up to town. This was nothing but a system of bribery, and he should therefore take the sense of the Committee against the Amendment.

MR. WALPOLE said, that the only thing decided by the last vote was that it was better to provide a conveyance for the elector than to pay him any money for travelling expenses. The question which the hon. Member wished to be settled could be best decided upon the Motion that the clause stand part of the Bill.

MR. VERNON SMITH asked whether the right hon. Gentleman had considered his suggestion, made yesterday, as to inserting the word "actual," or "suitable," or some such word, in reference to the conveyance of voters?

MR. WALPOLE said, he did not intend to propose any such word, but would consider any Amendment proposed by the right hon. Gentleman.

Question put,—

"That the words, 'provide conveyance for any voter, for the purpose of an Election, but it shall not be lawful to pay any money or give any valuable consideration to a voter for or in respect of his travelling expenses for such purpose,' be there inserted."

The Committee *divided*:—Ayes 133; Noes 58: Majority 75.

MR. WALPOLE said, he would move to add the following proviso to Clause 1:—

"Provided always, that a full, true, and particular account of all such payments, signed by the candidate or his agents, shall be delivered to the election auditor, with the names and addresses of the persons to whom such payments have been made; and the amount of such account shall be included in the general account of the expenses incurred at any election, to be made out and kept by such election auditor."

MR. W. EWART asked whether it was compulsory on the auditor to publish those accounts?

MR. WALPOLE said, the Act itself made it compulsory upon him to do so.

Proviso *agreed to*.

On the Question that the clause as amended stand part of the Bill,

MR. BERNAL OSBORNE regretted that any such matter as that which they had been discussing should be introduced into a Continuance Bill. He thought that a candidate should not be called on to pay anything at all. So long as candidates paid anything, so long would they have corrupt practices. One hon. Member thought that the possession of the vote was a privilege, and another thought that it was a right, but he thought that it was best described neither as a right nor a privilege, but as a perquisite. That House had done all it could to make it be so considered. It was all very well to say that the expense of elections had diminished; but he should like to know what would become of a poor candidate in Middlesex—a man who could not pay down £1,000 for cabs and omnibuses. He would move the insertion of these words:—

"Provided that every candidate shall be reimbursed his expenses out of the county, city, or borough rate, as the case may be, in which the voter's name may appear on the register."

That was something tangible. He apprehended that they would need no further Reform Bill, and that there would be no bribery if his Amendment passed. He made the Motion in order to elicit discussion.

MR. CLAY said, it might be an excellent thing to relieve candidates of all expense; but there was this trifling objection to the somewhat original Motion of

the hon. Member for Dover, that it would enable one party to order the expenditure, and impose on another the duty of paying it. He doubted whether, if candidates had the borough or county rate at their command, the expense of elections would be diminished. The only way to stop bribery was a declaration by the candidate at the hustings, repeated when the Member took his seat, that he had not paid anything beyond the strictly legal expenses, and this declaration should be so framed that no gentleman who had paid anything more than the legal expenses could make it without forfeiting his character as a gentleman. They should render bribery infamous if they wished it to be discontinued.

SIR JAMES GRAHAM said, he thought the proposal of the hon. Member would convert this into a taxing Bill, creating as it would a new charge upon the county or the poor rates. In that case, he put it to the Chairman whether it would not be necessary that notice should be given of any such Motion, and that the measure should also assume the shape of a money Bill.

THE CHAIRMAN said, that the Amendment did not propose to deal with any public fund, but merely with local rates, applicable to local purposes. It would not, therefore, come within the category to which the right hon. Baronet had referred.

MR. BARROW characterized the proposal as a monstrous one, which would encourage the most mischievous and costly electoral contests in every county and borough in the kingdom.

MR. COX said, he believed that nothing was so likely to prevent needless expense for conveyance to elections as to require those who used such conveyance to pay for it themselves. That would be the practical effect of this Amendment. As, however, the proposal was liable to the objection that it enabled one authority to order and required another to pay this expenditure, it would be better to withdraw it for the present.

MR. JOHN LOCKE said, he would support the Amendment. He saw nothing monstrous in the proposition, as it had been described by the hon. Member for Nottinghamshire (Mr. Barrow), who probably looked upon county rates as a sort of sacred deposit, only to be dispensed by county magistrates themselves; but there were many complaints of the way in which the money was spent by them in the various counties throughout the kingdom. The Government had already conceded one point of the charter in abolishing the property qualification of Members, and he did not see why they ought not to take another step and return to the old principle that the place represented should pay the expense of representation. He supported the principle of the Amendment, but would advise his hon. Friend to bring it forward at some future period.

MR. BERNAL OSBORNE said, as the sense of the Committee was so clearly against him he would beg leave to withdraw the Amendment, which he had only brought forward in order to ventilate the question. He thought, indeed, they would never get rid of bribery whilst Members paid voters' travelling expenses.

Amendment, by leave, *withdrawn.*

MR. BYNG said, he was of opinion that the candidate should not pay for or provide conveyance. As to the disfranchisement of voters, he thought that if a man could not provide his own conveyance to the poll he disfranchised himself, and had no right to complain. He should divide the Committee against the adoption of the clause.

MR. BRADY said, he thought that if the clause passed it would lead to a good deal of litigation, for claims would be made for expenses, and suits would arise.

SIR WILLIAM DUNBAR said, he concurred entirely with what had been said by the hon. Member for Middlesex (Mr. Byng).

Question put, "That Clause 1, as amended, stand part of the Bill."

The Committee *divided* :—Ayes 125; Noes 68; Majority 57.

Clause *agreed to.*

Clause 2.

MR. A. MILLS said, he would move in line four to leave out after "provided," to the end of the clause, and insert "the said further commission shall cease to be payable on and after the passing of this Act." The object of this Amendment was to put an end to the payment of the election auditor by a per centage on the expenses incurred by the candidates. That principle appeared to him to be a most objectionable mode of paying the auditors, as it exposed those officers to a temptation to connive at improper expenditure, and that temptation ought to be removed. The fee of £10 proposed by the Bill was quite sufficient remuneration in all cases, whether of large or small constituencies,

for an officer who had no functions to perform beyond those which might readily be discharged by any attorney's clerk.

MR. J. H. PHILIPPS said, he should support the Amendment. He thought that these appointments of auditors were objectionable.

MR. COX said, that in his own case two-thirds of the expenses were paid before the day of nomination, and he objected to pay an election auditor a per centage on money with which he had nothing to do. He thought that a payment of £10 by each candidate was sufficient without any per centage.

MR. DEEDES said, he also would express a hope that the payment of the election auditor would in future be by a fixed payment, instead of by a per centage.

MR. BENTINCK said, he should also support the Amendment, for he could not conceive a more objectionable mode of paying the election auditor than by a per centage. There might be a question as to whether the £10 would be sufficient remuneration, but he thought the principle upon which payment should be made was clear.

MR. GREER said, he thought the creation of election auditors had failed to achieve the object which was intended to be attained—that of preventing bribery and treating. He hoped that next year the Government would take into consideration the propriety of discontinuing them. He would support the Amendment.

MR. AYRTON said, he agreed that the system of a per centage should cease, and suggested that payment should be by fixed sums, one amount to be paid where there was no contest, and a higher amount —say an additional £5, where there was a poll. He hoped the Government would adopt the Amendment with the alteration he had suggested.

MR. STUART WORTLEY said, he doubted whether an election auditor was of any use in any case, but he could not for the life of him understand of what use he was when there was no contest. In his case his expenses had been nearly doubled in consequence of there being an election auditor. He had gone through two uncontested elections in eighteen months—one at the general election and one on taking office. The expense of the two elections was only £22, and yet he had had to pay the auditor in addition ten guineas on each occasion.

MR. WALPOLE said, he confessed he was rather puzzled to say what was the best mode of paying the auditor; and, in fact, he was in as great doubt about the matter now as when the discussion commenced. His own impression was that as this was only a Continuance Bill it should place the matter on the same footing as it was on before. As to the question of the value of the auditor, he thought that had better be postponed until another year; but hon. Members informed him that one result from having an auditor was that expenses were much diminished. A candidate was enabled to say—"I cannot allow this particular item because it will be published as part of the costs." He would propose, in order to give fair remuneration, that the auditor should be paid £10 in respect of the first £200 of expenses, and above that sum the commission should be 2 per cent; but he would add, "in no case shall the first fee and further commission exceed £20 from each candidate."

MR. HUTT said, he believed this proposition would be generally satisfactory to the Committee.

MR. A. MILLS said, that on the suggestion of the right hon. Gentleman he would withdraw his Amendment.

Amendment, by leave, *withdrawn.*

Clauses 3 and 4 were *agreed to.*

MR. E. C. EGERTON, on behalf of the hon. Member for Cambridge (Mr. Macaulay), said, that he wished to move that the following clause be added to the Bill:—

Clause,

("For better securing to Returning Officers the expenses incurred by them in taking polls at Elections, Be it Enacted, That the persons proposing any candidate shall be jointly liable with such candidate for the payment by him to the Returning Officer of an equal share of the said expenses."

brought up, and read 1° and 2°.

Question put, "That the clause be added to the Bill."

The Committee *divided*:—Ayes 144; Noes 34: Majority 110.

House *resumed.*

Committee report progress; to sit again *this day.*

OCCASIONAL FORMS OF PRAYER.

ANSWER TO ADDRESS.

LORD CLAUD HAMILTON appeared at the Bar and read the following reply of Her Majesty to an Address of the House (13th of July):—

"I have received your Address, praying

that I will take into My consideration the Proclamation of the first year of My Reign, commanding that Forms of Prayer and Service made for the 5th day of November, the 30th day of January, and the 29th day of May, should be annexed to the Book of Common Prayer of the United Church of England and Ireland, to be used yearly on the said days, with a view to the discontinuance of those Forms of Prayer and Service.

"And I shall take care that the subject of your Address receives the careful consideration which its importance demands."

BUSINESS OF THE HOUSE.
QUESTION.

Mr. WILSON said, he would beg to ask the right hon. Gentleman the Chancellor of the Exchequer what course he intends pursuing with regard to the Superannuation Bill.

The CHANCELLOR of the EXCHEQUER: said, that his intentions with regard to that Bill would depend very much upon the progress of the public business, and therefore he must decline to state exactly what course he intended to pursue with regard to it. He would, however, take that opportunity of mentioning to the hon. and learned Member for Sheffield (Mr. Roebuck) and some other hon. Gentlemen who had requested the Government to make arrangements which would enable them to bring on Motions of importance, that he proposed that the hon. and learned Gentleman should bring on his Motion with regard to the Hudson's Bay Company on Tuesday next. As he did not think that there would be any morning sitting on that day, and the House would therefore meet early, he anticipated that that Motion would not occupy the whole evening; and probably the hon. Member for London (Mr. Crawford) would find it convenient afterwards to bring on his Motion with respect to the destruction of timber in the Gulf of Bothnia. The right hon. and learned Gentleman the Member for Bute (Mr. S. Wortley) and the hon. and gallant Member for Weymouth (Colonel Freestun) also had notices upon the paper which he should like to see disposed of on Tuesday; but if that was found to be impossible, he would try to meet their convenience at another opportunity.

THE BILLETING SYSTEM.—QUESTION.

General CODRINGTON said, he wished to ask the Secretary of State for War whether the Government intend to take any steps for the purpose of carrying out the recommendations of the Select Committee on the Billeting System.

General PEEL replied that, in order to prevent the possibility of a mistake on so important a subject, he wished to state that in the early part of the Session a Committee was appointed for the purpose of considering how the objections raised against the present Billeting System could be removed. The hon. and gallant Member for Greenwich would see that it would be perfectly impossible to carry out the recommendations of that Committee in the course of the present Session, involving, as they would, an expenditure which was not provided for in the Estimates. One recommendation of that Committee was that no Militia Regiment should be billeted except on a line of march; but the House would see that it would be perfectly impossible to comply with such a recommendation, inasmuch as they would have to provide barracks for the men when they were called out for training. He would, however, endeavour to do all in his power, to meet the evils complained of, especially as to Scotland, and would communicate with the Lords Lieutenants of counties to see what could be done. It was the intention of the Government to carry out as far as practicable the recommendations of the Select Committee on this subject.

THE TURKISH MEDAL.—QUESTION.

Mr. BERNAL OSBORNE said, he wished to inquire of the Secretary of Sate for War when the Medal promised by the Turkish Government is likely to be distributed to the Officers and Men who served in the Crimean Campaign?

General PEEL said, that two years ago the Turkish Government promised a medal to the soldiers engaged during the Crimean war. That promise was afterwards extended to the Navy and to the Turkish Contingent. He believed it would require 70,000 medals to provide for the Army, and 99,000 including the Navy and Turkish Contingent. These medals had not yet arrived, but as soon as they did they would be distributed.

On the Motion that the House at rising adjourn till Monday,

THE SLAVE TRADE.—OBSERVATIONS.

MR. HUTT stated, that as he could not regard the division come to on Monday night as any indication of the real feeling of the House upon the important subject of the Slave Trade; and as he had received various communications bearing upon the question, it was his intention to renew the discussion in the course of next Session. He trusted that upon that occasion no attempt would be made to import into the debate any of those acrimonious and personal observations, or any of those unjustifiable imputations, which were so freely used on Monday night by noble and hon. Members. He himself was utterly indifferent to these things,—and, indeed, their bad intention was sufficiently neutralized by their obvious folly and absurdity; but he felt assured that the House must suffer in its dignity and moral influence by such exhibitions.

ST. JAMES'S PARK.—COLONEL BROWNE AND MR. O'FERRALL.

QUESTION.

MR. COGAN said, he had a notice on the paper to call attention to the convenience it would be to many Members of the House if permission, under whatever restrictions might be considered advisable, were granted to Members of Parliament, coming to or returning from the House of Commons, to ride and drive through the Park by Constitution Hill and the Horse Guards, or by Storey's Gate; but that he did not think he should be justified in detaining the House on this subject at the present late period of the Session. He hoped, however, that the right hon. Gentleman the Home Secretary would turn his attention to the subject during the recess, and would extend the accommodation he desired as far as possible consistently with the preservation of the privacy of the parks. At the same time, he wished to ask the Attorney General for Ireland whether he intends to lay on the table of the House the Reports and Letters of Colonel Browne and Mr. O'Ferrall to the Irish Government in December and January last, in reference to the organization of the Dublin Metropolitan Police?

MR. WHITESIDE remarked, that the Chief Secretary having stated, in moving the second reading of the Dublin Police Bill, that in the metropolitan force as at present constituted the Roman Catholics greatly outnumbered the Protestants, the hon. and learned Member for Ennis (Mr. J. D. FitzGerald) attempted to account for the fact by asserting that the Protestant members of the force were continually withdrawn from it by private merchants and traders. That statement was made on the authority of Colonel Browne, but as he himself was at the moment in possession of another statement of Colonel Browne somewhat different from that reported by the hon. and learned Member for Ennis, he thought it right to lay it before the House. It was contained in a communication addressed by Colonel Browne to the Irish Government, and was to the effect that the reason why Protestants declined to join the Dublin police force, or to remain in it was, that they did not get fair play. He (Mr. Whiteside) had then admitted that Mr. O'Ferrall had protested against that statement of Colonel Browne, so far as it might be supposed to reflect upon him. And he must say that the hon. and learned Member for Cork (Mr. Serjeant Deasy) and other hon. Gentlemen on the Opposition side of the House seemed to have a very singular acquaintance with the correspondence of Mr. O'Ferrall with the Government. No doubt it was the duty of that Gentleman to have written a long statement on this subject to the Government, but he doubted whether it was equally his duty to communicate it to hon. Gentlemen opposite. However, all he (the Attorney General) did, was to repeat what Colonel Browne stated to the Government. He did not say whether Colonel Browne or Mr. O'Ferrall was accurate, but only argued that when they had a police force managed by two gentlemen who entertained such different opinions, the best thing was to superannuate both and place the force under wiser and better heads. It was a mistake to suppose, as the hon. Gentleman seemed to do, that there had been a correspondence between Colonel Browne and Mr. O'Ferrall. There were statements addressed by both these gentlemen to the Government on a variety of matters connected with the police force, but it was not the intention of the Government to submit them to the House. The hon. and learned Member for Cork (Mr. Serjeant Deasy) had looked over the correspondence with the noble Lord the Chief Secretary for Ireland, and had come to the conclusion that it would not be advisable for the sake of either party that it should be laid on the table.

MR. J. D. FITZGERALD said, what he understood his hon. and learned Friend

the Member for Cork to have stated was this. Having met the noble Lord the Chief Secretary by appointment, and gone through the correspondence, the noble Lord called his attention to the fact that it would not be for the public service that the correspondence should be produced, and it was on the strength of that representation that his hon. and learned Friend did not think it necessary to press for its production. What he complained of now was that although the correspondence was not fit to be laid on the table, the right hon. and learned Attorney General had read a passage from it to the House which reflected on the character of an absent and honourable man. He did not think that was a fair course in dealing with a public servant who had served the country twenty-three years, on whose character there was not the slightest stain, and who held a position as high as that of the right hon. and learned Gentleman. He wished to know whether the Chief Secretary for Ireland would have any objection to produce so much of the correspondence as Mr. O'Ferrall deemed necessary for the justification of his character?

LORD NAAS said, that after what took place on a former evening, the hon. and learned Member for Cork (Mr. Serjeant Deasy) called on him on Saturday morning last. At the conclusion of the conference, which was a protracted one, and after looking over the letters, the hon. and learned Gentleman agreed with him (Lord Naas) that it would not be satisfactory, either for the public service or for the parties concerned, that this correspondence should be laid on the table. At the same time he (Lord Naas) told the hon. Gentleman that if a question were put in the House he would answer it distinctly. Colonel Browne had stated his opinion in the terms read by his hon. and learned Friend the Attorney General the other night. At the same time, in a subsequent part of his letter, he stated his belief that his brother commissioner was not to blame, and that he felt convinced that if these matters were brought before Mr. O'Ferrall he would be prepared to deal impartially and fairly with them. Mr. O'Ferrall, in a letter which he addressed to the Government, referring to that passage of Colonel Browne's letter which had been read the other night said, "In reference to the belief of Colonel Browne, I have to state that nothing ever came before me to lead me to coincide with him in that opinion."

MR. P. O'BRIEN said, he could not but express his satisfaction at the statement of the noble Lord, which if made before would, he believed, have put an end to all controversy or unpleasantness on this question. The Irish Members had thought it right, in the interest of an absent man, to bring this matter before the House.

CONVICT CHILDREN.—QUESTION.

MR. SPOONER said, he wished to ask the Secretary of State for the Home Department whether he has made any inquiry into a statement which appeared in the Public Papers relative to a feast having been given to the convict children in the St. Bernard's Reformatory, and what has been the answer to such inquiry, whether the Reformatory at St. Bernard's received Public Grants on account of such convicts; whether other children not convicts are received at St. Bernard's; and, if so, whether the convicts associate with such children; if the Secretary of State will lay on the table of the House a Return of the names of such convicts, where they were convicted, and whether the parents of such convicts have contributed towards the maintenance of their children in that Reformatory, and to what amount?

MR. WALPOLE said, he had no objection to the production of the return mentioned by the hon. Member. He had made inquiry into the statement which appeared in the public journals, and the result was that an assurance had been given that such feasts, accompanied by public demonstrations, would never be repeated again. The Reformatory certainly received public grants, and other children, not convicts, were received into it. The return would give all the information which the hon. Member required.

SALE OF POISONS BILL.
OBSERVATIONS.

MR. WALPOLE said, he had an announcement to make that would no doubt save many hon. Members a good deal of trouble. It was with reference to the Sale of Poisons Bill. Intimation had been sent to him from every quarter, and almost every village in the kingdom, that the chemists entertained serious objections to the Bill. He did not agree with all that was said of it, but at the same time he thought the Bill required great amendment, and he therefore did not propose to press it this Session.

THE LADIES' GALLERY.
QUESTION.

MAJOR EDWARDS: Sir, I rise to move that the temporary experimental alteration in the central compartment of the Ladies' Gallery, with some immaterial modification, having been generally approved, a similar change should be made in the side compartments, and the whole permanently completed under the superintendence of Sir Charles Barry. In accordance with the Resolution I have placed upon the paper for the consideration of the House, I have now to suggest whether it would not be desirable to increase the present most inadequate accommodation in the Ladies' Gallery; and in doing so, I sincerely trust no opposition may be made on the part of Her Majesty's Government, and that the Chancellor of the Exchequer will act with the same degree of generosity I have already experienced at the hands of the noble Lord the First Commissioner of Works. It may be in the recollection of hon. Members, that some weeks ago I brought the question before the House, and received a promise from the noble Lord that an experiment should be made. That has now been effected, as far as the central compartment is concerned, and we have seventeen if not eighteen seats, where before only seven could be placed, in consequence of the space allotted to the ante-room. Should the House think it desirable to sanction my Resolution, and alter the side compartments in a similar manner, they will afford additional accommodation for thirty-three persons, making in all fifty-four seats, instead of twenty-one. Since the question was first mooted, I have heard of two objections, and two only—one, that in dispensing with the ante-room you took away the tea-rooms—the other, that one compartment should certainly be left untouched, in order that Members of the Royal Family might visit the House. The first objection falls to the ground at once, when we consider the rooms available for that object in the immediate neighbourhood, in the same gallery. And with regard to the second objection, I really cannot imagine what harm can arise to any Royal visitors from increasing their accommodation. We are not often favoured with the presence of Royalty; but should one compartment be required at any time, it can be kept free for that purpose. I would, therefore, propose, that the three compartments should be furnished in a similar manner—one being reserved for Royalty in case of notice being given, but occupied at other times as the other two. The cost of refitting the whole permanently would not exceed £300, according to an estimate I have received from Sir Charles Barry, and the comfort from improved ventilation would be greatly enhanced. The majority of the Members of this House, I believe, will bear me out when I state the difficulty hitherto experienced in procuring admission to the ladies' gallery; and I think, in addition to the contemplated extension, we must look forward to some reform as to the admission of ladies to the gallery. Your own gallery, Sir, is always full on the occasion of an interesting debate. The one in question is frequently partially unoccupied till a late hour of the night, because certain privileged parties have their names on the list—and perhaps never intend to come at all—to the exclusion of the families of less fortunate Members and their friends. I, therefore, beg to move that—

MR. SPEAKER intimated that the hon. and gallant Member was out of order in proposing the Motion of which he had given notice.

MAJOR EDWARDS said, he would then ask whether there would be any objection on the part of Her Majesty's Government to the alteration he had suggested?

MR. MALINS thought that, although the space allotted to ladies in the gallery appropriated to them was somewhat limited, the alteration proposed by the hon. and gallant Member would be productive of considerable inconvenience. Under the existing arrangements the ladies had front seats in the two side compartments, and they had a very comfortable lobby behind in which they hung up their bonnets and cloaks. The hon. and gallant Member had suggested that the partition between the seats and the lobby should be taken down, in order that a second seat might be placed in the compartments; but he (Mr. Malins) did not think any lady who had been induced to occupy the back seat would ever be willing to do so again. He hoped that, although the Government had given way to the vagaries of the hon. and gallant Member with regard to the central compartment, they would not make similar alterations in the side compartments. He could assure hon. Gentlemen that the limited space now afforded to each visitor in the central compartment was quite incompatible with the present style of ladies' dresses. He hoped that before hon. Gen-

tlemen expressed any opinion on this subject they would walk up to the ladies' gallery and judge for themselves.

MR. CLAY said, he thought that perhaps the Government might not object to appoint a Committee on the subject, in which case it would be necessary to examine those who alone could give evidence, the ladies themselves.

ENCROACHMENTS ON EPPING FOREST. QUESTION.

MR. HANBURY said, he would beg to ask the First Commissioner of Works whether he is aware that some of the Crown rights of Epping Forest which are nearest to London, and most frequented, have been sold by the Government during the last few months? and to call the attention of the House to the importance of securing the yet uninclosed portions of Epping Forest for the recreation of the inhabitants of the metropolis. He believed that the rights of the Crown had been disposed of for a mere trifle, and the enclosure of the forest would be a great disadvantage to the poor and labouring classes of the eastern districts of the metropolis, who were accustomed to resort to Epping for exercise and recreation. There had been more land enclosed in the last two years than in the foregoing twelve years.

MR. G. A. HAMILTON said, that as the hon. Member had not given notice of his intention to ask this question of the Chief Commissioner of Works, he had omitted to obtain the requisite information on the subject; but he would take an opportunity of inquiring into the matter, and ascertain whether the statement on which the hon. Gentleman relied was correct.

EXPENSES OF WITNESSES—QUESTION.

MR. PHILIPPS said, he would beg to call the attention of Her Majesty's Government to the expediency of an early settlement of the Scale of Expenses allowed in connection with Criminal Prosecutions. The hon. and learned Member for Wigan (Mr. Powell) had asked a question on this subject some time since, and he was told that the Government had appointed a Commission of Inquiry, and they were awaiting their report. He had hoped that the information the Commission would afford would have been received in time for the Government to take steps in the matter before the last quarter sessions or the present assizes, but that had not been the case. It was a matter of extreme importance, for it constantly happened that there was a failure of justice owing to the unwillingness of persons to come forward as witnesses when the remuneration they received was so small.

MR. CARDWELL said, that as a member of the Royal Commission which inquired into the subject, he could say that the Commissioners had come to a conclusion with regard to the course they could recommend, and the matter was now under the consideration of the Home Secretary.

Motion *agreed to.*

House at rising, to adjourn till *Monday* next.

JEWS BILL.

SECOND READING.

LORD JOHN RUSSELL moved the Second Reading of this Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. NEWDEGATE: Sir, at the request of a number of honourable friends, in conjunction with whom I have opposed the admission of Jews to Parliament for several years, I have undertaken to move that this Bill be read a second time this day three months; and I think some apology is due to the House on my part, because on a former occasion I felt it my duty to move the rejection of clauses in the Oaths Bill, which, according to the understanding of myself and my hon. Friends, would have had the effect of abrogating the Christian character of this House—a matter the importance of which I fear hon. Gentlemen opposite undervalue. For one, I wish to observe, and in this I know I speak the sentiments of others, that the opposition to this proposal of the admission of Jews to Parliament, has been with us no mere party question; but that it is founded in a deep conviction that the Legislature of this country, which under its various phases has ever been Christian by its constitution, should so continue—a deep conviction that there is nothing injurious to real freedom in those restrictions which are necessary to preserve this character, but that, on the contrary, the Christian character of the Legislature and the constitution of the country constitute the great guarantee for the freedom of the people, a freedom that has survived the vicissitudes which have proved fatal to

the liberties of the nations that surround us. I cannot conceal that it would be a piece of futile hypocrisy on my part if I attempted to conceal the deep regret which I feel at opposing a Bill which has the sanction of the vote, if not of the judgment, of the noble Earl at the head of the Government. For many years I have been a very humble but very determined supporter of that noble Earl. Upon the reconstruction of the Conservative party in 1846, it was my lot to be appointed to one of the offices upon which so much of the efficiency and good conduct of this House depends. That office I held until the year 1851, and when I resigned it I assured the noble Earl that he should never need a man to collect the opponents of those whose object is to destroy the Christian character of Parliament. After this lengthened connection with the noble Earl, and after the many assurances I have given to others that his convictions on this subject were so firm that he might be implicitly relied upon, it is with the deepest regret that I have seen the noble Lord change his course of conduct, at a period when, as I believe, there was really no occasion for his doing so. I desire not to speak disrespectfully to this House when I say that I am firmly convinced—more firmly convinced perhaps than I have ever been—that those who advocate the admission of the Jews to Parliament do not truly represent the feelings of the people of this country; I say this because, that since it has been felt that this change in the law is now, I fear, inevitable, I have seen no indications of satisfaction on the part of the people in whose name the change has been urged. I therefore feel entitled to assume that the measure has been forced upon the country; for, so far as I can observe, the only feeling which the probability of its passing has caused throughout the kingdom is one of disappointment, enhanced, perhaps, by the fact that the proposed change is to be effected by the powerful aid of one from whom such a measure was little to be expected. Hon. Members opposite can show me no demonstrations of satisfaction to prove that, in seeking to abrogate the Christian character of Parliament, they are acting thoroughly in accordance with public opinion. With reference more immediately to the Bill upon the table, I feel that the noble Lord the Member for the City of London adopted an unseemly course, when on a former occasion, before the Bill came down from the House of Lords, he moved the adjournment of the House in order to dictate the course we should pursue with respect to this measure when it came down from their Lordships, and while doing this sneered at the Lord Chief Justice of the Court of Queen's Bench, because that noble and learned Lord had declared that if the House of Commons had been so misguided as to attempt to override the law for the sake of admitting a Jew to a seat in this House, he would not have shrunk, in the performance of his judicial duty, from vindicating the majesty of the law, but would have abided the consequences of its true administration be those consequences what they might. There is not too much public spirit operative in this country, and it was with much regret that I heard a Member of this House, occupying so high a position as the noble Lord, speak sneeringly of a declaration which, I think, does the highest honour to the noble and learned person who uttered it, and to the profession of which he has so long been an ornament. What more did the noble Lord the Member for London say? He proclaimed that the House of Lords, by having yielded on this question, had established the supremacy of the House of Commons—not, mark you, merely in relation to financial matters, but on the widest and deepest religious and constitutional question that has been submitted in modern times, perhaps ever, to Parliament. Sir, this House is a proud and a powerful assembly; but I scarcely think it is consonant with the feelings of the great majority of the Members of this House to find themselves congratulated upon having established this House as the supreme authority in this country, by having overridden the convictions of the House of Lords, or to have it implied that they consider it as ridiculous on the part of the Lord Chief Justice to declare that he is prepared to vindicate the majesty of the law against a Resolution of this House. I do not believe that, if the House of Lords had adhered to its sincere convictions against the admission of Jews to Parliament, that the House of Commons would have been so misguided as to attempt to override the law. If, however, it had done that, so grave and serious an event would have required Lord Derby, as the constitutional Minister of the Crown, to advise Her Majesty at once by a dissolution to appeal to her people, whether they are prepared to submit to the authority of this House as supreme, when no longer Christian by its constitution, and

after this House had overridden the independence of the House of Lords, and had even assailed the pure administration of the law. The noble Lord the Member for London did not condescend to state what might be the probable result of such an appeal, though he said the decision of this House might possibly have led to much inconvenience. That inconvenience, I believe, would have been felt by the noble Lord especially, if he had ventured to recommend the adoption of a Resolution such as that to which he had alluded; it would, also, have been felt by every other Member of this House who ventured thus to assail that which is the great guarantee for the personal freedom and safety of every Englishman. I regret, deeply regret, that this question, involving, as it does, the Christian character of this House—that this issue was not fairly placed before the country—that the people have been deprived of the opportunity of declaring their will upon this subject. I shall not trouble the House with any observations upon the frame of the Bill now before us; I deprecate the measure, because it will accomplish the destruction of the Christian character of Parliament. Like all departures from sound principle, it involves incidental circumstances which can scarcely recommend it to the general approval. I allude particularly to the provision of the Bill which enacts that, in the case of every Jewish Member, there should be in fact a second election before he takes his seat in this House. Let the House consider the principle which is involved in that clause. It tends to constitute the House of Commons a close corporation. It provides that the House shall not be satisfied by a free election on the part of constituencies in certain cases, and gives to Members of this House the privilege of declaring their objection to receive a Member upon grounds which are not stated in the law, but merely in accordance with the decision of a majority of this House, based on no recognized grounds, but cogent when the Member presents himself for the purpose of taking the oath and his seat. There can be little doubt that if, after the passing of this Bill, Baron Rothschild, a very wealthy man, should present himself at that table to be sworn, he would be admitted to a seat in the House under the Resolution which the Bill provides. There is little doubt if Alderman Salomons, a very convenient person, were elected and presented himself here, he would be recommended to the majority of this House; but I want to know why the law should not declare what are the circumstances under which the House ought by Resolution to admit a Jew. If this measure pass, why should not this principle be extended? Why should not this or some other Bill provide for the admission of avowed atheists to seats in this House? We should then have to make a pick among the atheists who might be elected and presented themselves to take their seats. How should we be able to distinguish among them? Let us, then, for the sake of illustration, further test the principles of the Bill by extending the application of them; and suppose that you had admitted the Jew and the atheist by Resolution, why should not the principle be applied to others? Why should not some Christians be esteemed objectionable by the majority of the House? Tell me, therefore, what is the security that this House, if this principle be extended, should not by Resolution select from the candidates who have been sent up by the constituencies such as may at the time please them best, and reject others, on grounds and for purposes not recognised by this or any other law? These are, however, considerations relating to comparatively minor matters. If you pass this Bill, and destroy the Christian character of the House, that step will tend first to the alienation, and then to the separation of the Church from the State. But, observe, this Bill anticipates that evil, for it provides for the severance of the State itself. No one doubts that if this Bill passes, the House of Lords will refuse to admit a Jew to their assembly, whilst the House of Commons will admit him to theirs. Thus you will sever the only bond of union in principle which remains to connect the two branches of the Legislature; you will have this House invested with the supremacy which the noble Lord ascribes to it, but constituted upon a totally different basis from that of the House of Lords; and do you not see in that severance and that supremacy elements of confusion? I can regard this as no settlement whatever. It marks our first entrance upon a new phase of political existence for the country. It is the first step in a course which I myself view with the greatest apprehension; and I very much doubt whether many hon. Gentlemen on the other side have weighed the extent of the change which they are about to effect; but of this I am confident, that wherever in a State

this principle has been introduced, wherever a State that was Christian by its constitution has ceased to be so, the freedom of that State has not been long maintained; and I challenge hon. Gentlemen to produce me an instance to the contrary. Upon this stage of the Bill I will not further intrude upon the patience of the House; but in justification of my own vote and the vote of those who have asked me to propose the Amendment, I will read the Reasons of the House of Lords for insisting on their Amendments to the Oaths Bill which involve the justification of their long continued opposition to the admission of Jews to Parliament.

"1. Because, although the words 'on the true faith of a Christian' were originally introduced into the oath for the immediate purpose of binding certain Roman Catholics, it is unreasonable to assume that the Parliament which so introduced them did not intend that the profession of Christianity should be a necessary qualification for admission to the Legislature, when they enacted that a declaration of that faith should form part of the oath required to be taken by every Member of both Houses.

"2. Because the constant intention of the Legislature may be further inferred from the fact that neither at the time of the introduction of these words were the Jews admissible, nor have they at any subsequent period been admitted to sit and vote in either House of Parliament.

"3. Because exclusion from seats in Parliament and offices of the State on the ground of religious opinion, and for other reasons, when the general good of the State appears to require it, is a principle recognized in the settlement of the succession to the Crown, and in other cases; and has moreover been further and recently sanctioned by the House of Commons in some of the provisions of the present Bill.

"4. Because, in the prayers with which both Houses daily commence their proceedings, they implore in Christ's name the Divine assistance and guidance in all their undertakings, professing themselves his unworthy servants; and this act of worship will become a mockery when among those who are therein declared to be gathered together in His name are numbered those who deny Him through whose merits alone those prayers can be acceptable.

"5. Because, when the Commons plead in support of their views, in a matter which equally concerns the constitution of both branches of the Legislature, their repeated recognition of the expediency of removing this disability of the Jews, and admitting them to their Councils, the Lords desire to refer to their equally firm adherence to the principle of retaining those privileges which they believe to be peculiarly and inseparably attached to Parliament as an exclusively Christian assembly."

Sir, these Reasons have been drawn by men who are so completely my superiors in intellect that I think comment upon them on my part would be altogether idle and superfluous. I humbly submit, and in saying this I believe I represent the feelings of the people of this country, that these Reasons fully justify the resistance of the House of Lords to all the attempts that have been made during the last eleven years to strike down the Christian character of Parliament, but I am sorry to say these Reasons likewise condemn the decision of that exalted assembly in favour of the Bill before the House. I beg to move that this Bill be read a second time this day three months.

MR. SPOONER seconded the Motion.

Amendment proposed to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

MR. SPOONER said, he had hoped to have heard something from the other side of the House. He was not in the habit of addressing that House often, and especially when he could not do so for an object. He knew that anything he could say would be in vain to undo what had been done, but still he could not give a silent vote on the present occasion. He had hoped to have heard some remarks from the noble Lord (Lord J. Russell) on the Bill. Although he (Mr. Spooner) had formerly contented himself with giving a silent vote on this question, he was not of those who had altered their opinions, and he could not follow the example of those high personages who, retaining their opinions, had altered their votes. He had changed neither his opinion nor his vote. He had no vulgar prejudice against the Jews. No one could regard their past history, or contemplate their future destiny, without feeling deep respect for them, and a full belief that they would ultimately be restored to their high destiny. Respecting the Jews as a nation, and many individuals of that nation with whom he had the honour to be acquainted, he felt that no such consideration would justify his vote for their admission to legislate for a Christian people. He believed that real conscientious Jews would feel themselves in an awkward position, although they had been relieved from taking the oath with the words "on the true faith of a Christian," when they were called on by their allegiance to the Crown to legislate for Christianity in that House. The Reasons of the Lords seemed to be conclusive against such a measure as this. The fourth Reason stated their Lordships' opinion, that a Jew was "morally unfit" to take part in Christian legislation, and

yet a Bill was sent down to this House by the same parties who had communicated that Reason, for the purpose of enabling them to admit a Jew, though it had been so declared that he was morally unfit to take his place in a Christian Legislature, and that without the other House of Parliament going into such an unconstitutional proceeding, while at the same time the great prerogative of the Crown and the ultimate veto to all their proceedings were set aside. He agreed with his hon. Colleague that they were introducing a new principle into the Constitution; that they were giving the House the power to say by Resolution whether a Member should sit in that House or not. If there were one thing of which they should be more jealous than another, it was that the House should not be able by a majority to say to one man you shall, and to another you shall not, sit in this House. Would the noble Lord agree to such an unconstitutional proceeding? It was said that the admission of Jews had become a necessity, and that the Bill under consideration was the result of pressure. What was the feeling of the people out of doors on this question? Why, up to July of this Session there were only two petitions before the House in favour of the admission of Jews, and those petitions contained two signatures. There had been 250 petitions sent up against the measure, signed by 11,808 persons. Was that the pressure to which the House of Lords had yielded? No; it was to pander to the views of party that the principle on which the Legislature had so long acted in this matter was to be abandoned. He had extreme fears that the passing of this Bill would inflict a deadly blow on the Constitution, and sure he was that the confidence of the people in the other House of Parliament, to which they had long looked as the bulwark of their liberties, had been shaken beyond the possibility of redemption by the unfortunate concession they had made on this question. He was old enough to remember the impression made, and which had not passed away, by a declaratien made in the House of Commons of that great public man Mr. Fox, held in veneration by Members on the opposite side of the House—namely, "that what was morally wrong could never be politically right." That was the motto which ought to have governed the conduct of Parliament in this matter. A great historian, and now a noble Lord, once wrote, "Talk to me of a Christian Legislature; you might as well talk to me of Christian cookery." He (Mr. Spooner) did not think the country was quite prepared to coincide with that view; but he did feel that if this Bill passed an irreparable blow would be inflicted on the Christian character of that House. Expediency had done more to shake the Throne than anything that could have occurred. It had broken in on our Constitution in 1829, and had led from change to change, until, in this Bill, we have the last vestige of the Christian character of our Legislature taken away. He should have gone down to his grave with deep sorrow if he had not made this protest against so great a dereliction of duty on the part of the other House of Parliament. He deplored what had been done chiefly for its effect on the Christian character of Parliament, and he looked on it, moreover, as a great error in that it was calculated to take away from a large portion of the thinking people of this country that confidence which they were willing to repose in the Government of the Earl of Derby. It had greatly shaken his (Mr. Spooner's) confidence in that noble Lord who headed the party with whom he had been in the habit of acting. He trusted that support had always been given as became an independent Member of Parliament. Hon. Gentlemen opposite knew well that he had frequently supported measures brought forward by them when he was convinced their measures were right. He would give the same kind of support to measures proposed by the noble Lord at the head of the Government; but instead of yielding his opinion, as he had hitherto done, on matters where he entertained doubt, and presuming that to be right which was not proved to be wrong, he must now adopt another course, and support only such measures as he conscientiously believed were proved to be right.

MR. BENTINCK said, he thought that the silence which was maintained with regard to this Bill by the distinguished Gentleman who had hitherto taken the most active part in promoting the admission of Jews to Parliament was most remarkable. The noble Lord the Member for London seemed disposed to force the measure through the House without condescending even to explain its principles or details. But were the House of Commons a flock of sheep that they were to be thus treated? Had they nothing else to do but to obey the nod of the noble Lord, and read the

Bill a second time without discussion? He did not know whether they were prepared to adopt that course, or not; all he could say was that he was not, and that he should trespass for a few moments upon the attention of the House for the purpose of stating his opinion with regard to the position in which the two sides of the House now stood, and particularly the position which was occupied by the other House in reference to this question. As yet they had not heard one word in favour of the measure, which was an entirely new one, based upon entirely different arrangements, and, in the opinion of many who were even favourable to its object, was open to very grave objections. Before the House went to a division, therefore, he trusted they would be favoured with the views of the noble Lord upon the principle and details of the measure—upon its probable effects on the position of the two Houses of Parliament; and whether or not he was perfectly satisfied with the manner in which it dealt with the important question at issue. He would not go into the question of the noble Lord's consistency on other matters, nor would he draw comparisons between his conduct in and out of office, but, to give him his due, he had for many years past been most consistent, determined, and energetic in his endeavours to insult the Christian community of the country, and to destroy the Christian character of that House. Now, if they destroyed the Christian character of the Senate of this country, they would seriously impair its polititical efficiency, and shake the confidence of the large majority of the people in this House by giving them the impression that they were not influenced in their conduct by religious considerations. The question was not one of civil and religious liberty; it was simply a political question, and that a political question confined to a very small circle of persons. There was neither civil nor religious liberty mixed up in the matter. It was an attempt to destroy the Christian character of the Senate of England for the purpose of carrying an insignificant political object; and the only political object that had been attained by its agitation up to this time was that the noble Lord (Lord J. Russell) was the representative of the City of London instead of some small and obscure constituency. The portion of the subject that he approached with the most anxiety was the position taken by the House of Lords with regard to this measure. No well-wisher of his country could have witnessed what had taken place in the other House of Parliament during the last few weeks without feeling the most sincere regret at the extent to which the events occurring there had lowered the character of public men in that branch of the Legislature. He wished he could entertain a doubt upon that point; but he was sorry to say that he could not. At no period since the melancholy year 1846 had public men so utterly and irretrievably lost their character, or exhibited such a degree of tergiversation, as in reference to the question now before the House; but it so happened that the present case was worse than that of 1846; for whatever might have been the demerits of those who in 1846 sacrificed their opinions and their characters, the question upon which they did so was a financial question; whereas the subject now under discussion had been argued upon religious grounds. It had been held that on these grounds Jews ought not to be allowed to occupy seats in a Christian Legislature; and he entirely concurred in the argument, and said that it would be a desecration of the character of this House as a Christian assembly, and a mockery of their profession of Christianity, if they did so. But what became of the consistency of those who, having always hitherto opposed the claims of the Jews, now turned round and sent the present Bill down to this House? He must again express his sincere regret at the position in which the House was now placed; and he regretted it the more, because the majority were the representatives of the £10 householders, and the feelings of the £10 householders upon this question did not represent the feelings of the people of England, who, he believed, were opposed to the admission of the Jews to Parliament. He was convinced that what had recently passed in this House and in the other House of Parliament was calculated to derogate in the highest degree from the estimation in which the two Houses were held by the people, and he trusted he should never again witness proceedings so disreputable to the character of all concerned in them.

Mr. ADAMS said, he had no intention to attack hon. Members for want of consistency, which he thought was sometimes carried to far too great an extent, until it degenerates into obstinacy, nor would he impute any improper or personal motives to the noble Lord the Member for London. He was not surprised that the

Mr. Bentinck

noble Lord had not risen to advocate the Bill of which he had moved the second reading, because it was not the noble Lord's Bill; and he very much misunderstood the noble Lord if he would ever have produced, had the task been left to him, a measure of the character which was now submitted to the House. As he understood the matter, the noble Lord had accepted the Bill with a view to avoid what might appear to him to be a greater evil; not that it was his choice, but that necessity had forced it upon him. And he could not concur in the remarks which had been made by the hon. Member for Norfolk (Mr. Bentinck) that the noble Lord had been actuated, with reference to this question, by personal considerations; or that it had been the means of placing him in the position, which, as a statesman of high standing, who had for many years enjoyed the esteem and confidence of this House, he so worthily occupied, and was so well entitled to assume, of Representative of the great and important constituency of London. His (Mr. Adams's) objection was not so much to the admission of the Jews to this House on principle as it was to the form in which the Bill was presented to the House. Had the other House been pleased to accept the Bill which was sent up from this House he should have cheerfully acquiesced in their decision, as being in strict accordance with the rules and principles of the Constitution, though he might have entertained the opinion that it was a dangerous innovation for them to make; but to that Bill he entertained strong objections. In the first place, he held that the Bill, which had been called a compromise, was no compromise at all, but that it was a concession—a giving up of the whole question. He repeated, however, that his chief objection was to the form—the insulting form—in which the Bill had been sent down from the House of Lords, inasmuch as it had come down accompanied by Reasons which were as complete and thorough a condemnation of it as they were of the Oaths Bill itself. One of those Reasons stated that the Jew was morally unfit to take part in the legislation of this professedly Christian country; yet the Bill would admit him to a seat in this House upon a Resolution of the House. But supposing it should be the grace and favour of the Sovereign to grant a peerage to a Jew; why, was he not as worthy to occupy a seat in the House of Lords as in this House? Wherein was the House of Commons inferior, as far as moral standing was concerned, to the other branch of the Legislature? He contended that a man who was fit for the society of the House of Commons was equally fit for the society of the members of the House of Lords, and that the other House had no right to send down a Bill for the admission to seats in this House of persons who, in their reasons against the Oaths Bill, they branded as morally unfit to sit in a Christian Legislature. For his part, he thought the separate legislation now proposed to be established was a most dangerous and unconstitutional, though not unexampled proceeding; and he feared that the other House, which had now set the example of declaring that the House of Commons might by their own Resolution seat any one particular individual, would find that the practice of separate and independent legislation might again be carried, as it had been in former times, to an inconvenient extent by which their Lordships would be the sufferers. Hitherto their principle of legislation had been concurrence between the two Houses of Parliament. Now they might have a Resolution of that House absolutely opposed to the practice of the House of Lords. The measure had come down to the House in the most offensive shape. It was conceded as an almsgiving to an importunate beggar, not gracefully given, but thrown in the face of the applicant; and he regarded it, in every point of view, as most objectionable.

LORD JOHN RUSSELL said, he thought the House would not expect him to go into arguments which had been repeated over and over again on the subject of Jewish disabilities, but some points had been raised and some references made to him by previous speakers which he could not wholly overlook. The hon. Member for North Warwickshire seemed to suppose that in the event of the present Bill being rejected it was his (Lord J. Russell's) intention to propose or at least support some Resolution contrary to the law. The hon. Gentleman had misunderstood him, for the fact was that the only ground upon which he intended to ask the House to support a Resolution in favour of the admission of the Jews, would be that it was in conformity with the law, and in so doing he would be resting upon a very high authority, that of the late Attorney General. Upon that question he should have been glad to hear, what he never had heard, the opinion of the present Attorney

General; but, fortunately, the House was spared the necessity of going into that subject, thanks to the Bill now under consideration. It had been observed by an hon. Member (Mr. Adams) that he (Lord J. Russell) could not possibly like the present Bill; but, as the House of Lords had sent down the Bill, and desired the concurrence of the Commons to it, he was simply moving, in accordance with that desire, that the House should concur in the Bill thus sent down. He certainly considered that the Bill sent up to the Lords, with part of which the other House disagreed, was in its nature a compromise, because he thought that no Bill could be entirely satisfactory which made a distinction in the form of oath between Protestants and Roman Catholics, and he endeavoured to put the oaths in a form which would meet with the concurrence of both Houses. The hon. Member for Warwickshire (Mr. Spooner) spoke about pandering to passions. With all that he had nothing to do. With respect to the conduct of those who had all along been opposed to the emancipation of the Jews, and who now consented to the proposed mode of admitting them to Parliament, he could only say that he thought the mode effectual for the purpose, though the manner of concession was not the most gracious. If the House did not accept the present Bill, it must either go on in a continual contest with the House of Lords, asking their consent to a Bill, to which they were not prepared to consent, or carry a Resolution which a majority of the House might have concurred in, thinking it agreeable to law. But that might have been a question in a court of law, it might have led to very much dispute, and caused very much inconvenience, and possible collision with the courts of law. With these alternatives before him, he must confess that, though he should never himself have proposed the present Bill, he was glad to take a course in which both Houses could concur, and which relieved the House from the difficulties he had mentioned. That was the reason why he recommended the Bill to the acceptance of the House. The hon. Member for Norfolk (Mr. Bentinck) had spoken as if the only object of carrying the Bill was to enable him (Lord J. Russell) to retain his seat for the City of London. He certainly valued highly the possession of that seat, but the object to be attained by the passing of the Bill was of a very different nature. It was unnecessary for him to enter upon that topic now. The great majority of the House understood the principle of religious liberty, in accordance with which Roman Catholics and Protestant Dissenters had been admitted to Parliament. Those were principles with which, he was afraid, if the contest was to go on for another ten years there would be no imbuing the mind of the hon. Member. He had now stated very shortly the grounds on which he recommended this Bill to the House. He believed that it would furnish a practical solution of the difficulty he had adverted to, with some inconvenience in the way, but not with the inconvenience insisted upon by the hon. and learned Member for Boston (Mr. Adams). So far as the terms of the Bill went, both Houses were placed upon an equality, and either House might say that it would, or would not, admit a Jew. According to all experience, it was probable that when a Jew presented himself to be sworn at the table, the House of Commons would be disposed to admit him. At present, it was not likely that any Peer would present himself to be sworn in the other House, objecting to the words "on the true faith of a Christian" on the ground of being a Jew; and by the time that any Jew would be enabled, by the favour of the Queen, to receive a patent of peerage, it was likely that the Peers would have come to a different opinion from that they entertained at present. The sons, in many instances, were wiser than their fathers, and probably the House of Lords would then agree to admit the Jew. When the Bill was read a second time, he should give notice of the course he proposed to pursue with respect to the Oaths Bill.

Mr. DRUMMOND said, that the question was whether the matter in dispute should be settled in this shape, or in that desperate manner which some of the advocates of the admission of Jews had alluded to—namely, by a Resolution of the House, which Resolution was to be taken as equivalent to an Act of Parliament. A more revolutionary doctrine than that he had never heard broached. They had lately been told by a high authority that that House was supreme in the State; but he had always humbly thought, in his ignorance, that they were living under a constitutional monarchy. It seemed, however, that such was not the prevailing opinion. Tories and Conservatives by profession had heard that statement with-

out a murmur, and he surely thought their squeezability must be of a most extraordinary character. But that was not all. It was said besides, that if that House by its own authority passed a Resolution admitting the Jew, and if Lord Campbell, in interpreting the law, should punish and fine the Jew for sitting and voting in the House without taking the oaths, the House would be bound to protect the Jew from the consequences of the breach of the law. It really was high time that they should have a dissolution, in order that the constituencies should speak their minds upon this matter. He should like to know, moreover, how that House could set about such a proceeding. It was said, that if the House did pass such a Resolution, the Judges would be squeezable, and would be, no doubt, disposed to interpret the law according to the decision of the House of Commons. Now, he did not believe that Lord Campbell or any Judge on the bench at present would dishonour himself by such conduct. But that was not all, for the House had been told that it could, by Resolution, take the government and direction of the army and navy off the hands of the Crown, totally irrespective of the laws. Now, all the mischief done in the beginning of the French Revolution was done by Resolutions. By Resolutions they abolished primogeniture, they abolished nobility, and they abolished tithe. ["Hear!"] He thought, from that cry of "Hear," that there was at least one hon. Gentleman willing to walk in the footsteps of those revolutionists. It was also said that if the Jews were not admitted, the House of Commons could stop the supplies. That was rather a strong measure. It was said, "We will stop the supplies and refuse the Mutiny Bill." Well, what would be the effect of such a proceeding? Why, he supposed the army, the navy, and the police would help themselves. They would live at free quarters until Parliament passed the Mutiny Bill and paid their wages. But these were mere idle threats, which were never meant to be carried into execution. He agreed with those who thought that the legislation they were now asked to sanction was the beginning of a new system. It was no answer to say that this was only the climax—the necessary consequence—of the repeal of the Test Acts, the Emancipation of the Catholics, and other similar measures. It was a perfect farce for hon. Gentlemen to talk about a conciliatory measure with reference to church rates. As far as he was concerned he would have no conciliatory Bill; he would have church rates or nothing. The Dissenters acted honestly on this subject. Mr. Miall, of *The Nonconformist*, had argued the question with great fairness and ability, and avowed that the Dissenters only sought by means of the abolition of church rates to insert the small point of the wedge, and that what they were really fighting against was tithe. He (Mr. Drummond) believed this was the necessary consequence of previous legislation on such questions. With regard to the Test Acts, he remembered that several persons of notoriously immoral character, who blazoned forth their opinions to the offence of all honest and decent people in the city, received places under the Crown, and when they went to St. Martin's Church to receive the sacrament, the clergyman, although very much disgusted at being required to administer it to them, instead of doing his duty by refusing to administer it, came to that House and prayed for the repeal of the Test Acts. The legislation adopted at that time and since must go on, and it was impossible now to maintain that, as was formerly the case, the Church of England and the State were one. He was not referring to these things to frighten the House, but he was only anxious to point out to them the course upon which they had entered, and he knew that its consequences were evident to many hon. Gentlemen. The ablest man among those whom he called advanced Liberals—the hon. Member for Birmingham (Mr. Bright)—had foreseen them. There was no necessity for hon. Gentlemen to go into Committee-room No. 11, or elsewhere, to find a head; for the hon. Member for Birmingham was the only man among them who had, from the first, foreseen the end of these measures, and who had honestly and plainly expressed his opinions; and if that hon. Gentleman lived as long as he (Mr. Drummond) wished he might do, he would see his anticipations realized. They were now merely considering in what manner they should admit the Jews to Parliament, for they had settled—be it right or wrong, religious or irreligious—that whether the House became infidel, or what not, have the Jew they would. Of all the measures he had seen on this subject, the one now under consideration was, in his opinion, the least likely to lead to public disturbance. The simple question for the House to determine was, what was the best and

least mischievous mode of admitting Jews to Parliament?—and as this Bill seemed to provide the least mischievous means of effecting that object, he would give it his support.

MR. DILLWYN said, he was anxious to defend the course he had pursued on this question from the charges made against him. He denied that he had recommended the House to act upon any revolutionary principle. He had found that the great constituencies of the City of London had repeatedly returned a Jew to that House, and as he conceived that the House was justified under the existing law in proceeding by Resolution, he had recommended the adoption of such a course with the view of admitting Baron Rothschild to a seat. He was justified in that course by the opinion of some of the most eminent English jurists who had written upon constitutional law, by the express declaration of the late Lord Canterbury, and by the opinion of a late Premier. He felt strongly the force of the objections which had been urged against this Bill by the hon. Member for North Warwickshire. He thought it unsatisfactory, inconsistent in its character, and objectionable in the highest degree, because it did not secure the admission of the Jew to Parliament, unless the House decreed by a Resolution that they would do so; and practically, therefore, he remained excluded. They would only have continually party fighting and personal squabbles from religious motives every time a new Parliament was elected. If a Jew were qualified to sit in that House, it was not the House itself which ought to exclude him; and he objected to the Bill because it gave them a right to do so. The present measure was no final settlement of the question, and was altogether so objectionable in its principle that he hoped it never would be allowed a place on the statute-book.

MR. WALPOLE said, he was unwilling, after what had fallen from his hon. Friend the Member for West Surrey (Mr. Drummond), to give a silent vote with respect to this measure. His hon. Friend was one of those who had always entertained the opinion that the admission of Jews to Parliament would destroy the exclusively Christian character of the Legislature of this country. His hon. Friend had given a somewhat severe lecture to noble Lords in "another place," as well as to those who usually agreed with him upon political questions in that House, with reference to the mode in which great legislative measures should be treated; and he had spoken, with considerable apprehension, of the course which Parliament was now pursuing. In many of those views he (Mr. Walpole) heartily concurred; but, he must say, he thought it would have been better if the hon. Gentleman had contented himself with entering a silent protest against the principle to which he objected by recording his vote against it. His hon. Friend thought the question of admitting the Jews to this House was settled. Consistently, however, with the views which his hon. Friend said ought to be taken by the statesmen of this country, he believed that if they apprehended evil from any measure submitted to Parliament it was their duty, in whatever minority they might be left, to record their vote against it. The House had so often indulged him by listening to the expression of his opinions on this question that he would not repay them so ill as now to trespass on their attention at any length. All he could say was, that he saw no reason for changing his opinions; and that being so, though the measure might be supported by those for whom he entertained the sincerest respect—he might say, the warmest affection—he could not yield up his convictions on the subject. Having said so much on that part of the question, he would add that there was one point which he thought even those who supported the admission of the Jews ought deliberately to have considered before they adopted the present measure. For the first time, as far as he knew, in the legislation of this country they were now enabling either House of Parliament, if it pleased, to do away with a general law by a Resolution. Now, general laws when passed ought to be maintained as general laws; and he must say that if the House of Lords were prepared to give way upon this question it would have been better and more satisfactory if they had frankly acquiesced in the Bill sent up from this House, instead of passing what was but a patchwork measure, and one which could not be a permanent settlement of the question. It was a patchwork measure, because it enabled the Houses of Parliament, not upon any general principle, but according to the opinions entertained by them at the time, to say whether they would or would not admit the Jews to the Legislature. But, besides this, if there existed a reason why the House of Commons should admit a Jew to a seat, he

contended that the Crown ought not to be deprived of the right to place a Jew in the other House, independently of any opinion which that House might choose to entertain on the subject. Again, he thought the worst part of the Bill was that the Resolution which must be carried would not constitute a law of a permanent character, but might be reversed by the next House of Commons, whereupon the whole controversy upon this much-vexed question would revive, and it would be found much more difficult to deal with the subject on principles of sound policy. In conclusion, he would willingly have given a silent vote; but he could not forbear expressing his conviction that, in a constitutional point of view, they were not settling this question in the best manner; and, at the same time, he wished to enter his solemn protest against the admission to a Christian Legislature of those who, according to all the principles of our constitution, could not, he believed, safely and properly be allowed to sit there.

VISCOUNT PALMERSTON said, he was unwilling to give a silent vote on this question, lest he should be supposed to assent not merely to the object and effect of the Bill, but the manner in which that object was attained. He entirely concurred with the right hon. Gentleman (Mr. Walpole), in regretting that those who in the House of Lords had made up their minds to pass this Bill should not have resolved fairly and handsomely to settle this question. He quite concurred, also, in the objections stated to the method by which the admission of Jews into this House was to be accomplished; and he confessed it was with considerable reluctance that he gave his support to the present Bill. He felt so strongly, however, the expediency and the justice of admitting the Jews into Parliament that he was content to accept it on the ground on which it had been objected to by some hon. Gentlemen—namely, that it was the first instalment of a larger and more complete measure. He could not believe that a Bill so objectionable in principle, upon constitutional grounds, would be allowed to remain permanently upon the statute-book. He was persuaded that those who had hitherto opposed the admission of the Jews, having conceded so much, would in the course of no distant period go a step further, and would yield to the claims of their Jewish fellow-subjects not by the objectionable mode of a Resolution passed by one House of Parliament, but by the more constitutional operation of a general law.

MR. MALINS said, he must also express his dissatisfaction with the mode in which this question was to be settled. They could not, as had been supposed, admit one Jew under the Bill and exclude another; but a Resolution passed in one Parliament might be thrown out in the next, and while on one day the House of Commons resolved to seat the Jews the House of Lords might on the same day resolve to exclude them. He regretted that the House of Lords, if they felt disposed to settle this question, had not done so in a straightforward, manly way, by passing a general law binding on both Houses.

Question put "That the word 'now' stand part of the Question.

The House *divided*: — Ayes 156; Noes 65; Majority 91.

List of the AYES.

Ayrton, A. S.	Evans, Sir De L.
Bagwell, J.	Evans, T. W.
Bailey, C.	Ewart, W.
Baines, rt. hon. M. T.	Ewing, H. E. C.
Baring, rt. hon. Sir F. T.	Fergus, J.
Bernard, T. T.	Ferguson, Sir R.
Beale, S.	FitzRoy, rt. hon. H.
Beecroft, G. S.	Forster, C.
Bethell, Sir R.	Fox, W. J.
Black, A.	Freestun, Col.
Botfield, B.	Garnett, W. J.
Bouverie, rt. hn. E. P.	Gibson, rt. hon. T. M.
Brady, J.	Gifford, Earl of
Brand, hon. H.	Gilpin, C.
Briscoe, J. I.	Gladstone, rt. hon. W.
Brocklehurst, J.	Graham, rt. hon. Sir J.
Bruce, H. A.	Greer, S. M'C.
Buller, J. W.	Gray, Capt.
Butler, C. S.	Griffith, C. D.
Buxton, C.	Gurdon, B.
Byng, Hon. G.	Gurney, J. H.
Caird, J.	Gurney, S.
Campbell, R. J. R.	Hadfield, G.
Cardwell, rt. hon. E.	Hall, rt. hon. Sir B.
Cheetham, J.	Hamilton, Captain
Clay, J.	Harris, J. D.
Cogan, W. H. F.	Hay, Lord J.
Colebrooke, Sir T. E.	Headlam, T. E.
Collier, R. P.	Heard, J. I.
Coningham, W.	Henniker, Lord
Coote, Sir C. H.	Hodgson, K. D.
Cox, W.	Holland, E.
Craufurd, E. H. J.	Horsman, rt. hon. E.
Crawford, R. W.	Ingham, R.
Cubitt, Ald.	Ingram, H.
Dalglish, R.	Jermyn, Earl
Davey, R.	Jervoise, Sir J. C.
Denison, hon. W. H. F.	Kelly, Sir F.
Dillwyn, L. L.	Kinglake, A. W.
Disraeli, rt. hon. B.	Kinglake, J. A.
Duff, M. E. G.	Kinnaird, hon. A. F.
Duke, Sir J.	Knatchbull-H., E.
Dunbar, Sir W.	Langton, H. G.
Duncombe, T.	Laurie, J.
Elton, Sir A. H.	Lennox, Lord H. G.

Levinge, Sir R.
Lewis, rt. hon. Sir G. C.
Locke, John
Lowe, rt. hon. R.
Luce, T.
Macarthy, A.
M'Cann, J.
Maguire, J. F.
Mangles, R. D.
Martin, J.
Mellor, J.
Morris, D.
Napier, Sir C.
Nicoll, D.
Norreys, Sir D. J.
North, F.
O'Brien, P.
Ogilvy, Sir J.
Osborne, R.
Paget, C.
Pakington, rt. hn. Sir J.
Palmerston, Visct.
Philips, R. N.
Pinney, Col.
Pugh, D.
Puller, C. W. G.
Ramsden, Sir J. W.
Ramsay, Sir A.
Rawlinson, Sir H. C.
Ridley G.
Robartes, T. J. A.
Roebuck, J. A.
Roupell, W.
Russell, Lord J.
Russell, A.
Saint Aubyn, J.
Schneider, H. W.
Scholefield, W.
Smith, J. B.
Smith, A.
Smith, Sir F.
Somerville, rt. hn. Sir W.
Spaight, J.
Stanley, Lord
Stapleton, J.
Sullivan, M.
Sykes, Col. W. H.
Talbot, C. R. M.
Tancred, H. W.
Thompson, Gen.
Thornely, T.
Tite, W.
Trueman, C.
Turner, J. A.
Villiers, rt. hon. C. P.
Watkins, Col. L.
Weguelin, T. M.
Western, S.
Westhead, J. P. B.
White, J.
Williams, W.
Wilson, J.
Wingfield, R. B.
Wood, rt. hon. Sir C.
Wood, W.
Wyld, J.

TELLERS.

Hayter, Sir W.
Smith, J. A.

List of the NOES.

Adams, W. H.
Addeley, rt hon. C. B.
Alexander, J.
Baillie, H. J.
Bernard, hon. Col.
Barrow, W. H.
Beach, W. W. B.
Bective, Earl of
Bentinck, G. W. P.
Beresford, rt. hon. W.
Booth, Sir R. G.
Bridges, Sir B. W.
Burghley, Lord
Cairns, Sir H. M'C.
Cecil, Lord R.
Charlesworth, J. C. D.
Cole, hon. H. A.
Conolly, T.
Cooper, E. J.
Corry, rt. hon. H. L.
Du Cane, C.
Edwards, H.
Farquhar, Sir M.
Fellowes, E.
Forester, rt. hon. Col.
Forster, Sir G.
Gard, R. S.
Goddard, A. L.
Grogan, E.
Hamilton, G. A.
Hardy, G.
Henley, rt. hon. J. W.
Hodgson, W. N.
Hopwood, J. T.
Hotham, Lord
Kendall, N.
Knight, F. W.
Knightley, R.
Langton, W. G.
Lefroy, A.
Lowther, hon. Col.
Malins, R.
Manners, Lord J.
Miller, T. J.
Mills, A.
Moody, C. A.
Morgan, O.
Mowbray, rt. hon. J. R.
Neeld, J.
Nisbet, R. P.
Noel, Hon. G. J.
Peel, rt. hon. Gen.
Pevensey, Visct.
Robertson, P. F.
Rolt, J.
Stanhope, J. B.
Sturt, N.
Taylor, Col.
Trefusis, hon. C. H. R.
Vansittart, W.
Walcott, Adm.
Walpole, rt. hon. S. H.
Warren, S.
Williams, Col.
Willoughby, J. P.

TELLERS.

Spooner, R.
Newdegate, C. N.

Main Question put, and *agreed to*;

Bill read 2°, and *committed* for *Monday* next.

SUPPLY.—REPORT,

MR. FITZROY brought up the Report of Supply.

Three first Resolutions *agreed to.*

"(4.) That, in addition to the sum of £14,118, already granted to Her Majesty, to defray the salaries and expenses of the several Offices in Her Majesty's General Register House, Edinburgh, to the 31st day of March, 1859, the sum of £1,000 be granted to defray the salary of the Keeper of the General and Particular Registers of Sasines, making together the sum of £15,118."

MR. CRAUFURD said, he rose to object to the reception of the Resolution, as some papers had been laid upon the table since the last discussion which had a material bearing upon the subject. He should propose to reduce the Vote by £1,000, being the amount of the salary of the Principal Keeper of the Registry of Sasines, and he did so without intending to adopt a personal course towards the present holder of the office, who, being entitled by Act of Parliament to receive fees, could not be without remuneration. The office was one which the Treasury in a Minute, passed some years ago, had recommended should not be filled up without holding previous communication with them, with a view to reconstituting the office. It became vacant on the 2nd of September, 1857, and on the 23rd of February last a Mr. Brodie was appointed to it. Now, in moving the reduction of the Vote, he merely sought to learn the grounds upon which the former Minute of the Treasury had been disregarded. He wished also to draw the attention of the House to a letter contained in the papers he had referred to, in which Mr. Brodie recommended Mr. Fraser, the Assistant Keeper of Sasines, to the favourable consideration of the Lords of the Treasury for an increase of his salary. In that letter he admitted that Mr. Fraser had performed the whole duties of the office to the satisfaction of the profession and the public. He wished, therefore, to hear from the Government any reason they might have to offer why on that occasion the offices of Principal Keeper and Assistant Keeper were not consolidated, which would have put an end to the objectionable practice of performing the duties by deputy, while by having one gentleman to fill the office, at a salary of £1,000 a year, a saving to the country of £500 a year, would have been effected.

Amendment proposed to leave out "fif-

teen," and insert "fourteen" instead thereof.

Question proposed, "That fifteen stand part of the Resolution."

MR. G. A. HAMILTON said, the hon. Gentleman had admitted the importance of the office and the efficiency of the gentleman who filled it, and he (Mr. Hamilton) could not believe the House would adopt so strong a measure as to deprive that gentleman of his salary. That gentleman filled the position in question when the present Government came into office, and it would have been a manifest dereliction of their duty if they had not included his salary in the Vote. Besides, on the vacancy occurring, an investigation was instituted by the then Lord Advocate and the Secretary of State, the result of which was, that it was thought essential to the public interest that the office should be filled.

MR. WILSON stated, he had been asked a question on a former occasion, whether the Marquess of Dalhousie drew his salary as Principal Keeper during the time he was Governor General of India. He was now enabled to state, from inquiries he had made, that in 1847, when his Lordship received that appointment, he caused a communication to be made to the Government, that during his absence he should not draw that salary, and accordingly he had not drawn it. When the late Government left office arrangements as to the office in question had so far proceeded that it was intended to reduce the salary of the Principal Keeper from £1,500 to £1,000, and to increase that of the Assistant Keeper from £500 to £800 a year. He could bear testimony to the merits of Mr. Fraser, the Assistant Keeper, and he hoped the present Secretary of the Treasury would keep that arrangement in view, seeing that the Treasury could carry it out without any application to Parliament, as the office was paid by fees, and an increase of salary would throw no burden on the country.

SIR WILLIAM DUNBAR: I rise, not with the object of expressing any opinion of my own, for I feel that I am not competent to give an opinion as to whether or not the office under discussion could have been consolidated or abolished with advantage to the public interests, but simply for the purpose of explaining what is the nature, and, to a certain extent, the responsibilities, of the office in question. The office of Keeper of the Registry of Sasines is that in which all conveyances of land, mortgages, burdens, and transfers relating to land are registered, and upon their registration these instruments depend for their efficacy. In every purchase or mortgage of land, the purchaser or mortgagee searches the register to discover if there are any incumbrances or burdens affecting the land; and when the House considers the magnitude of the interests involved, and that the Principal Keeper of the Registry is personally liable in the consequences of any inaccuracy arising either from his own fault or that of his subordinates, I think it will appear sufficiently plain that such an office cannot be an unimportant one—far less a sinecure. The office itself is paid by the fees derived from the public for the privilege of searching the register. It is a patent office, the Principal Keeper receiving the fees, and accounting for the balance to the Treasury after paying the expense of the department. It never was upon the Consolidated Fund, and the only reason for its appearing in the Estimates is, that the Treasury draws the reversion of the fees, which, instead of being so drawn, ought, in my opinion, to be applied to the reduction of the charges exacted from the public. At one time the salary drawn from the fees used to be £3,000, and the duty was to a great extent performed by deputy; but by a statute passed early in the century, the office was prospectively put on regulation. In 1845, the whole subject was, as I am informed, fully considered by the present Lord Justice General—then Lord Advocate M'Neill—along with the right hon. Member for the City of Oxford and the late Sir Robert Peel; and I understand that the Lord Justice General retains the opinion that he never came to a Resolution with more certainty that he was right than in fixing the salary of the office at £1,000 a year, and keeping it on that footing. [An hon. MEMBER: £1,500 a year.] Mr. Pringle was appointed to the office in 1845, and held it till his death last year. In the interval, I have the authority of my hon. and learned Friend the Member for Leith for stating that important reforms were under consideration. It was intended to remove the local registers to Edinburgh, to improve the system of the indices which are essential to the operation of searching, and to alter materially the system of transfer of land, which the late Lord Advocate has now carried out. All this required considerable skill and ability in the department. On the death of Mr. Pringle, various applications

for the office were made to my hon. Friend the then Lord Advocate, and among others, from persons holding subordinate offices in the Register House. Of these, Mr. Fraser was undoubtedly the best qualified, having done much of the duty of the department during the lifetime of Mr. Pringle. Knowing Mr. Fraser, and bearing willing testimony to his qualifications, I should have been glad if the late Government had considered it consistent with their duty to promote him as a deserving public officer. At the same time, common justice requires me to say that they could not possibly have appointed any one to the office more competent for the discharge of its duties than Mr. Brodie. From personal acquaintance with that gentleman, I am enabled to assure the House that there are few men more able, and none more eminent in the profession to which he belongs. With regard to the recommendation to fill up the office in October or November, 1857, to which the hon. Member for Ayr has referred, I think it is abundantly evident that that recommendation could have no possible connection with the change of Government which took place in the subsequent February. At that time Mr. Brodie was Crown Agent, a scarcely less responsible office, which he held from 1846 to 1858; and I believe I am right in saying that the present Lord Justice General, the late Lord Advocate, the Committee of the Faculty of Advocates, and also Mr. Cosmo Innes, than whom, I believe, on such a subject there is no better authority in Scotland, were all in favour of maintaining the office. With such a weight of authority, concurring, no doubt, with his own sentiments, I think it is not surprising that my hon. Friend the Member for Leith should have decided in keeping up the office; and whatever difference of opinion there may be as to the person who should have been selected to fill it, I think no one can doubt that it has been placed in hands fully competent to discharge its duties with efficiency. For these reasons, I cannot assent to the withdrawal of the Vote.

MR. BOUVERIE said, he apprehended that there could be no ground for opposing the appointments.

Amendment, by leave, *withdrawn.*

Subsequent Resolutions *agreed to.*

WAYS AND MEANS.—COMMITTEE.

Order for Committee read.

SIR FRANCIS BARING said, he rose to call attention to the Report of the Public Moneys Committee. After the long inquiry of the Committee, he thought their Report should not be allowed to pass by without the attention of the House being directed to it before the close of the Session. He wished to call attention to the necessity of legislation on the points suggested by the Committee. It was impossible matters could be allowed to remain in their present position. The House had adopted the principle that the gross revenues should be paid into the Exchequer, and that no money should be issued for the public service except by the vote of Parliament. There were, however, exceptions to that rule. One great exception was the case of the Woods and Forests. About a quarter of the revenue arising from the Crown lands was expended without passing through the Exchequer. The Committee recommended that the same principle adopted with regard to the other departments should be carried out in respect to the Woods and Forests; but it appeared from a minute that the Treasury had not acceded to that proposal, and postponed the consideration of the subject until another settlement of the hereditary revenues. He hoped, however, that the present Chancellor of the Exchequer would come to a different conclusion, especially since the proposed alteration would not interfere in the slightest degree with the dignity or comfort of Her Majesty. The next point to which he would refer was the state of the Pay Office. The Pay Offices had been consolidated, which was a wise step, but considerable doubt existed as to whether the regulations of the office were consistent with the law. It was clear that the one or the other must be altered, and the Committee recommended that the difficulty should be got over by an alteration of the law. The tendency of late years had been to employ the Pay Office for the receipt of certain sums while on their way to the Exchequer, but the Committee thought that wherever possible the payment should be made at once into the Exchequer, and not by way of the Pay Office. So in regard to deposits. Moneys were deposited with the Pay Office, and employed for the public service without proper authority or control. The Committee recommended that this practice should be altered, and that the deposits should be kept in a separate account. This he thought would become a matter of serious imporance if the India Bill were passed and the revenues of India came into the

hands of the Crown. The Committee recommended another arrangement of great importance. All the transactions of the Pay Office had not hitherto been very well known to that House. For instance, they did not know that the Turkish loan had come into the hands of the Paymaster. So, part of the money for the Duke of Wellington's funeral had remained in the Pay Office up to a very few months past, and it was clear that that would not have been allowed if the circumstance had been known; and the Committee very properly suggested that some officer should be appointed from the Audit Office who should be cognizant of all transactions in the Pay Office, and constitute a check upon the proceedings there. The officers of the Audit Board stated before the Committee that there were £2,000,000 of civil services with which they had nothing to do; and the Committee proposed that those accounts should be audited like other accounts at the Audit Office. An important part of the system was what was called the appropriation check,—that was a check on the part of the Audit Office to provide that the money voted by Parliament should be employed for the purposes specified by Parliament. A great part of the public expenditure was quite free from that check. The accounts of the revenue departments and pretty nearly the whole of the miscellaneous expenditure were audited at the Audit Board, but the Parliamentary appropriation check did not exist there, and the Committee recommended that they should be brought under the rule. With respect to the civil expenditure it was proposed on the minute of the late Government that the audit should take place at the Treasury, but he thought that a subordinate officer of the Audit Board would be placed in an awkward position if he were called on to check the expenditure of Secretaries of State and Lords of Treasury, with one Secretary of State on one side of him and another Secretary of State on the other. In his opinion, the check should be exercised at the Audit Office itself. With respect to the Votes for the Army and Navy there was the power to transfer the excess on one Vote to supply a deficiency on another; but this power might be to a greater extent than was ever intended, and ought to be used with some discretion. At one time there was a surplus of £600,000 on the Militia Vote, and there appeared to have been an intention, though very properly it was not carried into execution, to transfer that sum to other services in the War Department. An important recommendation was made by the Committee, to the effect that every year the Speaker should select a certain number of Members to form a Committee to examine the public accounts. The propositions he had submitted to the Committee were more stringent than the recommendations they had made; but they had offered many valuable suggestions, and he hoped the House would never consent to give up those checks which in olden times had been deemed of so much importance.

Mr. BOWYER said, that as a member of the Committee on Public Moneys he wished to say a few words in support of the views advocated by the right hon. Baronet. The present Chancellor of the Exchequer, when he held the same office a few years ago, expressed his intention to bring before the House the state of the public accounts. Afterwards, during the administration of the noble Member for Tiverton, he (Mr. Bowyer) called the attention of the House to the subject, and he believed the consequence was the appointment of the Committee on Public Moneys, which had not produced all the results that had been expected from its labours. It appeared from the investigations of that Committee that there was a regular struggle between the Treasury and the Exchequer, and the then Secretary to the Treasury expressed his opinion that the checks which had been provided by the constitution for the safe custody and application of the public money were perfectly useless, and that the public money should be paid to the account of the Treasury, the Treasury having an unlimited power of drawing upon that account. He (Mr. Bowyer) regarded that as a very unsafe system, and deemed it of the utmost importance that Parliament should not abandon that ancient system of check with regard to the management of the public money which was the real security of the public. In his opinion the Treasury should be intrusted with the application of money, and the Exchequer should exercise a control over that expenditure, taking care that the provisions of the appropriation Bill were duly observed, and that the money should be expended in accordance with the direction of the House of Commons. He hoped Her Majesty's Government would give the Report of the Committee on Public Moneys their careful and attentive consideration.

SIR GEORGE LEWIS said, that he much regretted the revival of this controversy, but he was quite prepared, if it were necessary, to defend the opinions he had expressed in the Public Moneys Committee on the subject of the Exchequer, and which had been reprobated by the hon. and learned Gentleman who had just addressed the House. He could not accede to the doctrine of the hon. and learned Gentleman that the check exercised by the Comptroller of the Exchequer over the issues of money was an ancient constitutional check; for no longer ago than the reign of Charles II. there was no division between the Treasury, the Exchequer, and the Bank, but the Exchequer was the place in which the money was received, from which it was paid, and in which the then Lord High Treasurer held his sittings. Since that period, however, the Treasury had been separated from the Exchequer and the payments of public money had been transferred to the Bank of England, and now the function of the Exchequer was simply to exercise a sort of check upon the issues of money, the attempt being to establish an audit before payment. The Public Moneys Committee did not recommend any substantial alteration in the functions of the Comptroller of the Exchequer, and therefore it was unnecessary to enter into any controversy on that point. There was one observation of the right hon. Baronet the Member for Portsmouth (Sir F. Baring) on which he wished to remark. The right hon. Baronet truly said that there was considerable doubt whether the present mode of making payments in the Paymaster's Office was perfectly in accordance with one provision of the Exchequer Act, and that the disuse of that provision originated during the late war.

SIR F. BARING: No: I said that the difficulties arising from that disregard had only been made apparent during the late war.

SIR GEORGE LEWIS: All he could say was that the provision had never been complied with, that the practice which existed during the war was the same as had existed ever since the Act was passed, and that he was not aware that any particular inconvenience had made itself apparent during the late war. One word in defence of the Treasury Minute of the late Government respecting the payment into the Exchequer of the gross proceeds of the Land Revenue. The right hon. Baronet said there would be no difficulty in altering the law, and in making the practice regarding the Land Revenue uniform with that of the Customs and Excise. There was, however, this material difference between the two cases:—At the commencement of Her Majesty's reign an arrangement was made between the Crown and the public respecting the land revenue. That settlement was to last for the lifetime of the Queen, and all the public were entitled to under it was, not the gross but the net revenue. There was, in fact, in the Crown a reversion of the present property, and also a life interest in the expenditure necessary for the maintenance of the property. If the House, therefore, called upon the Crown to pay the gross revenue into the Exchequer, it would amount to a revision of the bargain made with the Crown at the commencement of Her Majesty's reign. Now, that was a matter which involved serious consideration; it affected the interest of future Sovereigns, and was not that simple question of the mere payment of gross revenue into the Exchequer which arose when we had to deal with Customs and Excise. But then the right hon. Baronet said, at present there was concealment, and that wherever there was concealment there was always a suspicion that something was wrong. Now, that was an axiom the abstract truth of which he did not dispute; but he did dispute the groundwork of its application, because there was annually laid on the table of that House, in the amplest form, the details of all the expenditure of the Land Revenue. First there were the national Finance Accounts, and then a detailed report by the Commissioners of the Land Revenue, in which might be found many more details on the subject of this expenditure than hon. Gentlemen generally would perhaps have the patience to examine. He could not, therefore, admit that there was the smallest concealment with respect to this branch of the expenditure.

MR. A. SMITH said, that the right hon. Gentleman asserted that there was no concealment with regard to land revenues, but there was concealment in this way—that information did not come to the House as soon as it ought. As an instance, although the House had voted the establishment of the present year, the accounts of the land revenues of last year were not yet before them. The land revenues should be made up so as to be before the House prior to the Estimates

being voted for the department. He demurred to the assertion that the public was only entitled to the net revenues. There had been shadowed forth an idea that these lands could be resumed by the Crown, and he had heard congratulations uttered that the revenues had so much increased as almost to be sufficient to provide for the Civil List. But these lands were originally held by the Sovereign to carry on the whole civil government of the country, and the country had as much right to them for the support of the judicial, diplomatic, and other departments of the State as the Sovereign. Nothing was more dangerous than the notion that the arrangement which had so long existed could be brought to an end. The surrendering of the Crown Revenues at the beginning of a new reign was only a constitutional fiction, and it was impossible that they could ever be recovered by the Crown. The country had purchased them over and over again by the sums given to meet the deficiencies in the revenues of those lands. He was glad that the right hon. Member (Sir F. Baring) had brought forward the question, and he hoped that in future Sessions an estimate of the expenditure upon the Crown lands would be produced, and that the income arising from them would be placed upon the same footing as every other branch of the public revenue. The whole of the property belonged to the public, and therefore the House should insist upon having a control over the expenditure by placing it in the regular Estimates.

MR. W. WILLIAMS said, that the whole of the Crown Revenues were surrendered in consideration of the grant of the Civil List, but it was the gross and not the net revenue which was given up. There had been great extravagance in the management of the Crown Lands. The House ought to have some control over that expenditure, of which there ought to be an annual Estimate. He hoped the Government would take the subject into consideration.

THE CHANCELLOR OF THE EXCHEQUER said, that before the House went into Committee of Ways and Means he wished to make a few observations in reply to the remarks of the right hon. Baronet the Member for Portsmouth (Sir F. Baring) He was not at all surprised that the right hon. Gentleman who had presided over the Committee upon Public Moneys, with that knowledge and ability which he brought to bear upon all subjects, should be unwilling that that labours of that Committee should be passed over without notice. He could assure the right hon. Gentleman that he was under a misconception if he supposed that the present Government had treated the results of that investigation with neglect. He could exonerate also those who preceded the present Government from a similar charge, for when he first entered upon the duties of his office he received an earnest and friendly admonition from his predecessor to give particular attention to the Treasury Minute which had been drawn up under his superintendence. There could be no doubt that the recommendations of the Committee and the Treasury Minute drawn up in consequence were entitled to the gravest consideration, and, he might add, generally speaking, to the adoption of the House. But all who had paid attention to the subject must be aware that the necessary measures were of too great importance to be adopted without a laborious investigation into questions of detail connected with that department of the public service. And not only inquiry, but legislation would be required in order to carry out the recommendations of the Committee and the terms of the Treasury Minute, and he would put it to the House impartially to say whether the position of the Government had been such as to afford them or the House sufficient time and opportunity to devote the attention necessary for the consideration of such a subject. The establishment of an independent and complete audit was, in his opinion, a necessary measure. The present Government had had a measure with that object under their consideration, which they had hoped to be able to introduce this Session, but which he trusted to find, next Session, an early opportunity of laying before Parliament. In order to carry into effect the Treasury Minute, with some modifications which he deemed advisable, would require, not one Act merely, but several Acts, and therefore the subject was not one to be lightly disposed of. He could say generally on the subject which the right hon. Gentleman had brought forward, that there was no part of the Treasury Minute, and of the investigations of the Committee on Public Moneys, which had not received the attention of the Government, and on which they had not formed an opinion; and they would be prepared, at the right time, to introduce

measures accordingly. With respect to the management of the revenues of the Crown lands, he could not agree with the observations that had been made by several hon. Members. He concurred with the right hon. Member for Radnor (Sir G. C. Lewis) that it was not for the advantage of the country to criticize too severely the terms of the agreement entered into between the Crown and the country upon Her Majesty's accession. He hoped the time was far distant when the subject would have again to be laid before Parliament; but, in the meantime, he must express his opinion, after a laborious and complete investigation of the matter, that the agreement which had been entered into was certainly not to the disadvantage of the country. There were two ways in which the agreement could be considered, first with reference to the general independence of position of the Crown, which was considered as better secured by the Sovereign being in possession of a certain estate than by receiving a mere allowance for life therefrom; and, secondly, as to the position of the Crown in a mere pecuniary point of view. He need not enter into the discussion of the first point, upon which every one could form an opinion. As far as the pecuniary advantages of the Crown were concerned, that was a point upon which no one could form an opinion without going into details, but his was clearly that it was not for the interests of the country to carp and cavil at the contract that had been made, for, having regard to the increased value of property and other considerations, he believed it was greatly to the advantage of the country.

House in Committee.

Account of Unfunded Debt [presented 22nd June] *referred.*

THE CHAIRMAN said, it was proposed, to make good the Votes for the service of the year, that a sum of £11,226,255 1*s.* 1*d.* be paid out of the Consolidated Fund.

Vote *agreed to.*

The next Vote that a sum of £4,327,292 18*s.* 11*d.* for the service of the year be issued out of the surplus funds of the preceding year, was also *agreed to.*

1. *Resolved*, That, towards making good the Supply granted to Her Majesty, the sum of £11,226,255 1*s.* 1*d.* be granted out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

2. *Resolved*, That, towards making good the Supply granted to Her Majesty, there be issued and applied to the service of the year 1858, the sum of £4,327,292 18*s.* 11*d.*, being the surplus of Ways and Means granted for the service of preceding years.

House *resumed.*

Resolutions to be reported on *Monday* next.

CHELSEA BRIDGE ACT AMENDMENT BILL.

COMMITTEE.

Order for Committe read.

MR. BENTINCK said, he must repeat his objections to this Bill, on the ground that it was a violation of the principle and sanctioned a course of proceeding to which the House ought not to lend itself. He had no objection to open Chelsea Bridge free to passengers, if that could be done consistent with keeping public faith; but he thought it was perfectly impossible, without committing a breach of public faith, to make any alteration in the original agreement. A positive bargain had been made, by which the tolls were to be liable for the amount lent for the construction of the bridge, together with interest at the rate of 4 per cent per annum; and he contended that the agreement so entered into ought not to be violated on any pretence whatever.

MR. CONINGHAM said, that as soon as the West End line of railway was completed to Pimlico the revenue of the bridge would dwindle to nothing. He only regretted that the Bill did not go further and throw open the bridge. He was of opinion, that all bridges across the Thames in the metropolitan district should be free.

House in Committee.

Clauses 1 and 2 *agreed to.*

Clause 3.

SIR JOHN SHELLEY said, he rose to move an Amendment, the effect of which was, to abolish the toll on foot passengers after the passing of the Bill. Practically the toll of a half-penny, which was really a penny (for nobody was allowed to turn round on the bridge and go back, however much he might desire it — he must go to the other end, and pay again to come back) operated to the deprivation of the poorer classes, for whose benefit the park had been formed, of its enjoyment. The Earl of Derby had stated to a deputation which waited upon him that he would be ready to assent to the abolition of these tolls if it could be proved that the value of the land belonging to the Crown in Battersea Park would be proportionately increased. Before a Committee which had inquired into the subject Mr. Pennithorne, the ar-

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chitect of the Board of Works, had stated that by freeing the bridge of foot-toll the land in the neighbourhood of Battersea Park would let both more quickly and at a higher price. He was informed that a builder had that day applied to the Board of Works to know the price of this land; and he had been informed that even now it was £3,000 per acre, whereas it had been estimated at £2,000 an acre, so that there was every ground for saying that a much larger sum would be realized than was taken into the account by the Government. In a financial point of view it would be wise policy to take off the toll. They had made a bad speculation in spending £300,000 in forming a park. They had done so on the recommendation of the Royal Commission, who reported the Battersea Fields were a nuisance. They formed a park for the working classes, and then they found that nobody would go to it, and that the land around it would not let. They built a bridge at an expense of £80,000 to get out of that difficulty, and they placed a toll upon it, which destroyed the efficiency of the remedy. If they took off the toll people would go to the park, and the land would be readily taken up at £3,000 an acre or more, and they would get back at least some of the money which had been so badly spent.

Amendment proposed,—

In page 3, line 14, to leave out from "after the," to "aforesaid" in line 16, in order to insert the words "passing of this Act."

MR. P. O'BRIEN said, he rose to make one observation. The principle of the Committee was that every desirable improvement should be carried out; but it was not thought advisable to tax the rural for the advantage of the metropolitan population.

MR. BANKS STANHOPE said, he should oppose the Amendment. It was most desirable to assist the poorer members of the community, provided that faith were kept with the public; but he did not see how that could be done if this Amendment were agreed to. If they admitted the principle that public money was to be lent for a local object, under specific conditions as to its repayment, and that subsequently an Act might be introduced annulling the previous one, how could it be expected that public money would henceforth be lent for a local object?

LORD JOHN MANNERS said, he willingly admitted that the provisions of the original Act were most unwise; and if he could agree with the hon. Member for Westminster (Sir J. Shelley) that there would be no breach of faith in doing away with the foot tool on the bridge, he would have great pleasure in supporting the Amendment. But having looked most carefully into the case he had been compelled most reluctantly to come to a different conclusion. The hon. Gentleman had also mixed up two questions. The park and the bridge rested upon two separate Acts of Parliament, and however much the lands at Battersea Park might rise in value there was no power authorising them to appropriate any amount they might receive from the sale of the land to the repayment of the charge for erecting the bridge. At the same time he quite admitted the absurdity of forming a park at a great expense for the benefit of the working classes, the only access to which was a bridge, and then to place a toll upon that bridge, which must to a greater extent or a less exclude those for whose enjoyment the park was intended; but as Parliament had in its wisdom so determined he was bound to oppose the Amendment.

MR. CONINGHAM said, he thought that in the present instance, as in the case of the Budget of the right hon. Gentleman the Chancellor of the Exchequer, it would be advisable to infringe on the public faith.

MR. W. WILLIAMS said, he must beg to deny that there would be any breach of faith in the matter whatever. They would recover the money they had expended if they would only throw open the bridge.

MR. JOHN LOCKE said, he thought the principle, as he understood it to be laid down by the noble Lord, most vicious. The park at Battersea having been laid out at enormous expense, the imposition of a toll would render it impossible to let the land, which might be profitably devoted to building purposes. A very bad bargain had been made by the Bill with respect to the park, and he could see no reason for adhering to it.

Question put, "That the words 'time when the said' stand part of the Clause."

The Committee *divided*:—Ayes 118; Noes 41: Majority 77.

MR. BANKS STANHOPE said, he would move, as an Amendment, the omission of the words after "said," in line 19, down to "shall," in line 21, and the insertion of the words "capital sum of £80,000, with 4 per cent. interest per

annum thereon, and all arrears of such interest up to the date of payment."

Amendment proposed,—

To leave out, in the same line, the words "sum of £98,777 10*s.* 6*d.*," in order to insert the words "capital sum of £80,000, with six per centum interest per annum thereon, and all arrears of such interest up to the date of payment."

LORD JOHN MANNERS said he must oppose the Amendment.

MR. BENTINCK said, he should support the Amendment as its object was to carry out the agreement which had been originally entered into, and to keep faith with the public.

Question put, "That the words 'sum of' stand part of the Clause."

The Committee *divided*:—Ayes 116; Noes 45: Majority 71.

LORD JOHN MANNERS moved the omission, in line 20, of the words "ten shillings," and the insertion of the words, "together with such interest thereon, not exceeding the rate of £4 per cent. per annum as the Commissioners of Her Majesty's Treasury may from time to time direct."

MR. BENTINCK said, that within the last ten minutes the Committee had voted that black was white, by rejecting first the Amendment of the hon. Member for Westminster (Sir J. Shelley), and next the Amendment of his hon. Friend (Mr. B. Stanhope). He would ask the noble Lord on what ground he could justify breaking the pledge he had given for specific application of the money?

LORD JOHN MANNERS said, he must deny that the Amendment proposed to give up the interest on the £80,000 advanced. All it did was to give to the Treasury a general control for the benefit of the public. The hon. Gentleman had put a construction upon the clause which it would not bear.

Amendment *agreed to.*

MAJOR SIBTHORP said, he wished to move at the end of Clause 3 to insert the words—

"Nor at any time previous to the said sum of £80,000 being paid off as aforesaid shall any toll be demanded or taken for or in respect of foot passengers passing over or on to the said bridge on Sundays."

Such a concession would enable the working men of the metropolis to visit the park on the only day when most of them could enter it.

LORD JOHN MANNERS said, the only effect of the Amendment, if adopted, would be to postpone for a considerable period the free opening of the bridge. He would not, however, oppose the adoption of the Amendment if it were pressed.

SIR JOHN SHELLEY remarked, that in the interests of the working men of the neighbourhood, he should support the Amendment.

Amendment *agreed to.*

SIR JOHN SHELLEY said, he was so pleased that such a provision had been adopted, that he now thought the measure really worth something, and he should not, in consequence, feel it his duty to offer any further opposition to the Bill.

Clause *agreed to.*

Remaining clauses *agreed to*

House resumed.

Bill *reported*; as amended, to be considered on *Monday* next.

CORNWALL SUBMARINE MINES BILL.

COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. A. SMITH said, that although entertaining a high opinion of the judicial talents of Sir John Patteson, on whose arbitration the present Bill was founded, he still felt bound to oppose the measure, as the House was not in possession of all the documents necessary to forming a correct judgment on the matter. [*Cries of* "Move, move!"] As he would not be allowed to proceed, he would now move the adjournment of the debate.

THE CHANCELLOR OF THE EXCHEQUER said, it was unusual for an hon. Gentleman to move the adjournment of a debate the only portion of which the House had heard being his own speech. He therefore hoped he would not persevere with his Motion.

SIR JOHN PAKINGTON said, he would also remind the hon. Member of another consideration—that if the debate were adjourned, he could not again address the House.

MR. BRISCOE said, this matter was of more importance than hon. Members appeared to suppose, and he would therefore strongly urge delay, to enable hon. Members to read the provisions of the Bill.

THE SOLICITOR GENERAL said, that if the Motion were withdrawn, Government would give hon. Members every information they might desire upon the question.

MR. COX hoped that his hon. Friend

would press the Motion, as it was the clear understanding that no opposed business should be proceeded with after twelve o'clock, and it was then half-past.

Motion made, and Question put, "That the debate be now adjourned."

The House *divided*:—Ayes 17; Noes 109: Majority 92.

Question again proposed, "That Mr. Speaker do now leave the Chair."

MR. BRISCOE said, he would move that the House should resolve itself into Committee on Monday next. The hon. Member for Truro had a speech which he wished to deliver of about half an hour in length, and he himself wished to make some remarks on this, which was a very important Bill. It related to an arbitration between the Crown and the Duke of Cornwall, but there was another party, the public, whose interests should be taken into consideration. It was impossible to have a debate that night.

Amendment proposed,—

To leave out from the word "That" to the end of the Question, in order to add the words, "this House will, upon Monday next, resolve itself into the said Committee," instead thereof.

THE CHANCELLOR OF THE EXCHEQUER said, he thought the House would do well to consider the state of public business. When a great strain was put upon the energies of hon. Members, he said he would not ask them to enter upon opposed business after twelve o'clock. But as at present it was his wish not to ask the House to take any more morning sittings this Session except upon rare occasions, he trusted they would consent to remain at their posts for an hour longer in the evening, in order to assist the Government in carrying on the public business; and therefore he trusted the hon. Gentleman who made this Amendment would not press it. The case was simply that of carrying into effect the award of a learned Judge between the Duke of Cornwall and the Crown; and it was expressly stipulated that the rights of all proprietors would be saved. It was thought that it would be better to settle this by legislation than by a course of litigation.

MR. A. SMITH said, he must complain that he and the public, whose rights depended upon those of the Crown, had not been fairly treated in consequence of this Bill being brought in so late in the Session. He asked the right hon. Gentleman to give a Wednesday morning sitting to the measure.

MR. KENDALL remarked that the Bill concerned nobody but the Crown and the Duke of Cornwall, and he could not understand the reasons for the opposition.

MR. ROBARTES also appealed to the hon. Member to allow the Bill to proceed.

MR. BRISCOE said, he could not withdraw his Motion.

MR. LABOUCHERE said, he viewed with some alarm the discussion that was now being carried on in a very thin House. He thought that if the hon. Gentleman would allow this stage to pass, the Government would fix an opportunity for taking the discussion.

THE SOLICITOR GENERAL said, he was willing to agree to the suggestion, and if the present stage of the Bill were not opposed, an opportunity would be given, on bringing up the Report, of making the necessary statement.

MR. ROEBUCK said, he believed that was the only occasion in which any statement or discussion could be taken.

MR. BUTT said, he thought the hon. Member for Truro had not been fairly dealt with. He thought the hon. Gentleman was entitled to have the question discussed. He should support the Motion of the hon. Member for West Surrey.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 92; Noes 20: Majority 72.

Question again proposed, "That Mr. Speaker do now leave the Chair."

MR. A. SMITH then moved the adjournment of the debate.

MR. SPEAKER said, the hon. Member's power of making Motions at that particular stage of the Bill was exhausted.

THE CHANCELLOR OF THE EXCHEQUER said, as the hon. Member had no more shafts to fire, he would now interpose in his behalf and move the adjournment of the debate till Monday.

Motion by leave *withdrawn*.

Committee *deferred* till *Monday* next.

ARMY SERVICE BILL.

THIRD READING.

Order for Third Reading read.

GENERAL CODRINGTON said, he wished to express a hope that the Secretary for War would take into consideration the large bounty offered for recruits, which had a tendency first to tempt men into the service, and then to desert it; in order that they might enlist again into other regiments.

Bill read 3°, and *passed*.

PUBLIC HEALTH BILL.—CONSIDERED.

MR. ADDERLEY said, he wished to add a clause to the effect that the Bill should only be in force until August, 1859.

MR. COX said, he wished to ask whether the compulsory vaccination clause was removed from the Bill, otherwise, on behalf of his hon. Colleague (Mr. T. Duncombe) he must oppose the Amendment?

MR. WALPOLE explained that he had arranged with the hon. Member referred to, that if the Bill were passed for a single year only he would not oppose the vaccination clause.

MR. CONINGHAM said, that compulsory vaccination was opposed to the principles of modern science.

The Amendment *agreed to.*

Bill to be read 3° on Monday next.

House adjourned at Two o'clock till Monday next.

HOUSE OF LORDS,

Monday, July 19, 1858.

MINUTES.] PUBLIC BILLS.—1ª Ecclesiastical Jurisdiction Continuance; Charitable Trusts Acts Continuance; Turnpike Trusts Arrangements; Copyhold and Inclosure Commissions, &c.; Indemnity; Army Service; Friendly Societies Act Amendment; Reformatory Schools (Ireland); Administration of Oaths by Committees.

2ª Police (Scotland) Act Amendment; Lunatics (Scotland) Act Amendment; Local Government.

3ª New General Post Office (Edinburgh); Navigation Advances (Ireland); Prescription (Ireland).

THE MASSACRE AT JEDDAH. QUESTION.

LORD STRATFORD DE REDCLIFFE: Before your Lordships proceed to the regular business of the day I wish to put a question or two to the noble Earl at the head of the Foreign Department, whom I have the advantage of seeing in his place. The few sentences by which I propose to explain the object of my inquiries will occupy a very short time, and I feel confident that my noble Friend will reply not only with his usual conciseness, but with his characteristic courtesy. The matter to which I think it right to call attention is the late atrocious, and, to all appearance, unprovoked massacre of Christians at Jeddah. Judging from what has appeared on this subject in the public journals, the circumstances which accompanied the commission of the crime are better known than those from which it sprang, or those in which it terminated. There is no small reason to apprehend that the assault was premeditated, and no satisfactory reason for believing that the Turkish authorities were either active in protecting the victims or in punishing their assailants. At all events, whether we look to the relentless fury of the fanatics, or the number and character of those who fell under their blows, the massacre perpetrated in Arabia is no less important than afflicting. I cannot for a moment suppose that any remissness exhibited by the local Pasha, or his lieutenant, is attributable to the Turkish Government. No doubt, the Sultan and his Ministers were deeply and sincerely distressed when the horrible intelligence reached Constantinople, nor do I entertain the least apprehension of their hesitating to promise an immediate and complete satisfaction. But there is no denying that justice in Turkey is apt to move at a slow pace, and that, whether the object be punishment or compensation, the promise given to a foreign representative is but too often unnecessarily delayed and inadequately fulfilled. It may be presumed in the present instance that Her Majesty's Government have taken the necessary steps for obtaining reparation, and that they will be prepared to enforce, in concert, if necessary, with the French Government, that exemplary amount of retribution which may produce a wholesome and lasting effect throughout the Ottoman empire. Considering the great interests which call for a continual progress in friendly communications and mutual good-will between the nations of Christendom and the inhabitants of Turkey, we are bound to follow up the aid given in time of war to the Sultan by that encouragement to the repression of fanaticism in his dominions which our insistance on a full measure of atonement on the present occasion, whether to the public, or to individual sufferers, is calculated to afford. I trust, at the same time, that an idea, which has been whispered about, of taking security against future assaults on our Christian fellow subjects in Turkey by the occupation of Mecca, or the seizure of some precious object of veneration treasured within its walls, has no foundation in reality. It is possible that such an enterprise might succeed in a military point of view; but no degree of success in that respect could make up for the bitterness of hatred which it would engender against us throughout the Mussulman world, and which in its natural consequences could hardly fail of proving fatal

to all our hopes respecting the progress of improvement in Turkey, — to those prospects of cordial reconciliation between the professors of conflicting creeds which the Sultan's wise benevolence and the triumph of his allies in the late war have so eminently promoted. I have to conclude these necessary words of explanation by thanking your Lordships for the indulgence with which you have received them, and addressing, in a distinct form, the questions I have in mind to my noble Friend the Secretary for Foreign Affairs. I wish to know, in the first place, whether Her Majesty's Government have yet received any official advices of the massacre perpetrated at Jeddah, as stated in the public prints; secondly, whether instructions have been issued for demanding full reparation from the Porte by means of the British and French representatives at Constantinople; and, thirdly, whether adequate measures are to be employed for enforcing our just demands in the event of obstructions or delays amounting to a denial of justice?

THE EARL OF MALMESBURY: My Lords, I am sure your Lordships will agree with me that those questions could not come with greater propriety than from my noble Friend who has just sat down, who has spent a life of eminent services chiefly in endeavouring to counteract those evil influences of which we now see the bitter fruits. On Sunday—yesterday week—I received, at an early hour, a telegram which your Lordships have doubtless all read respecting the late massacre of Christians at Jeddah. I did not lose an hour in sending back another telegram to Sir Henry Bulwer, giving him instructions to the effect that if the scenes so described had really taken place, he was to allow of no trifling whatever on the part of the Government of the Sultan, but to insist upon immediate redress, and upon such retribution as was necessary for the outrages that had been committed. In the course of the week, Mr. Greene, Her Majesty's Consul at Alexandria, wrote a full account of what had taken place at Jeddah: founded on a statement of the facts from Captain Pullen, commander of the *Cyclops*, one of Her Majesty's vessels which happened to be lying outside Jeddah at the time. It appears, my Lords, that a dispute had arisen between the Turkish authorities and the captain of the *Cyclops*, with respect to the real owners of a certain ship, which was an Indian vessel—that is, a ship belonging to some of Her Majesty's Indian subjects. Those Indian subjects, it appears, wished to change the nationality of the vessel, and to assume the Ottoman protection. That was a proceeding wholly contrary to law, because those parties could not claim Ottoman protection and the Ottoman law to the detriment of their allegiance to England, and of what they owed to the English Government. The matter being disputed, it was brought before a legal tribunal; where it was decided that the ship was English, and not Turkish. But, in the course of a few days, notwithstanding this decision, the English flag was lowered, and the Ottoman flag hoisted. Nothing further passed for two days; but at the end of that time, without any suspicion on the part of Captain Pullen of any serious disturbance having taken place, this gentleman perceived some Greeks swimming towards his ship, who, upon his interrogating them, gave him the first account of the massacre then going on. It appeared that the Governor had only a few soldiers at the time under his command; but, as far as Captain Pullen's statement goes, that functionary behaved as well as he possibly could under the circumstances; for four or five of his soldiers were killed in his exertions to afford protection to the outraged party, and he succeeded in saving the lives of the daughter of the French Consul, and of other Christian persons, who found security in his own house. After hearing this account, Captain Pullen sent some boats ashore to rescue those persons, and he succeeded in saving the lives of about twenty-five individuals, who were subsequently brought to Suez in safety. I believe that Captain Pullen conceived that he had not sufficient strength to take further measures, and I am of opinion that he acted with discretion. He, however, took steps before he left the shore to give the murdered Consul Christian burial; and he insisted upon the authorities of the place sending off to the Pasha immediately for Turkish troops. I understand, my Lords, that the Pasha has since proceeded with some troops to Jeddah. So much as to the facts of the case as far as we know them. My noble Friend has asked me what Her Majesty's Government have done in respect to their own action in this matter, and whether we have demanded immediate reparation from the Porte? I am glad to say, my Lords, that it scarcely requires any urgency on the part of Sir Henry Bulwer to induce the Porte to

take up with a great spirit of indignation the cause of the sufferers. Without troubling your Lordships with the parleying that took place for a few days, it is sufficient for me to state that a Pasha has been actually sent to Jeddah with a large force of troops from Egypt to put down any fanatic insurrection, supposing such should arise. In accordance with the strong remonstrances of Her Majesty's Government, he has been armed with power of life and death, to execute capital punishment upon any offenders whom he should deem deserving of the same in Jeddah, without reference to Constantinople, which he would have been otherwise obliged to do by the laws of the country. My impression is, that it will not require any great exertions on our part to use any force, or to assist in any way the Turkish Government in obtaining justice and retribution for this horrible massacre. The Turkish Government are perfectly ready to do their duty. They are proceeding energetically at this moment; and Sir Henry Bulwer is convinced that the Pasha will carry out the orders he has received with the greatest promptitude and energy. In respect to the rumours my noble Friend has heard as to the intention of Her Majesty's Government to send an armed force to Mecca or other cities, they are entirely without foundation. I trust your Lordships are convinced, without any assurance from me, that our object is to secure the integrity of the Turkish empire, and at the same time to encourage and assist the Sultan in proceeding with those reforms which, I may say, have been originated by my noble Friend opposite (Lord Stratford de Redcliffe). Her Majesty's Government have no reason to believe that any extraordinary fanaticism has been shown in any other portion of the Turkish empire at this moment. The unfortunate affair at Jeddah originated principally from the dispute about the ship of which I have spoken. I trust I shall be able, in a few days, to state what steps have been taken in Jeddah by the Pasha to obtain justice.

PUBLIC BUSINESS.—WEDNESDAYS.

THE EARL OF DERBY said, looking at the state of public business, considering the number of Bills that had just come up from the other House of Parliament, and seeing that the House of Commons had arrived at the important stage when the last Votes had been passed by the Committee of Supply, he hoped it would not be felt he was asking too much in proposing that the House of Lords should meet on the Wednesdays in this and the next week, for about an hour, upon the understanding that they would not take any measure that was likely to raise a serious discussion, but would rather confine their attention to Bills to which there were no objections. If any Bill were brought forward upon which a discussion was likely to arise he would wish it to be understood by the House that such measure should only proceed *pro forma*, so that the discussion could be taken on its next stage. He hoped that no objection would be raised to this course at the present period of the Session.

EARL GRANVILLE said, he had no objection to the proposed arrangement upon the understanding mentioned.

FORMS OF PRAYER.—THE STATE SERVICES.

ADDRESS MOVED.

THE DUKE OF MARLBOROUGH moved "That Her Majesty's most gracious answer to the Address of this House of the 28th day of *June* last be now read:" and the same was read as follows:

"I have received your Address, praying that I will take into My Consideration the Proclamation of the First Year of My Reign, commanding the Use of the Forms of Prayer and Service made for the Fifth of November, the Thirtieth of January, and the Twenty-ninth of May; and should I see fit, that I will give such Orders as to Me shall seem meet to cause that the said Services shall no longer be annexed to the Book of Common Prayer and Liturgy of the United Church of England and Ireland, to be used yearly on the said Days:

"And you may rely on My giving the Subject of your Address the careful Consideration which its importance demands."

THE DUKE OF MARLBOROUGH then rose to move the Address to Her Majesty of which he had given notice with respect to the special Church services of the 5th of November, the 30th of January, and the 29th of May. The noble Duke said that he must in the first place explain that it was not possible for him to have moved that Address as an Amendment upon that which had been proposed by the noble Earl (Earl Stanhope) a few nights ago; because that was a Motion which, in his

opinion, ought not to have been met otherwise than by a direct negative. As that Address, however, had been agreed to both by their Lordships and by the other House of Parliament, he thought it his duty now to propose an Address to Her Majesty, requesting that she would command that there should be substituted for the services in question, if they should be removed from the Prayer-book, some memorial of those great deliverances for which this nation ought to be so constantly grateful. The noble Earl who moved the Address on a former evening (Earl Stanhope) stated that these services rested solely on the authority of a Royal Proclamation, and with singular inconsistency he asked their Lordships to pray Her Majesty to invalidate her own authority. Another argument urged against them was that they had not been sanctioned by Convocation. This was very delicate ground to touch upon. No one could be more disposed to pay all due respect to Convocation than he was; but he could not admit that a service which had the authority of a Royal Proclamation, ought to be disregarded, simply because it had not the sanction of Convocation. A further argument urged was, that expressions were used in these services entirely unsuited to the present time; and in the justice of that argument he was inclined to some extent to agree. But the great difference between the times in which these services were instituted and our own ought to be borne in mind. The most objectionable parts of these services depended on the florid, high-flown personal references contained in them. Though the feeling of loyalty and attachment to the Throne was no less warm now than in those times, yet it was not our habit to use such high-flown expressions of adulation in respect to the person of the Sovereign as were common then, and it would be found on examination that it was in that particular that these services were most objectionable to the public taste of the day. He did not desire that these objectionable parts should be retained, but simply that the recollection of the great events in our national history and the great deliverances which God had vouchsafed to this country should be kept alive. Even if the services themselves were expunged, some memorial ought to be retained in the liturgy of the Church of the events therein commemorated. The Acts of Parliament on which these services rested had not yet been repealed, and so long as that was the case there was an inconsistency in sending up Addresses to the Crown, requesting it to do an act which would be in direct contradiction of those Acts. The events of those days were intimately associated with the national prosperity, and he could not conceive that, in asking their Lordships to agree to an Address to have them commemorated, he was asking their assent to anything which was not acceptable to them. It was perfectly true that a long period had elapsed since that great wickedness of the 5th of November was about to be perpetrated, but he was sure there were thousands of hearts which, when the memory of those events returned, swelled with thankfulness at the deliverance of the country from ruin and desolation. It might be true that some of the phrases in the services which now appeared in the Book of Common Prayer were not in accordance with the feelings of the present day. Let those phrases be expunged, but let them not be ashamed of confessing the national dependence on the Providence of God. He proposed that in the only service which his noble Friend (Earl Stanhope) had spared—relating to the Accession of Her Majesty—some allusion should be made to those events which, by a wonderful co-operation had led to the present occupancy of a Protestant and constitutional Throne. The noble Duke concluded by moving—

"That an humble Address be presented to Her Majesty, praying Her Majesty, if it should be Her pleasure that the Services of the 5th November, the 30th January, and the 29th May should no longer be annexed to the Book of Common Prayer, in accordance with the Address of the House of Lords, to direct that there be hereafter inserted in the Form of Prayer and Thanksgiving appointed for the 20th day of June, being the day on which Her Majesty began Her happy Reign, such Form of Thanksgiving, as Her Majesty may see fit, for the great Deliverances which by the mercy of God have been vouchsafed to this Nation—namely:

"The Rescue of the Estates of Parliament from the Conspiracy of the 5th November, 1605; and,

"The Restoration of the Church and Monarchy in 1660; and

"The Deliverance from Papal Subjection and arbitrary Power through the Landing of King William III. in 1688:

"Of which several events the Nation is still enjoying the blessings in the security of Her Majesty's Throne."

EARL STANHOPE said, he had hoped that this question had been disposed of three weeks ago, and he questioned whether, in making this Motion the noble Duke was recommending a course consonant with

that sincere desire for the welfare of the Church by which he was known to be animated. He was charged with inconsistency, because he had not upon a recent occasion proposed to repeal the Acts of Parliament upon which the Royal Proclamation issued for these special services. But the Archbishop of Canterbury and the Bishop of Oxford thought the notion of an Address to the Crown preferable, and if the Royal Proclamation were withdrawn the object would be accomplished, because the Act would then be a dead letter. It was true that the noble Earl representing the Government (the Earl of Malmesbury) said he should have preferred a repeal of the Act, but he assigned as the reason because the other House would then have concurred; and since that time the other House had concurred by unanimously adopting an Address to the Crown identical with that which, at his instance, had been adopted by their Lordships. He entirely dissented from the Motion of the noble Duke, which he looked upon as a retrograde movement, and he should feel it his duty to divide the House against it if it was not withdrawn.

Viscount DUNGANNON said, he felt deeply indebted to the noble Duke for proposing his Motion. No lapse of time ought to prevent this nation from cherishing gratitude to God for the signal blessings which He had conferred upon this country at various periods of its history, and the gracious interpositions by which he had saved it from impending ruin; and no time could be more appropriate for their commemoration than the time when we were commemorating the Accession of our most gracious Sovereign to the throne. A total oblivion of the signal mercies of Divine Providence would fill his mind with alarm. Such things ought to be kept fresh in the recollection of the people, and nothing would tend more to the overthrow of this nation than forgetfulness of the mercies which it had received at the hands of Providence. Let them once forget such events as were referred to in the noble Duke's Motion, and from that moment their sun would set.

Lord EBURY said, he hoped that if this Motion were carried the Government would do something more than advise Her Majesty to recall the Proclamation in virtue of which these services were read—namely, bring in a Bill to repeal the Act of Parliament on which that Proclamation was based. So long as these Acts remained unrepealed a court of law might enforce their performance. He had no objection to a short collect being added to the service for the Accession of the Queen, with a view to commemorate the events now celebrated in these services.

The Earl of DERBY said, that although his noble Friend (Viscount Dungannon) had stated that these services were enjoined by Act of Parliament, it would have been more correct to say that the observance of the days was ordered by Act of Parliament, and that during several reigns the use of these forms was enjoined by Royal proclamation; for the Acts said nothing about these services, which were prepared afterwards. The more advisable course in regard to these forms of prayer would have been, not to address the Crown to direct that they should be omitted from the Liturgy, but to bring in a Bill to repeal the Act of Parliament enjoining the observance of these days. Parliament, however, had adopted a different view; and the opinion of both Houses of Parliament having been made known to Her Majesty, She would, no doubt, see fit to direct that a course should be taken in accordance with the wishes of Parliament. The Motion of the noble Duke appeared to him to rescind the previous Resolution for an Address to the Crown; and for the same reason that he had voted for the Resolution, he should vote against the present Motion, if it were pressed to a division. The events commemorated in these services were undoubtedly very important occurrences in the history of this country, and afforded great cause for thankfulness; yet it was not pretended that every great blessing and every signal deliverance in our history either was or ought to be commemorated by a special service. He did not remember a greater peril or a more signal deliverance than that from the Spanish Armada; and if special services were to be kept up, he did not see why we should not return thanks for the discomfiture of the Spanish Armada. Then, again, the Reformation exercised a most important influence upon the character and constitution of this country, yet it was not thought necessary to celebrate it by a special thanksgiving. He thought the time had come for the discontinuance of these services, and he did not think it would be advisable to incorporate a portion of them into another service to which no objection was taken.

The Bishop of LONDON said, that it was, no doubt, a mistake to suppose that

these particular services were enjoined by Act of Parliament. The days were commanded to be observed by Act of Parliament, but the services themselves rested upon a Royal Proclamation; and that being withdrawn, the services would be also withdrawn. With regard to the service of the Fifth of November, he entertained a strong conviction that thanksgivings for Her Majesty's accession ought not to be mixed up with anything calculated to embitter our feelings towards our Roman Catholic fellow-subjects. His great objection to the service for the Fifth of November was, that it involved the whole Roman Catholic body in an act which was not theirs, but the act of certain conspirators. He need not remind their Lordships that the battle of Inkerman was fought on the 5th of November; and it would be most undesirable, while thanking God for Her Majesty's auspicious reign, to revive feelings of bitterness towards Her Roman Catholic subjects.

THE DUKE OF MARLBOROUGH said, that he regretted the opposition of the noble Earl (the Earl of Derby) to his Motion, but he would not divide the House.

Motion, by leave of the House, *withdrawn.*

SCHOOL TRUSTEES BILL.
SECOND READING.

Order of the Day for the Second Reading read.

LORD STANLEY OF ALDERLEY moved the second reading of this Bill, which was, he said, required by the present unsatisfactory state of the law. Some measure was necessary in order to terminate the discussions to which recent conflicting decisions of the Courts had given rise. He added that such a measure had become absolutely necessary, in order to place the trusts of many scholastic foundations in the country in conformity with the decisions of the Courts of law at the present time, as to the admissibility of Dissenters to such trusts where they had not been expressly excluded by the terms of the deed of foundation; and he trusted their Lordships would give it a second reading, as otherwise an element of discord would be introduced into a great number of the public schools in the kingdom.

Moved, That the Bill be now read 2ª.

The LORD CHANCELLOR said, this Bill, though very unpretending in appearance, for it consisted of only one clause, seemed to him likely to be fraught with important consequences. The noble Lord said it would prevent an element of discord being introduced into the different towns where foundations of this kind existed. The measure was founded on the decision in the case of the Ilminster School, where the Master of the Rolls and the Lords Justices came to different conclusions as to the admissibility of Dissenters to be trustees of the school. The noble Lord had proposed a general measure, applicable to all schools and foundations, and providing that no person should be prevented from being nominated or acting as a trustee on account of his religious opinions unless there was an express provision for such exclusion in the deed of foundation. Of course, where there was an express provision excluding Dissenters, they must be excluded; but there were many instruments of foundation by which Dissenters were excluded by necessary implication as strong as any expressed provision, from acting as trustees, though they were not so excluded by express terms; and yet the noble Lord would include all such schools in his Bill. The effect of the measure would be to interfere with Church schools and Church foundations, and in all such cases Dissenters would be admitted as trustees where they had not been expressly excluded by the deed of foundation. He thought such a Bill would be fraught with mischievous consequences, and he therefore moved that it be read a second time that day three months.

Amendment *moved*, to leave out ("now,") for the purpose of inserting ("this day three months").

LORD CRANWORTH said, he was persuaded that the Bill in its principle was a most useful measure, and that with one modification it ought to receive the assent of their Lordships. The only Amendment required in the Bill was one which would meet the objection put forward by his noble and learned Friend on the woolsack, and which would provide that Dissenters should not serve as trustees of schools in any case in which, by necessary implication, they were excluded from the office under the will of the founders. It was only because the school at Ilminster had been founded in the time of Henry VIII., when it was presumed there were no Dissenters, that members of that body had been declared by the Lords Justices disqualified from serving as trustees. The law upon that subject was at present in a

very unsatisfactory condition, and it was very desirable that it should be amended.

THE EARL OF DERBY altogether dissented from the principle embodied in the Bill, which was, that whatever might have been the presumed or the real intentions of the founder, and though it might be manifest from the object of the school that none but Churchmen should hold the office of trustees, yet, if there were no express terms in the deed prohibiting Dissenters from becoming trustees, the courts of law should be bound to declare that Dissenters were eligible for such functions.

THE DUKE OF SOMERSET said, that Dissenters had filled the office of trustee for such an institution for 150 years past; but by a recent decision the usage of a century and a half had been reversed. This fact showed that the law was in an unsatisfactory state, and ought to be reconsidered. Although he admitted that this measure went too far, it might easily be modified in Committee.

THE DUKE OF NEWCASTLE suggested the postponement of the Bill for a few days, with a view to secure the presence at its discussion of several noble and learned Lords now absent, and also to afford an opportunity of consulting the Charity Commissioners as to its provisions. In consequence of the recent decisions, he feared that by the suspension of all action in this matter till next Session there was a danger that parties would be involved in costly litigation. A short Bill might be introduced to prevent this; and next Session the whole subject might be dealt with.

THE LORD CHANCELLOR was afraid that if the discussion were deferred for a few days they would lose the assistance of some noble and learned Lords now present.

LORD STANLEY OF ALDERLEY, in reply, said, that he would not call on their Lordships to divide.

On Question, That ("now") stand part of the Motion? *Resolved* in the *negative;* and Bill to be read 2ª on *this Day Three Months.*

UNIVERSITY (SCOTLAND) BILL.
COMMITTEE.

House in Committee (according to Order).

Clause 1.

THE EARL OF AIRLIE, in pursuance of notice, rose to move the omission of words in the 14th line of the clause, which would have the effect of preventing the union of Marischal and King's Colleges, Aberdeen.

Lord Cranworth

The noble Earl said, that when asked to undertake to move the Amendment he very naturally referred to the noble Earl the Lord Rector (Earl Stanhope); but he was told that the noble Earl felt some delicacy on account of his being named one of the Commissioners to carry out the provisions of the Bill when it became law. He need hardly say that the thanks of all who had the welfare of Scotland at heart were due to Her Majesty's Government for having introduced and carried forward this Bill, and that he was not actuated by any considerations of a party character in seeking to remedy what was thought very generally to be a deficiency in the measure. Their Lordships were aware that the clause as it now stood would effect the consolidation of the two Universities and the two Colleges of Aberdeen into one University and one College. If the Amendment which he was about to propose were adopted, there would be only one University, but the Colleges would remain separate. In Scotland the Universities were conducted upon the Professorial system—that was to say, there were large classes presided over by Professors; and in the Universities of Edinburgh, St. Andrews, and Glasgow, it was impossible that the Professors could exercise any very close superintendence over the studies of such large numbers. But in Aberdeen, in consequence of there being two Colleges with separate staffs of Professors, the Professors could exercise that most desirable supervision. The Lord Rector had, on a former occasion, described how the poorer classes, and even labourers, underwent great privations in order to obtain the advantage of a University education. In the Report which was laid on their Lordships' table some years ago of an inquiry into the University of Oxford, it was stated that one of the great causes of expense in that University was the necessity under which every one was placed, who wished to compete for honours, of employing at considerable expense the services of a private tutor, and it was suggested as a remedy that the staff of the Colleges should be increased. But it was proposed by this clause to take a step in a direction entirely contrary to that suggestion. It was proposed to fuse two Colleges into one, and to reduce the number of Professors at Aberdeen to something more than half—so that there would be a much smaller number of teachers, and consequently either a more superficial or a more expensive edu-

cation. It was well known that the standard of education in Aberdeen was higher than in any other of the Universities of Scotland; and to keep up the standard with this alteration it would be necessary to engage the services of private tutors. The inhabitants of Aberdeen considered that they derived great benefits from the competition of the two Colleges. They were quite ready to confess that the competition between the Universities was of a very improper character—as tending injuriously to lower the fees—but they contended that, if the two Universities only were united, the improper competition would be extinguished, and the proper competition between the two Colleges retained. It was stated the other night in the course of the discussion, that the reports of all the Commissions which had reported on the state of Scotch Universities were unanimously in favour of the union of the Colleges. He ventured to say that it was a most unjustifiable assertion, and that there never had been more diversity of opinion upon any question than upon this very question of the Colleges of Aberdeen. The first Commission, which reported in 1830, was in favour of the union of the Colleges. The next, which reported in 1838, and again in 1839, recommended the union of the Universities, and said nothing about the Colleges. The last Commission, consisting of three gentlemen, did report in favour of a union of the Colleges; but one of the Commissioners—Mr. Stirling—had since changed his opinion. Mr. Stirling stated, in his place in the House of Commons, that certain circumstances had come to his knowledge which caused him to alter his opinion with respect to the union of the Colleges of Aberdeen; and he also stated that he had no doubt the same circumstances which influenced him would have influenced the opinion of another member of the Commission. But supposing that the union of the Colleges had not the disadvantage of enhancing the cost of education, or doing away with a competition which those who opposed their union believed to be wholesome, he thought the feeling expressed in the northern counties should lead their Lordships to pause and hesitate before they adopted this clause of the Bill. It was a great mistake to suppose that the feeling was confined to the town of Aberdeen. It prevailed throughout the counties of Aberdeen, Kincardine, Forfar, and Banff, including a population of nearly half a million, or one-fourth of the whole population of Scotland. They had heard something the other night about a petition from the Professors of one of the Colleges in favour of the union; but it should be remembered that it was a petition adopted by a majority of one in a body of thirteen, and that the Professors had a direct pecuniary interest in the union. But petitions against the union had been signed by 7,317 persons, as against less than 100 who signed in its favour. The other night, the noble Lord at the head of the Government spoke somewhat slightingly of the feelings expressed by the people of Aberdeen. The noble Earl was not the only person who had adopted that tone. It had been taken up by those who called themselves University reformers in Edinburgh, Glasgow, and St. Andrews. But he did not believe that the people of Aberdeen deserved those taunts; for, twenty-five years ago, when the Universities of St. Andrews, Glasgow, and Edinburgh were cold and still, Aberdeen took up the cause of University reform. It was rather hard now to turn upon them, and sweep away one of their Colleges and its endowment. The feeling of a people ought not to be entirely overlooked, unless it could be demonstrated beyond dispute that the course proposed was of great practical advantage. He would like to have heard the noble Earl (the Earl of Derby) defend Oxford against a proposition to amalgamate two of the great Colleges of that University, and sure he was that he might have thence borrowed abundant arguments for the sister University of Aberdeen. There was this argument, that the proposed consolidation was in direct contravention of the will of the founder and the charter of the College. He was not one of those who advocated a strict adherence to the letter of the wills of founders; he thought they would show more respect to those great men if they endeavoured to carry out their clear intentions, and in that spirit he supported the Bill for the reform of the University of Oxford. He was quite at a loss to know on what principles of justice, expediency, or public policy it was proposed to sweep away one of these Colleges. According to the doctrine so often laid down by the noble Earl at the head of the Government, when a great change was made it was not enough that the promoters of it should show that it was beneficial, but that it was so beneficial as to counterbalance all the injuries which it might inflict on cer-

tain interests. The advocates, therefore, of this union were bound to show that it was likely to confer such great advantages on Scotland and the empire at large as to compensate the people of Aberdeen for the great violence which it would do to their feelings and opinions. But the feeling against the union of these Colleges was not confined to Aberdeen nor to the people of the north of Scotland. There was a great difference of opinion among the most eminent public men who took an interest in this question. In the division in the other House, Mr. Gladstone, Sir Francis Baring, Mr. Ellice, Mr. Stirling, and others, voted against the provision. It might be possible that the persons who took this view of the question might be in the right, and should that turn out to be the case, the damage done by the Bill passing in its present condition would be irreparable. But no harm could be done by the Government simply leaving it to the Commissioners to inquire whether it was advisable that this union should take place. They would lay their Reports on the subject before the Government, and it would then be for them to decide what course they would pursue; and Parliament, after having their Reports before them, would have infinitely less trouble in deciding on the case. The worst that could happen by this course was postponement, which would allow public opinion time to consolidate itself upon the question. It was said that the Commissioners had power to maintain separate Professors in the Faculties of Arts if they should be so minded. That might be so, but he should be unwilling to leave the matter entirely in their hands. The effect of the Bill as it stood would be to do away with a great number of those small foundations or bursaries which were of so much use to the lower class of students, and would render it more difficult for such men to obtain a good education. He was sorry to have addressed their Lordships at such length, but he had no motive of hostility to the Bill; he simply desired to see those parts removed which would render it objectionable to the people of Scotland.

Amendment *moved*, in line 14, to leave out ("and College.")

EARL STANHOPE said, that as he was to be one of the Commissioners named in the Bill, he should not vote upon this question; but he did not think that he was precluded from expressing his present opinions, premising that he would hold himself disengaged as to any course which he might take hereafter when he had heard the matter further argued. He doubted very much, however, in any case whether he could have supported, to its full extent, the Amendment of the noble Earl, which he took to go to the complete separation of the Colleges. But he had always understood that the great feeling of the people of the north of Scotland was not against a union of the Colleges. There was a complete unanimity as to the union of the Colleges, and of the faculties of Law, Medicine, and Theology, but it was wished to keep up the two faculties of Arts separate. But this Amendment went to keep the two Colleges quite separate. To this extent he certainly could not go. It was said that the Commissioners would have full powers to consider this question, and no doubt that was the case; but he was not so sure that in deciding it they would be able to take into their consideration the popular feeling on the subject in the same manner that Parliament could. There was no doubt as to the unanimity of public feeling on this question. Noble Lords well acquainted with that part of the kingdom had borne testimony to it. A noble Earl (the Earl of Aberdeen) said he had never known the feeling so unanimous—and he would suggest therefore, without agreeing to the present Amendment, that words should be inserted in the 18th clause to keep the two faculties of Arts separate. He should be very sorry to see the Bill pass with any provision in it which would mar the popularity of the measure, and the adoption of his suggestion would prevent such a result.

THE DUKE OF RICHMOND said, he had only voted against the noble Earl at the head of the Government twice or three times in his life, but he should be obliged to do so on the present occasion if the noble Earl did not amend this clause in the direction proposed. There was an agitation raised for an interested, but it was a genuine deep-rooted feeling in the heart of the great mass of the population. It was thought by the middle classes, who sent their children to these Universities, that if this Bill passed in its present shape, they would never again get so good an education at Aberdeen as before. In military language, the "squads" of students would be made too large for the Professors to manage. If the two Colleges were left separate, a feeling of emulation would be excited between them which should send

out most University prizemen. If the question were left to the Commissioners, the moment the Bill passed they would be overwhelmed with applications from each of the two Colleges, and a source of discord would be created which would materially affect the success of their labours. With great respect to the Commissioners, he would rather have a clause in the Act than depend on their opinion afterwards; and if such a clause were introduced, the measure which had been for many years before the public would be carried to a successful issue. He did not think that he was asking too much when he said "For Heaven's sake leave well alone. Nobody says these two Professors have done any mischief. They can't do any mischief. Let them alone for a short time, and if in five or six years hence we and the people of Scotland find we are wrong, you can bring in a Bill of one clause in another Session of Parliament and put the thing right." He assured his noble Friend that the opinion of the whole of the north of Scotland was against the union; and although he was himself the last person in the world to bow to popular opinion, he had always felt that it was the bounden duty of every man in Parliament, and more particularly in the House of Lords, to give due weight and credit to public opinion, when it had been ascertained in the manner in which it had been ascertained upon this occasion.

EARL POWIS thought the noble Earl (Earl Stanhope) had exaggerated the effect of the Amendment proposed by the noble Earl opposite (the Earl of Airlie.) The Bill gave the Commissioners power to establish another faculty of Arts, and that would involve a very trifling expense. The noble Earl (Earl Stanhope) spoke of the degrees which would be taken in the superior faculties of Law, Medicine, and Divinity. But the noble Earl (the Earl of Airlie) did not raise the question of having separate classes for those studies. All parties were agreed that the superior faculties should be merged in one united University. It was much to be regretted that the jealousy of the two Colleges and of the inhabitants of Aberdeen had caused them to miss opportunities which had several times occurred of settling the matter upon advantageous terms. But if it were supposed the Commissioners would exercise their discretion and establish another faculty of Arts with four or five Professors, was it not reasonable to ask that the Professor should be upon a separate foundation, and should have a resident head among themselves? What would their Lordships think, in the case of an English University, if it were proposed that two Colleges at opposite ends of the town should be under one head, and consequently that one of them should be without a principal? Would it not be said that that proposal was sure to produce anarchy in both? All that would be necessary would be to give a small allowance to one Professor, and place him at the head of the College. In case of any dispute among the Professors, or of discord among the students, was it not desirable that there should be on the spot a resident head who would have authority to compose differences, and make each establishment complete in itself? In the affiliating institutions of the University of Durham, and in the private halls authorized to be established at Oxford, each was under a responsible head, and under individual control; and surely it was unreasonable not to adopt the same plan in this case. It was not a question whether they should continue the two Universities—it was not a question whether they should continue separate classes in the superior faculties; it was whether, having decided practically that there should be a faculty of Arts in King's College, the Professors and pupils of that College should have an independent head. Surely their Lordships must confess that such an arrangement was for the advantage of the colleges and the benefit of education.

EARL STANHOPE repeated that he thought there ought to be a union of the colleges, but he doubted whether, as regarded the faculty of Arts, that ought to be left to the Commissioners under the Bill.

EARL POWIS said, the 15th section gave the Commissioners full control over the revenues of the colleges, and powers to re-establish or re-organize the Professors as they pleased.

LORD MONTEAGLE suggested that they should leave the Colleges as they now stood, and give the Commissioners power, if they came to that conclusion, to recommend their union. The adverse feeling of the parties now petitioning would be very different when the union was grounded upon the report of a Commission, and after inquiry had been made. It would show that their Lordships did not decide against the general opinion which from all quarters had reached them.

The EARL OF DERBY said, he thought that hardly one of their Lordships seemed disposed to support the Amendment of the noble Earl (the Earl of Airlie); for both his noble Friend who had just sat down and the noble Earl on the cross benches (Earl Stanhope), while they complained of the enactments of the Bill, repudiated altogether the idea of preventing the union of the colleges, and confined themselves simply to the point that there should be two faculties of Arts. Therefore, so far as the Amendment was concerned, the opinion of their Lordships was altogether unanimous. His noble Friend on the cross benches wished to provide for the exception of this single case, and to provide that there should be a continuance of the faculty of Arts. His answer to that proposal was this—if they declared that there should be a second faculty of Arts, they decided beforehand in opposition to the opinion of the Commissioners of Inquiry who had examined into the subject, and reported upon it in favour of complete union. He had always great respect for the opinion of the noble Duke near him (the Duke of Richmond), and it was very true that the occasions were very few when they had voted on different sides. But on the present occasion he apprehended the logical course to pursue was to follow up in their integrity, if they acted at all upon the recommendations of the Commissioners, and to leave the Commissioners under the Bill to make such amendments and modifications as they thought fit. His noble Friend said that if they passed the Bill they did not deal fairly by the parties petitioning, because they declared a foregone opinion on the part of Parliament, and allowed the Commissioners to modify it. But supposing they took the opposite course, and only gave the Commissioners power of restoring that recommendation. His noble Friend on the cross benches had not said a word as to the qualifications of the Commissioners, and with all deference to the opinion of the noble Duke (the Duke of Richmond), he preferred the opinion of Commissioners who were perfectly conversant with the question, to the opinion of those who were but imperfectly acquainted with it. The noble Earl on the cross benches (Earl Stanhope) doubted whether the Commissioners under the Bill could consider the question of public opinion upon the subject. All he could say to that was, that the words were couched in the strongest possible terms. The Commissioners were authorized, in their discretion, if they thought it either necessary or expedient so to do, to make provision for the maintenance of two separate faculties of Arts. The Bill gave the fullest powers to the Commissioners to exercise the utmost latitude, and provided all that good reason and good sense could demand. If public opinion were very strong, the Commissioners had the fullest power to meet it and make provision accordingly. He thought the Bill, as it stood, preferable to any of the Amendments suggested, and that the Amendment went further than even the opponents of the Bill desired.

On Question, whether the words proposed to be left out shall stand part of the clause?

Resolved in the *affirmative.*

Clause 2 *agreed to*, with an Amendment.

Clause 3.

LORD BELHAVEN moved the omission of the clause, which provides that the Principals of Glasgow, Aberdeen, and Edinburgh, are not to be deemed Professors of Theology.

The DUKE OF MONTROSE said, there was no doubt that the clause was a mistake, as it asserted that which was contrary to the fact, and he should have no objection to omit it.

Clause *disagreed to.*

Clauses 4 to 11 *agreed to*, with Amendments.

Clause 12, relating to the powers of University Courts.

EARL GRANVILLE adverted to the proposed transfer of the patronage of the University of Edinburgh from the Town Council to the University Court. The noble Earl said that, though he did not intend to move an Amendment on this matter, it certainly did seem very hard that this patronage should be taken away from the Town Council when they had possessed it so long, and when it was not pretended that they had exercised it unsatisfactorily. He hoped, too, that the noble Duke who had charge of the Bill (the Duke of Montrose) would consent to insert words in the Bill to make these Courts open to the public.

THE DUKE OF MONTROSE said, this matter had been very much discussed in the other House. There were there, of course, many persons who were anxious to leave the patronage in the hands of the Town Council, and others who urged very strongly the necessity of transferring it to

some other body. The compromise which had been agreed on was, he believed, accepted by all parties as a fair settlement of the question, and he could not, therefore, consent to any proposition to disturb it. With regard to the noble Earl's second proposition, to make the University courts open courts, he really could not see any advantage in such a provision, and he hoped, therefore, that the noble Earl would not attempt to press it.

THE EARL OF HADDINGTON said, that though it was rather a strong measure to take away the patronage so long exercised by the Town Council of Edinburgh, he could not say but that it might turn out of great practical advantage. The Town Council had founded the University, and a charter was given to it by the King soon after. When a charter was forfeited, it was usual to show *malfaisance* of some sort or other; but none had been shown in this case. No doubt there might have been considerable inconvenience in the patronage being exercised by the Town Council—indeed, it was said that their appointments had generally been made with a view to sectarian considerations; but however strange it might be originally to repose patronage in such hands, certainly no *malfaisance*, sufficient absolutely to justify the transfer, had been proved. The Commission of 1826, of which he had been a member, did not propose to make any change in this respect. No doubt considerable alteration had taken place in the Town Council of Edinburgh since that time. The Municipal Reform Act had changed it from a self-elected to a popularly elected body. No doubt self-election was a bad principle; but the corporation of Edinburgh in those days was a very different kind of body from the present corporation. As a compromise had been arranged, and as he knew a great portion of the community in Edinburgh were exceedingly glad of the transfer, he did not think that it was for their Lordships to interfere with it. In respect to the four Curators who were to sit in the Court, he would suggest that it should be so arranged that certain members of the Town Council—such as the Lord Provost and the two senior members should be *ex officio* Curators.

EARL GRANVILLE said, that a large portion of the community also disapproved of the alteration. The noble Earl then moved to insert the following clause:—

"The Meetings of the Senatus Academicus, the General Council, and the University Court of each University, and of the Court of Curators in the University of *Edinburgh*, shall be open to the public."

THE DUKE OF BUCCLEUCH, in reference to a remark made by the noble Earl who had just spoken (the Earl of Haddington) in reference to *ex officio* members of the Court, said that he had lately presented a petition from Glasgow praying that the Lord Provost might be nominated an *ex officio* member of the Court of that University.

Amendment *negatived.*

Clause *agreed to.*

Clauses 13 and 14 *agreed to*, with Amendments.

Clause 15, giving power to the Commissioners to inquire into the expediency of founding a National University, and to make arrangements for its establishment.

THE BISHOP OF LONDON thought this scheme of founding a national University for Scotland was an exceedingly vain one. It was scarcely constitutional to give a Commission of this sort the power of suppressing ancient corporations—the only links almost which connected Scotland of bygone times with Scotland of the present. One of the greatest evils under which Scotland suffered was that she was so little connected with the historical past. It was not at all clear that the scheme would lead to benefit the cause of education in Scotland. Such a college as St. Andrews, without the power of conferring degrees, would in a very short time run the risk of becoming something very like a private school. Again, some of the Colleges might be taken into the University and some left out, so that there would be part of the old system working alongside of the new one. He did not suppose that it would ever be carried into effect, but it seemed a pity to unsettle the whole educational arrangements of the kingdom by proposing a scheme which would probably never come to anything.

THE DUKE OF MONTROSE said, he was very much inclined to agree with the right rev. Prelate. It was very improbable that the scheme would ever take effect, for the different Universities were not very likely to agree to it. But as the provision had been introduced in the other House, where there seemed a disposition to expect beneficial results, it would be better, on the whole, for their Lordships to allow it to remain in the Bill.

LORD BELHAVEN thought the best

course would be to leave out all this part of the duties of the Commission, and, if any such inquiry were necessary, to introduce a separate Bill for the purpose.

THE DUKE OF BUCCLEUCH did not anticipate any great results from the provision, which, he remarked, had been introduced at a late stage of the progress of the Bill in the other House.

Clause *agreed to.*

Clauses 16, 17, 18, 19, and 20, *agreed to.*

Clause 21.

THE LORD CHANCELLOR moved to insert the following Proviso :—

"6. For providing full compensation for the present holders of Professorships or other officers, for the loss of emoluments consequent on the abolition or conjunction of such Professorships or other offices in the present Universities and Colleges of *Aberdeen.*"

Agreed to.

Clause, as amended, *agreed to.*

Clauses 21 to 25 *agreed to.* Clause 26 *disagreed to.*

Remaining clauses *agreed to.*

Report of Amendments to be received *To-morrow.*

GOVERNMENT OF INDIA BILL.
COMMITTEE.

Order of the day for the House to be again put into Committee read.

House in Committee accordingly.

Clause 34 (Competitive Examinations for the Indian Army).

THE EARL OF ELLENBOROUGH said, he must for a few minutes draw their Lordships' attention to this clause. It for the first time introduced what was called open competitive examination for admission to the Engineers and the Artillery of the Indian army. This provision was not contained in the first Bill brought in by Her Majesty's Government, nor was it contained in the Bill of the late Government, but was introduced for the first time now. He had at all times regarded the introduction of competitive examination as the most dangerous and democratic of all modern innovations. Its practical tendency was to substitute persons of inferior education and position for the men who had hitherto led our armies to victory and conducted the affairs of the State. It had always been the practice when great experiments were about to be made in Government to inquire whether there were any defects to be remedied and whether there was a reasonable hope of improvement. But in this case there was no defect to be remedied. On the contrary, the perfection of the existing system was admitted; and no attempt could be made to alter it without incurring the most serious dangers. Nothing could be more injurious than to tamper with the scientific corps of the Indian army, perfect as they now were. If a failure should occur in this arm it would affect the success of a siege through the incapacity of an Engineer, or the success of a battle through the inferior character of an Officer of Artillery. Such a failure would go to the fate of a campaign, perhaps to the fate of an empire. This change was proposed at a moment when both of these services had attained their highest pitch of reputation. The boldness of the operations of our Engineers in front of Delhi,—the extraordinary resource, the audacity, which had marked all their operations at Lucknow,—the courage, the resolution, and the novelty which had distinguished the operations of the Artillery in all those actions in which they were supported by the Rifles—had actually introduced a new era in the art of war, and established on the part of these scientific corps a claim to consideration which one really would have thought Her Majesty's Government would have been only too happy to recognize. As their Lordships were aware that at the present moment there was, in point of fact, a competitive examination for commissions in these services in the College of Addiscombe, through which institution alone the Officers of Artillery and Engineers were now recruited. The cadets there studied under men of the most honourable and conscientious character, thoroughly acquainted with all that they had to teach, and deeply impressed with the great moral responsibility attached to the duty which they undertook. They there had not only to pass an examination for which they might be crammed on a particular day, but their whole conduct while at school was watched, and their moral character ascertained, as well as their intellectual attainments; and there could be no doubt that the gentlemen thus selected at Addiscombe for these services were men on whom the country could entirely depend. On the other hand, there was no possibility of introducing into the plan of open competitive examination any security of that description. All they could find was that on a particular day the person chosen had obtained a certain degree of apparent superiority over a gentleman who in reality had probably a much higher claim to the appointment. There were

other advantages in the present system which it was impossible to attain by means of open competition. From the manner in which these officers were now chosen they had a guarantee that they were gentlemen; and it was impossible for him to speak too strongly of the advantage of having, especially in India, gentlemen—men of all the gentlemanlike feelings which prevailed in English society—for the conduct of military as well as of civil affairs. We maintained our position in that country by our moral superiority. An Englishman holding an official situation there was practically a representative of his Government, and whatever he did ill, or so as to impair his own position, impaired at the same time the position of the Government with which he was connected. Whatever he did well, or in a manner to distinguish him from others, increased the influence of his Government, while it added materially to his own. He recollected many years ago having gone to the Duke of Wellington on the subject of a court-martial, which had suggested that an officer who had been guilty of drunkenness should be dismissed the service. When urged to restore the accused to his position on account of some extenuating circumstances which existed in his favour, the Duke said, "Never palliate drunkenness in an officer. Depend upon it the Natives of India are extremely clever in discovering the character of an Englishman living among them; and no offence which an Englishman can commit is in their eyes so revolting as drunkenness." But that was not all. The moral superiority of Englishmen enabled us to keep that country; and if in any case we overlooked an offence that was calculated to lower us in the opinion of the Natives, the consequences to our power might be most disastrous. He had always been most desirous that we should retain the highest gentlemen we could procure at the head of affairs in India, and therefore he was particularly anxious that in this case the son of a grocer or a tailor, of the John Gilpin class, should not, through being highly crammed for an open competitive examination, be preferred before the son of a country gentleman or retired officer, who might not be able to pay enough for an education of that kind, but who might, nevertheless, be the fittest candidate for the situation. The higher a man's natural position the greater, ordinarily speaking, was his consideration for all those under him. This was always a true characteristic of the gentleman; and there never had been an occasion on which it was more important than at this juncture, that the general demeanour of all Englishmen and English officers in India towards the Native population should be conciliatory, and calculated to restore us in their opinion to the position we formerly held. The alteration was proposed also at a time when none of the apprehensions as to our officers could be entertained, which might perhaps have been entertained formerly. The Directors were no longer elected by a constituent body who had claims upon their patronage which might in former times have led to the selection of persons not of the most proper kind; and the Members of the Council, by not having seats in Parliament, would be saved from similar claims. He could not but regard this proposition as an act of homage to democracy. It was totally uncalled for. No one in the House of Commons had asked for it. No one anywhere had expressed the smallest wish to have this change introduced into the Indian army. It was proposed when that army was covered with glory, and when there was every reason to suppose that it would maintain its high character for the future. It was a measure which would affect injuriously the future efficiency of the Artillery and Engineers, and it was impossible that the present officers of both those noble services could do otherwise than offer to it the greatest opposition. For these reasons he should certainly object to the proposition.

THE EARL OF DERBY said, that with the very greatest deference for the opinions of his noble Friend, and more especially on a subject on which he spoke with great weight and authority, he could not coincide with the arguments by which he had opposed the clause—some portions of which arguments were indeed inconsistent with other portions. His noble Friend said that the clause introduced for the first time into the scientific corps, the Artillery and Engineers of the Indian service, the principle of competition [The Earl of ELLENBOROUGH: Open competition]—of open competition; but with all respect to his noble Friend, it did not introduce the principle of competition, open or not open. As the clause at present stood it undoubtedly did introduce the principle of competition; but, as he (the Earl of Derby) proposed to amend it (of which Amendment he gave notice on the second reading)—namely, by omitting the last three lines, it

would not introduce the principle of strict competition. What the clause did was this —it provided that persons should be admitted into the Artillery and Engineers upon an examination, the regulations for which examination should with all convenient speed be prepared and prescribed by the Secretary of State acting under the authority of his Council. He was not a very warm and ardent supporter of the principle of competition — at least he thought that competitive examination was a great experiment, of which he took took the liberty of saying, that in his opinion, they were not yet able to pronounce a decided opinion. But he must say this, that if there were one portion of the public service, civil or military, to which the principle of strict examination and of competition could be fairly and legitimately applied, it was the scientific branches of the military service. What was the case with regard to the British army? Why, with regard to the Royal Engineers and the Royal Artillery, they were subjected to the strictest possible examination, and not only that, but to the strictest competition. There was a competition for admission into Woolwich, there was a competition also for passing out of Woolwich, and, after that competition for passing out of Woolwich there was still a probation of the candidates, and they were liable to be rejected if their qualifications and their conduct did not prove to be equal to the promises they had held out upon their examination. Well, was there anything unreasonable, improper, or impracticable in such a course? Did not such a course give an answer to the objection which his noble Friend used — namely, that a person who might be very well up in his examination might prove to be no gentleman in his habits, dissipated in his conduct, and unqualified in other respects for the profession? But, provided proper regulations were laid down, first with regard to the character of the examination itself, and, next, with regard to the probation of the candidates after they had passed their examination, he could not see that such a risk would be incurred as his noble Friend appeared to anticipate. But was his noble Friend really an opponent of the system of competitive examination? Not at all, for he had told their Lordships that there was the strictest competitive examination at Addiscombe. But, said his noble Friend, "I wish the competition to be limited to the persons who have got into Addiscombe." And why? "Because," said he, "it gives you a security that the parties are gentlemen and the sons of gentlemen, and you will have no such security in any other public examination." Now, he (the Earl of Derby) hoped he was not insensible to the advantages of birth and station, but he confessed he could not join with his noble Friend in saying that because a person happened to be the son of a tailor, a grocer, or a cheesemonger, provided his mental qualifications were equal to those of his competitors, he was to be excluded from honourable competition for an appointment in the public service. He did not think that was a legitimate argument for his noble Friend or for any one to use. A man's origin was nothing; the question to be asked was, "What are his qualifications for a scientific appointment, and what is his moral character?" If they showed him (the Earl of Derby) a man who was superor in both of these respects to his competitors, he cared not what might be his birth—that man was the best entitled to the appointment to which he aspired. He did not deny that Addiscombe had those merits which his noble Friend had ascribed to it. Those who were trained at Addiscombe had an immense advantage in the direction of their studies, and more especially in the knowledge on the part of their Professors of the peculiar qualifications and attainments which were required in the services which they had afterwards to enter. But he could not understand upon what principle it was that his noble Friend contended that that which had been introduced into every part of the civil service at home, into every department of the army, and more especially and more rigidly with regard to the scientific departments of the Royal army was not fit to be introduced into the scientific departments of the Indian army, which was now about to be incorporated and associated with the Queen's army, and to act under the authority of the Crown. If the clause laid down the strict and rigid principle that a man who succeeded in his examination should of necessity take the place of all others, he thought it would be open to serious objection. But if it simply provided that regulations should be prepared with regard to the due examination of persons wishing to enter the scientific corps, he could not understand upon what principle, without in the slightest degree derogating from the present examination to which his

noble Friend referred, the advocates of competition in the civil and military services of the Crown could object to a clause which was simply so worded as to give a security that candidates for the scientific corps possessed that fair amount of scientific knowledge which was requisite for the efficient discharge of the duties they might be called upon to perform.

THE DUKE OF SOMERSET said, that the subject was a most important one. He fully agreed that the artillery of the Indian army had been, up to the present time, most efficient: indeed Sir Charles Napier said it was second to no artillery in the world. The question as to the admission of persons into the Artillery had been before him when a member of the Commission for investigating the effects of the system of purchase in the army, and Sir James Melvill had stated before that Commission the system which was pursued at Addiscombe. By that system there was a preliminary examination for entrance into the college; and, after passing through the college, on a subsequent examination, the best were appointed to the Engineers, the next best to the Artillery, and the third to the Infantry. That, he thought, was a good system of competition; and it was the same system which prevailed in France and in Austria. What he feared in the system of the Government was that there would be competition without any system of military discipline. He thought that it was most desirable to let men pass through a college, and so to pass through a system of military discipline. When they came out of that they came ready to take their part in the army. So far from doing away with the present system, he thought that Addiscombe ought to be enlarged; and he would remove Addiscombe to Haileybury, which was a much larger building. In his opinion there ought to be a competition for getting into the college, but no one ought to obtain admission into the service without passing through the college.

THE EARL OF DERBY explained that what he had said was, that he did not see any reason why persons superior to those who had been educated at a military college should be excluded from admission into the service. But this clause did not say anything as to this; and it was quite consistent with it that education at a military college should be made a condition.

EARL GRANVILLE thought that it was the duty of the Government to consider whether there should be unlimited competition, and to state distinctly what they recommended. He did not see any advantage of retaining the clause if they were to amend it as his noble Friend (the Earl of Derby) had said. His noble Friend did not say what the effect of the clause would be, or what were the intentions of the Government.

THE EARL OF HARDWICKE said, that in the case of the Royal army it had been determined by general consent that the Royal Academy of Woolwich and the College of Sandhurst should be preserved, and, that being so, he saw no reason why the same course should not be adopted with respect to the Indian military services now that they were about to be handed over to the Crown.

THE DUKE OF NEWCASTLE agreed with his noble Friend (the Duke of Somerset) that the clause as it was now proposed to amend it would be perfectly useless, and that it would be much better to omit it than to pass it in the amended form. The introduction of a similar principle on a former occasion had resulted in the destruction of Haileybury College, and he was afraid that the natural consequence of adopting the clause as amended would be to destroy the College of Addiscombe. He should be very much opposed to anything which could have so unfortunate a result, and he felt convinced that one of the best things that the new Secretary of State for India could do would be to re-establish the College of Haileybury with the utmost despatch. It was impossible for any one who had studied the question not to see that a special education, both for the military and civil service of India was essentially requisite; and he should deeply regret if they took any course which should lead to the same result with regard to Addiscombe as had already taken place with regard to Haileybury. He hoped that Haileybury would be re-established as a college for the civil service, and that the resources of Addiscombe would be developed and increased. He did not see what object the Government could have in view which could not be as well attained without the clause as with it, and therefore he thought it desirable that the clause should not be persisted in.

LORD CRANWORTH said, that the noble Earl at the head of the Government had met one great objection to the clause as it stood by removing its concluding pro-

vision; but the noble Earl had not told them what he would insert instead of the portion so omitted.

THE EARL OF DERBY said, that the constitutional objection which he felt to the last words of the clause which he proposed now to omit was, not that they introduced the competitive principle, but that they introduced it by Act of Parliament; whereas, the proper course was that it should be done by the authority and under the sanction of the Crown. The question ought properly to be left to the prerogative of the Crown, and it was for that reason that he had moved the omission of these words.

LORD MONTEAGLE strongly opposed any course which might lead to the abolition of Addiscombe. The clause, whether amended or not, did not give sufficient security for its preservation. Certainly, Parliament ought not to delegate its power over the framing of these regulations to any Executive Department, however able it might be.

THE EARL OF ELLENBOROUGH said, that before the question was put he wished to state what was passing in his own mind. He proposed to establish an additional military college at Haileybury, with the same competitive examination, both for the new college and for Addiscombe. One great advantage which would arise from such a competition would be that there would be virtually a competition between the professors of the two colleges, as well as among the pupils. But when his noble Friend spoke of the lower classes of the community, competing with the higher upon the same terms, it must be remembered that officers and clergymen generally were not wealthy men, and that they could not afford that cramming examination which was necessary for competition. The sum paid at Haileybury when he first remembered it was only £20 a year. Then the idea was started of making the college self-supporting, and the amount to be paid was raised to some £100—a change which he thought was very injurious. There ought to be provided for the children, in some cases the orphans, of military men and clergymen, a cheaper and better education than they could get elsewhere. Then his noble Friend had made use of the word "assimilation" as to the English and Indian armies. He cautioned his noble Friend against the idea of "assimilation." It was the most dangerous word that could be used. They had seen the advantages arising from differences in the Bengal, Madras, and Bombay armies. Those differences had prevented the spread of the mutiny. Their Lordships might depend upon it their security rested upon difference and not upon assimilation.

LORD BROUGHTON considered it very undesirable that Addiscombe should be done away with.

THE EARL OF DERBY said, the clause did not hint at Addiscombe.

LORD BROUGHTON: No; but it gives the Government power with respect to Addiscombe.

THE EARL OF DERBY: It gives the Government no power with regard to Addiscombe which it has not possessed already. It does not interfere with Addiscombe.

LORD BROUGHTON: But it gives the Government power to substitute another education for that of Addiscombe.

THE EARL OF DERBY: It does not give any power, and it does not take away the power which the Government possesses at this moment.

LORD BROUGHTON: If it gives the Government no new powers, at least it offers to them a recommendation to employ the powers they already possessed. It was not anticipation of the future, but recollection of the past, that induced him to entreat the noble Earl to amend this as well as other infirmities of the Bill. There was hardly a considerable man in India who had arisen of late years who had not owed his education to Addiscombe. The result had been that officers had been elected to the conduct of high political offices; they were obliged to take away those superior persons from the army in order to put them in Residencies, and in great political posts for which they alone were fit. He pointed this out, and said to the authorities, "You are denuding the army of its best men;" but their answer was a good one, "What would you recommend us to do? Is there any one half so good?" The answer was, "No." The number of officers, sometimes merely lieutenants, who had risen to the highest posts, was such as to show that to Addiscombe the Indian army was indebted for its highest distinctions.

THE EARL OF ELLENBOROUGH said, that if the words were taken out the young gentlemen who acquitted themselves at the examination with credit must either have what the words promised or nothing at all. He did not like the clause.

Words from "examinations" to end of clause, *struck out.*

Then Question was put, "Whether the said clause, as amended, shall stand part of the Bill?"

The Committee *divided:*—Contents 41; Not-Contents 34: Majority 7.

Resolved in the *Affirmative.*

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Chelmsford, L. (*L. Chancellor.*)
Bath, M. [*Teller.*]
Salisbury, M.
Bathurst, E.
Beauchamp, E.
Carnarvon, E.
Derby, E.
Graham, E. (*D. Montrose.*)
Hardwick, E.
Harrington, E.
Leven and Melville, E.
Malmesbury, E.
Rosse, E.
Sandwich, E.
Stanhope, E.
Verulam, E.
Wilton, E.
Clancarty, V. (*E. Clancarty.*)
Dungannon, V.
Hardinge, V.
Hutchinson, V. (*E. Donoughmore.*) [*Teller.*]
Melville, V.
Strathallan, V.
Bagot, L.
Boston, L.
Braybrooke, L.
Calchester, L.
Crofton, L.
Denman, L.
De Ros, L.
Dinevor, L.
Dunsandle and Clanconal, L.
Farnham, L.
Raglan, L.
Rayleigh, L.
Redesdale, L.
Sondes, L.
Southampton, L.
Templemore, L.
Wrottesley, L.
Wynford, L.

NOT-CONTENTS.

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Calthorpe, L.
Churchill, L.
Congleton, L.
Cranworth, L.
De Tabley, L.
Ebury, L.
Foley, L. [*Teller.*]
Kingston, L. (*E. Kingston.*)
Minster, L. (*M. Conyngham.*)
Monteagle of Brandon, L. [*Teller.*]
Mostyn, L.
Stafford, L.
Stanley of Alderley, L.
Wodehouse, L.
Wycombe, L. (*E. Shelburne.*)

Clause 35

("Not less than one-tenth of the whole number of persons to be recommended in any year for Military Cadetships (other than Cadetships in the Engineers and Artillery) shall be selected, according to such regulations as the Secretary of State in Council may from time to time make in this behalf, from the sons of persons who have served in India in the military or civil services of Her Majesty, or of the East India Company.")

Agreed to.

Clause 36

("Except as aforesaid, all persons to be recommended for Military Cadetships shall be nominated by the Secretary of State and members of Council, so that out of seventeen nominations the Secretary of State shall have two, and each member of Council shall have one; but no person so nominated shall be recommended unless the nomination be approved of by the Secretary of State in Council.")

THE EARL OF ALBEMARLE said, he did not think the public would be prepared to hand over the whole of the patronage of India to the Minister for India and the Council. He should therefore, if no other course was open to him, propose to deprive the governing body of the patronage, and to place it in the hands of a Board, where it would not be used to the disadvantage of the public service. Under the Bill the great bulk of the patronage of India would be given to the Council of India; for out of 500 cadetships, 450 were bestowed upon them. The fact was, there had been a secret alliance between the old Court of Directors and Her Majesty's Ministers, the Directors having taken advantage of their power to act upon a Government with no very fixed principles of action. When the Government proposed to buy off the old Directors and to give £1,200 a year to the same men who had been content with £500, he thought they had done wisely in building a golden bridge, and he should have thought the bargain a good one if at double the sum, provided the patronage had not been included. The whole maladministration in the army of India might be traced to the system of patronage. The cavalry had especially been reserved for the patronage of the Directors. It had been proved before Committees of that House that the Irregular Cavalry were more trustworthy, economical, and efficient than the regulars, and that while the pay of an Irregular Cavalry soldier was only £35, the pay of the regular was £73. This difference had been mainly kept up for the sake of the patronage of the East India Company. On these grounds he should suggest a clause carrying out the proposition he had stated to the House, or he should be ready to support any other mode by which the patronage might be distributed with greater advantage to the army.

THE EARL OF DERBY said, the noble Earl spoke of proposing a particular clause, or some other mode of carrying out his object; but he need hardly say that that was not the usual way of proceeding. As the clause stood the Secretary of State was to have two nominations, and each member of the Council one. The noble Earl objected to the power given to the Council;

but his Amendment was one of so singular a character that he could not help calling the special attention of the Committee to it. He proposed that the patronage should be given to a Board not consisting of less than three members of the Council, and these three members were to be selected by the Secretary of State. One-eighth of the patronage was to be exercised by the Secretary of State, and seven-eighths by the Board, which the Secretary of State was to select. Then these three Councillors were to receive their £1,200 a year; but while they were to have seven-eighths of the patronage they were strictly prohibited and forbidden from taking the slightest part in any of the business relating to India.

EARL GRANVILLE thought the clause of the Bill itself was not free from objection. There was, in his opinion, great objection to the mode in which the nominations were vested in the Council.

Clause *agreed to.*

Clauses 37 to 40, *agreed to.*

Clause 41.

THE DUKE OF SOMERSET made an objection to the wording of the clause, which appeared to him to give neither the Governor General nor the Secretary of State power over the expenditure of the money.

THE EARL OF DERBY said, the clause provided that the expenditure of the revenues of India, both in India and elsewhere, should be subject to the control of the Secretary of State in Council. The clause did not in the slightest degree interfere with the powers to be exercised by the Governor General of India, subject to the control of the Secretary of State in Council.

THE EARL OF ELLENBOROUGH thought that, by the clause, the Governor General might do very nearly just as he pleased; but the expenditure of the Governor General was to be subject to the approval or otherwise of the Secretary of State in Council.

Clause *agreed to.*

Clauses 42 to 51 *agreed to.*

Clause 52 Audit of Accounts.

THE EARL of ELLENBOROUGH said, he wished to introduce an Amendment in this clause. It provided that the Auditor should, in the ordinary way, audit the accounts. That, so far, was very proper; but he thought it should go somewhat further. The expenditure of India should be chaged upon the revenues of India alone. It seemed to him to be but fair to India that there should be a reciprocal provision in order to guard the revenues of India from being applied to any purposes which were not strictly connected with the interests of India. He was not certain that the Council would guard the revenues of India with the same jealousy which had been always faithfully exercised by the Court of Directors. They had never sanctioned any charge on those revenues which was not directly connected with the purposes of India; and he wanted the Auditor to be appointed under this clause to have the power of stating where any expenditure had in his opinion been incurred out of the revenues of India for purposes that were not Indian. After the words:—

"And such Auditor shall report from time to time to the Secretary of State in Council his approval or disapproval of such accounts, with such remarks and observations in relation thereto as may think fit."

He would therefore propose the insertion of the following words:—

"Specially noting any case, if such there shall be, in which it shall appear that any moneys advanced from the revenues of India have been appropriated to purposes other than those of the government of India, to which alone they shall be applicable."

He thought it but common justice to India to insert words to that effect.

THE EARL OF DERBY suggested that the Amendment should be printed, in order that he might have an opportunity of considering it before the next stage of the Bill. In the meantime, he thought the words requiring the Auditor to specify

"In detail in his reports all sums of money, stores and property which ought to be accounted for, and are not brought into account, or have not been appropriated in conformity with the provisions of this Act, or have been expended or disposed of without due authority,"

might be sufficient to carry out the object which his noble Friend had in view.

THE EARL OF ELLENBOROUGH said, possibly they might, but he thought distinct words to the effect suggested by him ought to be embodied in the clause. Their Lordships said that no Indian charge should be paid out of English revenue, and it was but common honesty to say that no English charge should be paid out of Indian revenue. With the understanding that the proposed Amendment should be considered on bringing up the Report,

Clause *agreed to.*

LORD MONTEAGLE supported the Amendment. The present system of public audit in this country was not satisfac-

tory, and the last Report had recommended a return to the old system of the auditor reporting direct to Parliament. He would recommend the same system with regard to India.

On Clause 53, which directs an account to be annually laid before Parliament for the last financial year of the produce of the revenues of India at each of the several Presidencies, and of all the receipts and disbursements at home and abroad in respect of the government of India.

THE EARL OF DERBY proposed to insert at the end of clause—

"And such account shall be accompanied by a statement prepared from detailed Reports from each Presidency and district in India in such form as shall best exhibit the moral and material progress and condition of India in each such Presidency."

Amendment *agreed to.*

THE EARL OF SHAFTESBURY, pursuant to notice, moved the addition at the end of the clause of the following Amendment, which he said would insure the production in this country of a complete picture of the moral and material condition of India from time to time:—

"And such account shall be accompanied by a statement in an abstract form, prepared from detailed Reports from each Presidency and district in India, showing the following particulars—namely, the additions made during the same year to means of communication by railways, roads, canals, and improved river navigation; the number of European settlers or commercial agents in each district in the several Presidencies, exclusive of the capital towns of Calcutta, Madras, and Bombay; the aggregate strength of European troops, with the aggregate mortality during the year, and the average rate of mortality, and the number of recruits born in India of European parentage enlisted in each military division; the number of all colleges, schools, and other places of instruction supported or assisted by the Government, with the average number of pupils, male and female, under instruction, and the number of teachers, and whether European or Native, in each school, specifying the nature of each school, and if Hindoo whether Hindoo class books, or if Mahomedan whether Mahomedan class books, or if Parsee whether Parsee class books, or if Christian whether Christian class books, or if Government whether selected class books, are employed in each school; the number and description of all hospitals, dispensaries, poor houses, and other charitable institutions, with the number of applicants for relief, and of all religious institutions supported or assisted by Government; the extent and value of land held in free tenures, and all money payments and other grants and privileges made to each class of the above institutions, and all pensions and endowments granted by Native Princes and other individuals of which the Government or its officers are trustees; and such statements shall be prepared in such form as shall best exhibit the moral and material progress of India in each Presidency."

After a few words from Lord MONTEAGLE,

THE DUKE OF NEWCASTLE said, the general words proposed by the noble Earl at the head of the Government were preferable to the minute particularity aimed at by the Amendment of the noble Earl near him. What they wanted was information in a concise and manageable form, and not those huge blue-books, through which nobody could ever wade, and which were an admirable device resorted to by Departments which wished to conceal everything.

THE EARL OF ELLENBOROUGH, as an illustration of the voluminous papers appended to the correspondence sent home from India, mentioned that attached to certain Reports on the subject of education, which he received while in office, was a mass of details extending over 5,000 pages.

Amendment *negatived.*

Clause, as amended, *agreed to.*

Clause 54 (Providing that when an order to commence actual hostilities was sent to India, the fact should be communicated to Parliament, if then sitting, within one month, or if Parliament was then prorogued, within one month from its re-assembling).

THE EARL OF ELLENBOROUGH said, it was impossible that this provision could be acted upon. Before intelligence of any event in India reached this country five weeks must elapse, and it occupied five weeks more before any order thereupon could arrive there, and no Minister in his senses would give an order for the actual commencement of war when he knew that, before that order reached India, circumstances in that country might have entirely changed. Therefore, all that he would do would be to give a contingent order, and to such an order this clause did not apply. If a contingent order were given in August, it would probably not be made known to Parliament till February; but if it were given in January, and Parliament met in February, it must be made known in a month. In the latter case, the Government against which the hostilities were to be directed would receive notice of our intentions. If this clause had been brought into existence during the late war in Persia, the capture of Bushire and Mohammerah, which came upon the enemy as a surprise, could not have been conducted with success.

THE EARL OF DERBY thought there was nothing unreasonable or ill-advised in the provision, that on the commencement

of actual hostilities Parliament, if sitting, should be apprized of the order within a month from its issue. How such a course could give notice of their plans to the enemy, when the event referred to was the commencement of "actual hostilities," he was at a loss to conceive. The instance cited by his noble Friend was not a very happy one; because, if ever there was an unconstitutional proceeding, it was the last war with Persia, which was begun, carried on, and ended without Parliament having the slightest intimation of the fact that the hostilities were going on, or of the motives and grounds on which they had been entered into, or what they were fighting about. And if this clause should only prevent the repetition of such a state of things at the commencement of another war, he thought it legitimate and necessary.

THE EARL OF ELLENBOROUGH did not mean to defend the conduct of the late Government in the matter referred to, but at all events the operations which they had ordered had been successful. If the intentions of the Government as to a war in the East were communicated to Parliament, the enemy would become apprized of them long before we were prepared to act.

LORD WODEHOUSE reminded the noble Earl that it was not that the order for the commencement of war should be communicated and discussed by Parliament, but that, after it was in progress a month, Parliament should be informed of the fact.

EARL GRANVILLE said, that although the object was a very good one, he did not think this was a very satisfactory clause. Considering the rapid means of communication, there were great doubts whether it would not be injurious to the interests of the country, in case of the outbreak of war in India with a Native State.

THE DUKE OF CAMBRIDGE said, he thought it was most desirable that on a great question of this sort a communication should be made to Parliament; but he was sure that neither their Lordships nor the other House of Parliament could wish for information which might prejudice the interests of the country. Provided the clause were so worded that the interests of the country should not be injured, he thought it ought to stand part of the Bill. He thought that the period within which communication was to be made to Parliament ought to be extended.

LORD CRANWORTH said that, having regard to the great distance of India, the enactment in its present form might be dangerous. It might happen that circumstances were so altered between the time of an order being sent out and the time when the Governor General was called upon to act upon it, that he would decline to do so.

THE EARL OF DERBY said, it was difficult to understand who supported and who objected to the clause. [A noble LORD: All support it.] Well, then, what was that state of mind which, after mature deliberation in the Cabinet, assented to a clause, but when the same clause was introduced *verbatim* by another Government into their Bill, and laid upon the table, objected to it? He had no objection to extend the period from one month to two, and to add the words "unless such order shall have been in the meantime revoked or suspended."

EARL GRANVILLE said, the noble Earl need not be so much surprised at the noble and learned Lord having changed his opinion, for of all the changes of opinion of the present Government—and they had changed their opinion on almost every subject—the most extraordinary were their changes of opinion on the subject of Indian government. He thought that it would be better to make it three months instead of two, because by that time an answer might be received from the Governor General to the communications sent out to him.

THE EARL OF DERBY was understood to say that he would agree to three months.

Words "one month" omitted, "three months" inserted: also inserted "unless such order shall have been in the meantime revoked or suspended."

Clause, as amended, *agreed to.*

Clause 55 *disagreed to.*

THE EARL OF DERBY moved to insert a new clause in the following words:—

"Except for preventing or repelling actual invasion of Her Majesty's Indian possessions, or under other sudden and urgent necessity, the revenues of *India* shall not, without the consent of Parliament, be applicable to defray the expenses of any military operation carried on beyond the external frontiers of such possession by Her Majesty's forces charged upon such revenues."

EARL GRANVILLE said, that the object of the clause was a good one. Mr. Fox suggested something of the kind formerly, and so did Mr. Pitt, but they failed, and was there the slightest chance, if the clause became law, of its being more suc-

cessful? The Indian army was not to be employed outside the Indian frontiers except to repel an invasion or on some urgent and sudden necessity without the consent of Parliament. As he said before, no war was justifiable except the case was urgent, and some suddenness was always connected with a military operation. What was the meaning of the consent of Parliament? Was an Act of Parliament to be got? Was there any other mode of expressing its consent? If so, it ought to be embodied in the clause. By this clause the Governor General might be deterred from doing things which it would be his duty to do.

THE EARL OF DERBY said, the object of the clause was to impose a certain restriction upon the perogative of the Crown through the intervention of Parliament. It was erroneously thought that it would prevent the Crown from employing Indian forces upon any foreign expedition. The clause had no such object or effect, for after it passed, the Crown would be at full liberty to employ those forces in any quarter of the globe for which by the terms of their enlistment they were eligible. It being the undoubted perogative of the Crown to make war and peace, the constitutional check upon the exercise of that prerogative was the sanction of Parliament by the granting of the pecuniary resources. The Crown could not send out forces unless Parliament provided the funds to pay them, but it was necessary to introduce this clause for the protection of the revenues of India. The effect of the clause would be that Indian troops, except for the purpose of preventing anticipated invasion, or of repelling actual invasion, should not quit their own territory; or if they did, the expense should be defrayed out of the revenues of this country, and not out of the revenues of India. If the troops were employed out of India, it would be for Parliament to decide whether they were employed upon Indian or Imperial objects. The clause did not prevent the Crown from making use of the Indian troops, subject only to this—that as a general rule the expense of those troops must be defrayed by Parliament; and the same constitutional check, therefore, was imposed on the Crown with regard to troops serving in India which was imposed with respect to troops serving in every other part of the globe. If the clause were not agreed to it would be perfectly competent for any unconstitutional Sovereign to employ the whole of the revenues and troops of India for any purpose which the Crown might direct, without the necessity of going to Parliament for the advance of a single shilling.

THE EARL OF ELLENBOROUGH thought the Bill had taken the best security against that, for it gave the Council a power of vetoing any measure of that kind. The Directors refused to pay for the China expedition; and if they had not agreed to pay half the expenses of the Persian expedition, they could not be called upon for one shilling towards the expenses of that war. It was for that reason he considered the clause would be inoperative. He believed the only effect of the clause would be to tie up the sword of the Governor General, to paralyze his diplomacy, and to lead to the very wars which it was intended to prevent.

Question put, whether the said clause shall be there inserted?

The Committee *divided:*—Contents 52; Not-Contents 36; Majority 16.

CONTENTS.

Chelmsford, L. (*L. Chancellor.*)	De Vesci, V.
Beaufort, D.	Dungannon, V.
Cleveland, D.	Hardinge, V.
Bath, M.	Hutchinson, V. (*E. Donoughmore.*) [*Teller*]
Exeter, M.	Melville, V.
Salisbury, M.	Strathallan, V.
Amherst, E.	Bagot, L.
Bathurst, E.	Bateman, L.
Beauchamp, E.	Boston, L.
Carnarvon, E.	Braybrooke, L.
Derby, E.	Clifton, L. (*E. Darnley.*)
Graham, E. (*D. of Montrose.*)	Colchester, L.
Hardwicke, E.	Congleton, L.
Harrington, E.	Denman, L.
Leven and Melville, E.	De Ros, L.
Malmesbury, E.	Dinevor, L.
Pomfret, E.	Dunsandle and Clanconal, L.
Powis, E.	Farnham, L.
Sandwich, E.	Ker, L. (*M. Lothian,*)
Shrewsbury and Talbot, E.	Melros, L. (*E. Haddington.*)
Stanhope, E.	Raglan, L.
Strathmore, E.	Rayleigh, L.
Verulam, E.	Redesdale, L.
Wilton, E.	Sondes, L.
Clancarty, V. (*E. Clancarty.*)	Southampton, L.
	Templemore, L.
	Wynford, L.

NOT-CONTENTS.

Marlborough, D.	Cowper, E.
Newcastle, D.	Doncaster, E. (*D. of Buccleuch & Queensberry.*)
Somerset, D.	Ellenborough, E.
Ailesbury, M.	Granville, E.
Albemarle, E.	Portarlington, E.
Clarendon, E.	

Romney, E.
Saint Germans, E.
Shaftesbury, E.
Vane, E.
Stratford de Redcliffe, V.
Sydney, V. [*Teller.*]
Ashburton, L.
Aveland, L.
Broughton, L.
Calthorpe, L.
Churchill, L.
Cranworth, L.
De Mauley, L.
De Tabley, L.
Ebury, L.
Foley, L. [*Teller.*]
Hamilton, L. (*L. Belhaven and Stenton.*)
Kingston, L. (*E. Kingston.*)
Minster, L. (*M. Conyngham.*)
Monteagle of Brandon, L.
Mostyn, L.
Stafford, L.
Stanley of Alderley, L.
Wodehouse, L.
Wrottesley, L.

Resolved in the *Affirmative.*

Remaining clauses *agreed to.*

THE EARL OF DERBY stated, in answer to a question from Earl Granville, that on the Bill coming into operation in India a Proclamation would be issued by the Crown stating the principles on which the Government of the country would be carried on.

Report of Amendment to be received *To-morrow.*

House adjourned at Twelve o'Clock till To-morrow half-past Ten o'Clock.

HOUSE OF COMMONS,

Monday, July 19, 1858.

MINUTES.] PUBLIC BILLS.—1° Militia Act Continuance; Militia (Service Abroad) Act Continuance; Militia Pay; Consolidated Fund (Appropriation); Gaols and Houses of Correction (No. 2).

2° Metropolis Local Management Act Amendment; Incumbered Estates (West Indies) Act Amendment; Marriages (Moscow, Tahiti, and Ningpo).

3° Railway Cheap Trains, &c.; Inclosure of Lands; Legitimacy Declaration; Sheep, &c., Contagious Diseases Prevention; Turnpike Acts Continuance; Public Health; Vaccination (Ireland); County &c., Property Conveyance.

THE TOWER HAMLETS MILITIA. QUESTION.

MR. T. DUNCOMBE said, he wished to ask the Secretary of State for War if he is aware that certain differences have arisen between Colonel the Earl of Wilton and Lieutenant Colonel Dickson, both of the 2nd Tower Hamlets Militia, with reference to the affairs and discipline of that Regiment; and if it is true that the Constable of the Tower has made an application to have Lieutenant Colonel Dickson's name, unless he would consent to resign, removed from the Army List, without giving that Officer, after thirty-three years' service at home and abroad, any opportunity of vindicating his conduct before a proper Military Tribunal?

GENERAL PEEL said, that he had been called upon by Lord Combermere, the Constable of the Tower, to obtain Her Majesty's approval to Colonel Dickson's dismissal from the service. This difficulty arose in dealing with the case: when a Regiment of Militia was disembodied there was no power to bring an Officer to a Court Martial. A Court of Inquiry was merely preparatory to a Court Martial; the Horse Guards were therefore unable to grant a Court Marshal, which Lord Combermere had also applied for. He had also received a letter from the Earl of Wilton containing charges against Colonel Dickson, and he (General Peel) had forwarded that letter to Lord Combermere, in order that he might inquire into them. Lord Combermere thought that all the charges were proved by documentary evidence; but he (General Peel), did not think that the more serious charges were proved, although there was certainly enough to show that Colonel Dickson's conduct in command of the Regiment during the period of its embodiment had not been consistent with the rules of the service and with military usage. He had, therefore, called upon Colonel Dickson to resign. Colonel Dickson refused to do so, and desired to have an inquiry; and it was, therefore, his (General Peel's) intention to appoint a certain number of Officers to make that inquiry.

THE OVERLAND ROUTE.—QUESTION.

MR. NICOLL said, he desired to ask the Secretary of State for War if the advantages of the Overland Route as a means of transport for Her Majesty's Troops, as described in the recent Report of the Select Committee, will induce the Government to forward Indian reinforcements by that route during the colder months of the year, and as would be consistent with the opinion given to that effect by the Military Authorities in Egypt?

GENERAL PEEL said, that it was the intention of Her Majesty's Government to adopt the Overland Route in cases of urgency or necessity; but he trusted that better arrangements would be made than on previous occasions, so as to obviate the necessity of sending the heavy baggage

round by the Cape, although the regiment itself went across Egypt and down the Red Sea.

METROPOLIS LOCAL MANAGEMENT ACT AMENDMENT BILL.—SECOND READING.

Order for Second Reading read.

SIR HENRY WILLOUGHBY said, he rose to express a hope that the Government, before proceeding further, would furnish some fuller and clearer explanation of the provisions of this Bill than they had yet afforded to the House. One of the main objects of the Bill, as he understood it, was to increase the already extensive powers of the Metropolitan Board of Works—a body which did not directly represent the property within the area of its operations, but merely emanated from vestries. He had been a party to the clause in the former Bill, which imposed the check of the Board of Works upon the expenditure of the Metropolitan Board, and he did so in order that important matters of expenditure might be brought before Parliament. But the right hon. Gentleman (Sir B. Hall) had taken a step beyond this, and had himself ordered a plan to be referred to referees, which was beyond his powers. The present Bill, however, did away with all the checks which existed in the existing Act, and gave to the Metropolitan Board the power of taxing the inhabitants of London to an enormous extent, without providing for the judicious and effective expenditure of the money so collected. The Chancellor of the Exchequer, in his opening speech, had referred to certain documents, but not a single document or plan had yet been laid on the table, and the probability was that the £3,000,000 which the Bill empowered the Metropolitan Board to borrow would be wasted. He thought it ought to be explained whether the owner as well as the occupier of property was to pay any portion of the £140,000 a year. In his opinion, the sewer-rate was one which property was interested in and derived benefit from, and it appeared hard that the tax should exclusively fall on the accidental occupier for one year. Hon. Members should remember that they were giving a power of taxation, not over their own constituents, but over the metropolitan portion of the community, and as it appeared to him very difficult to understand how this taxation would work, he thought it was important that the intentions of the framers of the measure upon this point should be clearly understood.

MR. AKROYD said, it appeared to him that, though the Government was strongly impressed with the necessity of legislating on this subject before the end of the Session, they were somewhat afraid of the responsibility they might incur in propounding a distinct plan on this subject, and therefore had preferred to devolve the duty, with arbitrary powers, upon the Metropolitan Board of Works. When the Bill was introduced he listened with deep attention to the remarks of the right hon. Gentleman the Chancellor of the Exchequer, who on that occasion praised the municipal spirit of the corporate towns throughout England; and from the remarks of the right hon. Member, he thought some provision would have been introduced into the Bill conferring on the inhabitants of London the powers and privileges of self-government; and it would have been easy to have divided the metropolis into districts for the purpose. What the nation, however, was more particularly concerned in, and what it more particularly behoved the representatives of the nation to consider, was the time at which they were asked to confer this guarantee of £3,000,000. The nation had only just recovered from the burden of the Russian war, and the burden of the Indian war was now looming in the distance, and yet they were called upon to guarantee £3,000,000 for some scheme which was not even before them. What was the nature of the security to be given for the repayment of the sums thus guaranteed? He did not think that £3,000,000 would accomplish the purification of the Thames. He did not think that it would even carry the sewage down to Barking Reach. But then there was, in addition, the embankment of the Thames, the execution of which must at some time be undertaken. A Select Committee had sat on this question, and valuable and important evidence, which was not yet in the hands of hon. Members, had been given before it. Was it not reasonable that an opportunity should be afforded to hon. Members to consider the evidence before the present Bill passed? The Committee received evidence showing that the deodorizing system at Leicester had been entirely successful, and a witness observed that the cost of the plant to apply that system in the metropolis would barely exceed the annual interest of the sum which was now required to be guaranteed. With respect to the plan which it was understood would be carried out by the Metropolitan Board

of Works, the Government referees, who were engineers of eminence, reported that it would fail in effecting the objects sought to be attained. They stated that the proposition to throw the whole of the sewage of the metropolis in a concentrated mass into the Thames at Barking would not prevent it returning within the metropolitan districts, and injuring the eastern districts lying contiguous to the Thames. the population of which had increased. Another strong objection to the scheme was, that it would deprive the Thames of a large amount of liquid, and thereby affect the navigation in the upper part of the river. If 80,000,000 gallons of liquid sewage, or one-fifth of the whole volume of the Thames, were taken out of it daily by intercepting sewers, he would ask the House to reflect upon the effect which might be produced upon the navigation. The water, so far from being diminished, ought to be increased. Sewage matter, indeed, was not wanted, but the liquid might be purified and made to flow into the Thames. In the North of England, when waterwork companies took water out of streams, they were compelled to form compensation reservoirs for the purpose of maintaining the full volume of the stream during the summer. He thought that the London waterwork companies, which took daily 40,000,000 of gallons out of the Thames, ought to be compelled to construct similar reservoirs. He knew, indeed, that the House could not itself enter into the discussion of these questions. All he wished was that they might not rush into hasty legislation on the subject, and especially that they would not assent to granting the national guarantee for the repayment of this £3,000,000 without carefully considering the security. They already had a specimen of the manner in which their guarantee would be dealt with in the example of Chelsea Bridge. He thought, upon these grounds, that this Bill should not be passed in haste. The hot weather was passed, and hon. Members should be allowed an opportunity during the recess of reading the evidence given before the Committee up stairs. He should oppose the passing of the Bill at present.

MR. LOWE said, that before intrusting the Metropolitan Board of Works with the absolute power of levying £3,000,000 upon the inhabitants of the metropolis, and before pledging the public credit of this country as a guarantee for that amount, he thought the House ought to satisfy themselves, in the first place, that the Board of Works was a body worthy of being intrusted with so great a power, and, secondly, that the money was likely to be employed in the manner most beneficial to those from whose pockets it was taken. He left others to show what were the qualities which had recommended the Metropolitan Board of Works to the choice of the Government. For his own part, it appeared to him that that Board had yet to win its laurels. He thought it worthy of consideration whether they ought to intrust a Board constituted by double election, which rendered it almost irresponsible to the constituents from whom it derived its powers, with authority to expend so large an amount as £3,000,000. There were also questions relating to contracts and other matters, to which he would not now refer, but the subject was one of great importance, and should be approached in a farsighted spirit. They ought not to seek to apply a mere temporary palliative, but they ought to endeavour to adopt a system of permanent legislation, adapted to the probable extension of the metropolis and the increase of its population, or in a few years they might find that the money spent in palliating the evil had been thrown away, and that the whole work must be commenced anew. The hon. Gentleman (Mr. Akroyd) had said that there was no scheme before them, but he (Mr. Lowe) complained that a very inadequate scheme had been submitted to that House. They had on the table the plan of the Metropolitan Board of Works. It was mere prudery to say that they did not know precisely what that Board intended to do, and the House should form a judgment upon the plan before they made up their minds to adopt it. Hon. Gentlemen were aware that the plan of the Metropolitan Board of Works was that the sewage of the metropolis should be collected at a place on the River Lea, about twenty feet below high-water level; that it should be pumped from thence by steam machinery; and that it should then be discharged into a reservoir at Barking Creek, a mile below Woolwich, whence, having undergone a process of deodorization by mixture with lime, it should be discharged into the Thames. Now, this plan was calculated to carry off the sewage of a population of 3,500,000; but when the population of London exceeded that number the sewage would gradually increase, and every shower of rain would carry sewage

and pollution into the Thames. Supposing the future increase of the metropolitan population to proceed at the same rate as it had done since 1801, in 1871 the contrivance now proposed would be entirely exhausted, and the sewage would run into the Thames in consequence of the inability of the sewers to contain it. The scheme could not be brought into operation in less than five or six years, and in six or seven years afterwards it would be utterly inadequate, and after having spent £3,000,000 to remedy the complaints now made, they would have to begin their work over again. This subject had been submitted by the late Chief Commissioner of the Board of Works to certain Government referees, whose plan was to form a canal which would carry off the sewage by gravitation to Sea Reach, far below Gravesend, where it would be discharged into the river. He asked the House to contrast that plan and the scheme they were now called upon to sanction with regard to effects and expense. The plan now proposed would carry the sewage into the Thames at Barking, where the river was only three-quarters of a mile wide, and where the current was exceedingly slack. The plan of the Government referees would carry the sewage into the river at Sea Reach, where there was an exceedingly strong current down the river, which was at that point a mile and a quarter in width, and whence the sewage would be carried by the ebb tide to a point from which it could not by any possibility return above the point at which it was discharged. The plan of the Board of Works proposed the deodorization of the sewage, not when it was fresh, but after fermentation had begun, when the process of deodorization would be much less complete, and the whole mass, whether deodorized or not, was to be discharged into the river. There were 118 miles of metropolitan area, and the plan of the Board of Works proposed only to drain twenty-seven miles by gravitation, while the plan of the Government referees proposed to drain eighty-one miles by gravitation. He would now ask the House to compare the expense of the two plans. It was said that in this respect the argument was in favour of the Board of Works, because, although their plan was not so complete as that of the Government referees, it was much cheaper. The plan of the Government referees, if it were adopted, would be sufficient to carry off the sewage of a population of 6,000,000, whereas that of the Board of Works would only carry off the sewage of 3,500,000. The estimate of the Board of Works was £3,000,000, while the estimate of the Government referees commenced with a charge of £6,000,000. The charge to be borne by the ratepayers must not, however, be estimated merely by the amount of capital sunk at the commencement of either plan, but by the permanent annuities which must be paid for the continuance of the schemes. What would be the annual expense of carrying out the plan of the Board of Works after the estimated £3,000,000 had been spent? In eight or ten years from this time, according to the best authority to which he had access, the expense under this plan of pumping up sewage from the low level of the River Lea to the high level of Barking Creek would be £45,000; the expense of deodorizing upon Messrs. Bidder, Hawksley, and Bazalgette's system would be £76,000; and the expense of removing useless deodorized matter in barges would be £30,000. There would thus be a permanent annual charge of £151,000 upon the ratepayers of London. If the whole cost of the annuity with which the ratepayers would be saddled were capitalized, it would, with the £3,000,000 actually spent, amount to no less than £7,000,000, and for this sum they would obtain, not a complete scheme of drainage, but one the efficiency of which would be exhausted in 1871, when new works would become necessary. Now, what would be the expense of the scheme of the Government referees, under which the sewage would be carried into the Thames at Sea Reach, at a point to which the eddies setting down the river would prevent its return? The first cost of this plan would be £6,000,000 for the construction of the canal to Sea Reach, and the annual expense for pumping sewage would be £40,000. That would be about £1,000,000 more, and the whole cost would be exactly the same as that of the other system—namely, £7,000,000. Look, however, at the difference between the results achieved by the two plans. In the one case the whole effect of the expenditure would cease in 1871, while in the other a comparatively permanent remedy would be provided, at least until the population of London reached 6,000,000, which was looking forward quite as far as it was necessary to do. Now, suppose the discharge of the sewage into Barking Creek was found to be an intolerable nuisance; some compensation ought in justice to be given to the owners of

property there; and this was a point deserving of consideration. But it might be found necessary, after all, to send the sewage down to Sea Reach. Of course, £3,000,000 would already have been spent, in addition to which it was the opinion of the Board of Works themselves that it would cost £3,000,000 more to extend the drainage to Sea Reach. All the pumping, which at the River Lea cost £45,000, would be required, besides similar pumping at Barking Creek, the cost of which was estimated at £55,000—in all £100,000, or (capitalizing it) £3,000,000. The result would thus be that, if the plan should be found inadequate, as he had suggested, it would be necessary to spend £9,000,000 or thereabouts upon it; and even then the drainage powers of the metropolis would still be limited to meet the wants of 3,500,000 of inhabitants. If the Government referees should contract their scheme so as to provide only for 3,500,000 of people, he was informed that this could be done for £4,500,000; so that (supposing the information he had received were correct) to perform the work in this way would require about half the sum required to carry out the plan of the Board of Works. The scheme which the House was virtually asked to sanction in this Bill was really one for spending £7,000,000 upon a system of drainage which would become too small for the wants of the metropolis when the population reached 3,500,000, and the extension of which would cost £9,000,000, though it would even then still be open to the same objection. On the other hand, the plan of the Government referees would provide complete drainage for the wants of the metropolis until the population reached 6,000,000; it would get rid of all complicated machinery, all schemes of deodorization, the success of which was quite uncertain, and would employ the natural deodorizer which Providence had provided—water. He might, perhaps, be considered presumptuous in having offered an opinion on this subject, but, having devoted some little time to its consideration, he had arrived at such strong conclusions with reference to it that he could not resist the feeling of duty which led him to state them to the House.

MR. HEADLAM regretted that the House was compelled to discuss this question on July 19, in a thin House consisting of hon. Members wearied by a protracted Session, and under a pressure from without which led many to make use of that dangerous phrase—"Well, at any rate we must do something." He believed that the House by no means appreciated the magnitude and the ultimate importance of the work before it. A constitutional principle was involved in the scheme for carrying the work into execution. The evil from which the metropolis was now suffering affected in some degree all the streams throughout the country, which were more or less polluted by town sewage, and the scheme adopted in the case of the Thames would, therefore, probably be looked to all over England as an example in legislation of this kind. Parliament were now asked to impose, for forty years, a tax of 3*d.* a pound upon the inhabitants of London, after doing which they were to discharge themselves from all reponsibility in regard to the execution of the works. They were asked to hand over the money to another body which owed them no responsibility, and over which they had no control, and without taking any care that the scheme should be properly expended. Now, if the Board of Works were truly the representative body of the metropolis, which, to his mind, it was not, it was singularly ill-calculated to carry out works of mechanical, chemical, and engineering science. It was probably a body well calculated to tax its constituents, but it it was, in his opinion, ill-calculated to execute works of that description. The House of Commons was the first deliberative assembly in the world; but it was not an executive body, and very wisely did not attempt executive functions. There was an exception to this general rule in the case of the building of the Houses of Parliament, which Parliament took into its own hands. Had the result of that step proved so encouraging that they ought to extend the principle by giving a taxing body like the Board of Works the charge of a great engineering work like that at present under discussion? But it was said that by handing over the duty to the Board they were merely carrying out the municipal principle. He denied that it was so, unless the opinion of the inhabitants of the metropolis could be fairly taken as to which plan they preferred, and how far they concurred in the proposal to impose a tax upon them for forty years. Again, was it right to hand over this sum to the Board of Works without taking some guarantee for its proper application? The Metropolitan Board

of Works was not responsible to a human creature. Neither the House nor the ratepayers of the metropolis could control them, and it was left to chance whether they would administer these funds properly or not. The noble Lord the First Commissioner of Works, used a singularly happy phrase when he said, "If the inhabitants of the metropolis pay the piper, they ought to choose the tune;" but the misfortune was that they had no power whatever of selecting the tune. His own individual opinion was that they would give infinitely more satisfaction to the metropolis if they required the works to be carried into effect by and under the responsibility of the Government. If they did that, the House would be placed in a truer and more constitutional position. The people of the metropolis did not want any such thing as the mere fiction of a representation. What they wanted was that the work should be well done; and the inhabitants of London were of opinion that it would be much better done under the direct control of the Government than by the Board of Works. As to the scheme itself, by means of which the purification of the Thames was sought to be accomplished, he would only say that even if it were successfully carried out to the extent which was proposed, the object which its authors professed to have in view would be but half attained. The evil was not confined to the odour arising at a certain portion of the year. The banks of the river were as unsightly to the eye as the odour was disagreeable to the nose, but there was this difference, that the unsightliness lasted the whole year, while the odour continued fortunately only for a short period. He thought the Thames would never be put in proper order until it was embanked, and he would suggest that the two great works of embankment and drainage should be commenced contemporaneously and carried on together. In support of that opinion he might adduce the testimony of the most eminent engineers, who maintained that unless the mud banks to which he referred were removed, the evil of which the inhabitants of the metropolis had so much reason to complain would not be obviated. The action of the sun upon those mud banks was, in their opinion, one of the main causes of the existing nuisance, and that cause, he should contend, instead of having its force diminished, would rather be further developed by the scheme under consideration, whose operation would be to decrease the quantity of water in the river. To show how beneficial was the addition of a supply of fresh water to the river, and how prejudicial in its influence would be the effect of any diminution in that supply, he might mention that he had, upon the previous day, been unable to find any offensive odour from the Thames between Chelsea and Westminster Bridges, notwithstanding that the temperature of the atmosphere was but very little lower than had been the case about three weeks before, when the stench had been almost intolerable. That improved state of things he held to be the result of the addition of the fresh water which within that period the river had received, and it was, he thought, therefore perfectly obvious that if the Metropolitan Board of Works were—as it would seem they proposed to do—to diminish the fresh water in the Thames to the extent of the quantity falling over a space of 100 square miles, they would be doing much to increase the evil which they professed themselves anxious to remove. For his own part, he could not help thinking that it was most unsatisfactory to the House to be called upon to sanction a scheme the prosecution of which would cost so large a sum as £3,000,000, and the operation of which could not at the best be regarded as otherwise than uncertain. He, for one, entirely deprecated the policy of sanctioning that scheme until others, which presented a greater probability of being attended with success, had been tried and had failed; while he was strongly of opinion that it would be much more satisfactory to the ratepayers of the metropolis if Her Majesty's Ministers were to carry into effect the work of purifying the Thames under their own authority and upon their own responsibility, instead of intrusting it to a Board which had, to say the least of it, not been sufficiently long in existence to be able to win for itself the confidence of the country.

MR. STUART WORTLEY said, that while he was disposed to give the Government every credit for having introduced the Bill before the House with the best intentions, he yet was afraid that they had been induced, by a desire to allay th anxiety which prevailed among the inhabitants of the metropolis, to deal with the subject of the purification of the Thames in a somewhat hasty manner, and consequently in a manner which was but too

likely to lead to imperfect and unsatisfactory results. The discussion, however, which the Bill then before the House was sure to give rise to, would, perhaps, lead to the introduction of a satisfactory measure,—although he did not believe there could be any measure that would prove satisfactory which was unconnected with the general question of the government of the metropolis. The present Bill was open to the objection of pledging Parliament to a particular scheme, for in the first clause the Metropolitan Board of Works was directed to intercept the main drainage. Now, the House had heard from the hon. Member for Andover (Mr. Cubitt), himself a member of the Metropolitan Board, that he not only doubted the efficacy of, but apprehended great danger from, any such measure; and any one who had gone above Richmond must be aware of the effect which the withdrawal of so much water by the various companies had upon the river. Again, he found no security in the Bill for carrying out its object; true, powers were given, and money was granted, but there was nothing to prevent the Board from doing what they had already done in several instances—voting for one scheme on one day and another on another. What was still more objectionable, any scheme that they might agree upon would be subject to the approval of no other authority; in fact, the Board might carry out any scheme they pleased. Now, was the House quite sure that that Board was one in which the universal public had entire confidence? For his part he did not know the names of many of the gentlemen who had seats at the Board. No doubt they were respectable persons, distinguished in the vestries of the metropolis, used to deal with parochial questions, and possessed of ability and integrity. But did they command the entire confidence of the metropolis? He confessed that wherever he had been he had always heard a very different opinion expressed upon that head. Were they the representatives of any class of the community? Why, they were not the representatives even of the ratepayers. They were the representatives of the vestries; and in too many instances the majority in a vestry was a mere party. Again, by the Bill a Committee was to be chosen out of the whole body to carry out this plan, so that in fact responsibility would be twice diluted. Could anything be more unsatisfactory? Though the House was obliged to the right hon. Gentleman the Member for Kidderminster (Mr. Lowe) for the knowledge and ability he had displayed with regard to the details of the plans for the main drainage of London, yet the present was not the proper opportunity for discussing rival schemes. It occurred to him (Mr. S. Wortley), however, that it would be dealing with the question in a most unsatisfactory manner if they dealt with it on a narrow ground, dissociated from the question of the general government of the metropolis. In his opinion the present government of the metropolis was disgraceful to the country; and he would take the liberty of reminding the House of the recommendations which had been made by the Commissioners appointed to inquire into the Corporation of London, and who had particularly directed their attention to the question of the drainage of the metropolis. After giving it as their opinion that the Corporation should be reformed, and that their jurisdiction should be confined to the present limits of the City, the Commissioners recommended that the rest of the metropolis should be divided into districts for municipal purposes; that in the event of such division being made, a metropolitan board of works should be created, composed of members deputed from each metropolitan municipal body, including the common council of the City; that the coal duties now collected by the Corporation of London, so long as they remained in force, should be placed at the disposition of the new Board, and that in case the coal duties expiring in 1862 should not be renewed, the fourpence levied in behalf of the City should cease at the same time. They also recommended that the Board should have power to levy a rate, limited to a fixed poundage, for public works over the metropolitan district, and that no works should be executed by them unless the plans should have been approved by the Committee of the Privy Council. Now, that some such check as this ought to be imposed on the present Board was, in his judgment, extremely desirable, though he by no means pledged himself to the support of that particular scheme. But, seeing how the question affected a vast amount of property in the metropolis, could any man say that the Metropolitan Board represented the proprietary of the metropolis? It was doubtful even if they represented the ratepayers; if they represented anything, they represented the democracy and the ratepaying interests of the metropolis—certainly not the proprietors. It was also most desirable

that upon such a Board there should be some man or men of science; and that House well knew what help they derived from the aid of such gentlemen as the hon. Gentleman the Member for Honiton (Mr. Locke) and the hon. Gentleman the Member for Whitby (Mr. Stephenson). He agreed with the Commissioners, too, that the rights and property of the Crown ought to be protected; and with these views he could not help saying—though without wishing to cast any blame upon the Government—that, in his opinion, the House was proceeding with great haste and hurry in endeavouring to legislate upon the subject at the end of a Session, when it was utterly impossible that a question of such magnitude and importance could be dealt with satisfactorily.

LORD JOHN MANNERS said, he had often heard it said that the House of Commons was subject to periodical fits of heat and cold; and he must say that he had never witnessed a more striking proof of the accuracy of the assertion than during the debates on the question of the drainage of the metropolis and the purification of the Thames in the course of the last six weeks. Only a fortnight ago Her Majesty's Government were absolutely threatened with impeachment by the front rows of the Opposition benches, unless they settled the question within twenty-four hours. At that time he had put in a dilatory plea and stated that the Government had the matter under their consideration, and now that they had had time to examine it, and had framed a scheme which they deliberately recommended the House to sanction and adopt, they were met with the statement that they were rashly, and with undue haste, attempting to settle a question which, after all, might be well postponed to another year; and, if he understood his right hon. Friend (Mr. Wortley), until the coal duties lapsed, in 1862. Now, what reason was there for throwing over this important question to another year? Some hon. Gentlemen had treated it as if it were an entirely new question; but, for his part, he considered the question not a new one; scientific opinions without number had been taken, and every man's mind was made up. He was bound to say that he knew no question that had been so canvassed, so thoroughly threshed and sifted, as the question of the drainage of the metropolis. During the last few years Commissions and Committees had sat and reported upon the subject; and when the House remembered the number of schemes which had been proposed, and the vast amount of evidence which had been taken respecting it, he was sure they could not come to the conclusion that the Government were now proposing inopportunely, and with undue haste, to settle the question. If it were the deliberate opinion of the House of Commons that no decision ought to be come to this year, upon the House of Commons be the responsibility of continuing and perhaps perpetuating the present state of things. On behalf of the Government he distinctly repudiated all such responsibility. The responsibility of action Her Majesty's Government were willing to take upon themselves; the responsibility of inaction they refused. His hon. Friend said, "that is just what we want." He (Lord J. Manners) begged to tell his hon. Friend that, having duly considered this question, the Government were of opinion that the only way in which their action could be beneficially, or even constitutionally brought to bear, was that contained in the four corners of this Bill. An hon. and learned Member (Mr. Headlam) had told them that this was a question which, in its length and breadth, ought to be taken up as a whole and carried out on the responsibility of Her Majesty's Government, who should themselves execute not only the drainage, but the purification and embankment of the Thames. His hon. Friend had spoken at some length and with great ability, and he (Lord J. Manners) had listened to him with the greatest attention; but he had failed to discover any inkling whatever from what quarter the Government were to obtain the funds to pay for these great works. Out of what funds, he should like to know, were the Government to do this? Would the hon. Gentleman give the ways and means? Did the hon. Gentleman mean that they were to set themselves up as a pure and naked despotism, and take the money required to execute these works out of the pockets of the ratepayers of the metropolis against their will, if not without their knowledge? Or did he mean that it should be made a great national undertaking, and that the whole expense should be borne out of the Consolidated Fund? If that were his hon. and learned Friend's view, then all he could say was, that he respectfully declined making any such appeal to Parliament; and, if the opinion of the majority of that House was in harmony with his own, what alternative could be adopted except that of intrusting to the

municipality which represented, if any one did, the pockets of the ratepayers of the metropolis the power and responsibility of carrying out these works? He had listened with surprise to the arguments which had been brought to bear against the constitution of the Board; but he would remind the House that that Board was constituted on the appeal of a liberal Ministry, which numbered amongst its members the right hon. Member for Kidderminster (Mr. R. Lowe) who had spoken this evening in such strong terms of denunciation of this "*quasi* representative body." Now he supposed the intention of the Government and the Legislature would be found in the preamble of the Act which set up that body, and what did it say?—

"That it is expedient that provision should be made for the better local management of the metropolis in respect of the sewerage, the drainage, and the paving, cleansing, lighting, and improving thereof;"—

And clauses were contained in the Act which compelled the Board to undertake the very work which was now proposed to be entrusted to them—the main drainage of the metropolis and the purification of the Thames. The right hon. Member for Kidderminster was a consenting party to the introduction of that Act, and he would ask him whether, when the whole bench opposite were setting up this new Board, they did or they did not believe in their hearts that they were setting up a pure sham, and that they were deluding the metropolitan constituencies with the idea that they would have an effective municipality, which at the end of five or six years would thoroughly drain the metropolis and purify the Thames? He was bound to come to the latter conclusion, and he confessed, therefore, that he had listened with surprise to the statements which had been made to-night in denunciation of the original constitution of this body, and with still more surprise to the description of the manner in which it was composed. His right hon. Friend (Mr. Wortley) urged as a reason why it was impossible to entrust the Board with the powers conferred by this Bill, that he did not know the names of some of them. That was very possible. Could his right hon. Friend tell him the names of half the corporations of Liverpool or Manchester? And was the House to assume that these corporations were worthless, unless the right hon. Gentleman, or some other hon. Member, could give them the birth, parentage, and history of all their members. He (Lord John manners) protested against this line of argument. Here was a great municipality which had been created three years ago by the solemn decision of the Legislature for a definite and specified purpose, and without now entering minutely into the quarrel between the right hon. Gentleman opposite (the late Chief Commissioner of Works) and the members of that body, he thought every impartial man would admit that if the Metropolitan Board of Works had not yet carried out any plan for the main drainage of the metropolis, it was not fair to lay the blame exclusively at their door. The justification for the introduction of the present Bill was, that the powers with which it was assumed the Metropolitan Board of Works was clothed were not sufficient for the purposes contemplated; and, that being admitted on all hands, Her Majesty's Government now came to Parliament and asked it to give that Board those further powers which were necessary for the satisfactory settlement of the question. On the previous occasion he had declined to enter into the engineering and chemical questions involved in the various plans which had been proposed for the main drainage of the metropolis, and everything which had passed that evening showed how unwise and injudicious it was in hon. Members plunging into endless and useless discussions on such topics. The hon. Member for Huddersfied (Mr. Akroyd), who was a member of a Committee which had that day concluded its labours, had given his views as to how these questions might be settled, and he had been followed by the right hon. Gentleman the Member for Kidderminster, who in a most ingenious and elaborate speech endeavoured to set up the plan of the referees of the Commissioners of Works against that of the engineers of the Metropolitan Board. No doubt, many hard things were said by the referees against the plan proposed by the engineers of the Board; but having read all the papers he could state that equally hard, if not harder, things were said by the engineers of the Metropolitan Board of Words against the plan recommended by the referees of the Chief Commissioner. He entreated the House, therefore, not to be led into discussions of that nature; for they might rely upon it, that if they once undertook to settle in their minds what was the best plan, in an engineering or chemical point of view, of draining the metropolis and purifying the

Thames, they must constitute themselves into a perpetual Committee. The Committee which was appointed to inquire into the subject had that day closed its labours, more from a feeling of the perfect hopelessness of going through all the plans which were about to be submitted to it than on any other account. If, then, the House agreed with him that it was vain and futile to hope that they could embody in a Bill what the two Houses of Parliament might think to be the best plan for the main drainage of the metropolis and the purification of the Thames; that the powers vested in the Metropolitan Board of Works were insufficient for these great purposes; that the national resources should not be called on to pay for local objects; and that the inhabitants of the metropolis, who would have to provide the funds, should have a voice in the matter, what better plan could be devised than that which was contained in the Bill which he now asked them to read a second time? As yet he had heard no answer to that. No one who had spoken to-night had suggested a better plan, so far as legislation was concerned. And until hon. Gentlemen pointed out a plan which gave the Legislature and the inhabitants of the metropolis a greater certainty that the works they were so intent upon carrying into effect could be accomplished, he entreated the House not to lose that, perhaps the last opportunity they would have, of investing with sufficient powers that Board which they found ready to their hands, and which was set up three years ago as a real effective and popular representation of every portion of this vast metropolis. Before resuming his seat he would endeavour to answer the question which had been put to him by the hon. Member for Evesham (Sir Henry Willoughby), who had asked what were the powers conferred by the Bill, and what the nature of the rate to be levied under it. The rate was what might be termed a sewers rate; and no alteration was made in the nature of it by the Bill. The power which was given to the Board to raise that rate would be retained. He believed that it was what was known in common parlance as a landlord's rate, and that when paid by the tenant would be recoverable from the landlord unless his lease contained a special provision to the contrary.

MR. GLADSTONE said, he thought the noble Lord laboured under some misapprehension as to the temper and intention of the remarks made by previous speakers. The noble Lord seemed to think that they partook of the nature of complaint or crimination against the Government for a proceeding precipitate on their part. Having listened to the debate, however, with great attention, it appeared to him that the speeches in question were not speeches of accusation against the noble Lord or his colleagues, but were, on the contrary, honest and ingenuous confessions of the difficulty in which the House found itself placed when called upon to assent to the principle of a Bill containing provisions so sweeping as to be out of all proportion to the amount of knowledge and information possessed by hon. Members. He himself was much impressed with that sentiment. He felt distrust of all great measures which derived their immediate impulse from momentary causes, and especially did that feeling prevail with him when the momentary cause out of which any measure took its birth, was of a nature that appealed to the senses in a manner so direct as that with which they were now unhappily so familiar. It was obvious that an atmosphere such as that which had recently prevailed was not favourable to the deliberative character of the House, and that it was hardly compatible, indeed, with the exercise of that circumspection and that careful consideration which a question of this kind on general principles would demand. He agreed with the noble Lord in some most important principles which he had laid down, and which appeared to be placed almost beyond dispute, even in a matter in which much remained that was uncertain. For example, his noble Friend had declined to accept the suggestion of the hon. and learned Member for Newcastle (Mr. Headlam), that the Government should take this matter into its own hands. He agreed with his noble Friend that the time had not come for such a step, because if the Government were to undertake the main drainage of the metropolis that would amount to a proclamation of the absolute incapacity of London for the management of its own affairs, and he confessed that, notwithstanding the difficulties in which the question was now involved—difficulties so serious as not to be without some scandal and discredit to the country—he did not abandon the hope that we might see a larger and much more effective application of the valuable principle of municipal self-government to the metropolis than any that had

hitherto been made. He agreed with the noble Lord, too, that the charges of this work and of such other works as might be necessary for the metropolis ought to be borne, generally speaking, by the property and inhabitants of the metropolis itself. Again, it was impossible to doubt that the principle of popular representation ought to be the basis of the constitution of any body which, on the part of the inhabitants of the metropolis, was to be intrusted with the execution of this work. So far it was not difficult to see their way, but the moment they attempted to go further, they were surrounded by such impediments, and doubts, and obscurity, that he, for one, was disposed to plead guilty to a general uncertainty upon the point, whether the House was at this moment ripe for a final decision on the important question raised by the Bill. He would refer to one or two of these points. In the first place, it was undoubtedly true, that if the money of the inhabitants of the metropolis was to be expended upon the purification of the Thames, it ought to be expended by a body elected upon popular principles; but the application of popular principles to the Metropolitan Board of Works, under the joint operation of the existing Act and the present Bill, was so watered, filtered, and strained, through so many media, that he was afraid they had lost all that was valuable in those principles in the complicated process they had established. They wanted to have a real responsibility on the part of those who were to expend the money to the persons out of whose pockets the money was obtained; but that responsibility, under the existing Act, was much less direct and stringent than one could desire. For the purposes of responsibility—above all, for the purposes of responsibility in the expending of money—there was all the difference in the world between direct and indirect representation. The members of the Metropolitan Board of Works were not chosen by the ratepayers of the metropolis, but by the vestries of the different parishes, bodies not appointed to discharge municipal functions at all, but simply and solely for the performance of parochial business. Hence the relations between the Metropolitan Board of Works and those who were to pay the proposed tax were, after all, indirect and circuitous, and now the House was asked to weaken the principle of responsibility still further, because the Bill proposed to empower the Board of Works to appoint from among its own members a small Committee of six, and to leave to that body the exercise of all its powers and functions with respect to the execution of this great scheme. Therefore, without casting any discredit upon the Metropolitan Board of Works, or imputing to them anything either for what they had done, or for what they had left undone, he was disposed to think that, although the principle of popular representation was recognized in the theory of their constitution, yet the application of it was not so direct and palpable as to give them the weight, influence, and vitality which they ought to possess. There was another difficulty which he might notice. In the Metropolitan Board of Works as it stood there was no representation of the property of the metropolis, and in correspondence with that circumstance was the correlative one that it was not proposed that any portion of the rate should be borne by the landed proprietors of the metropolis. The whole charge was to be laid upon the ratepayers or lessees, and no part of it upon the ground landlords. That arrangement, they were told, was conformable to the principle upon which leases had been given in London for building purposes, because they contained express provisions that the ground rents should be free of all local rates and burdens. The difficulty, however, was not got rid of altogether by that consideration, because leases containing such provisions generally dated from a time when there was no idea entertained of burdens of a character such as those the House was now asked to impose, and it was evident that the covenants in leases, which were fixed by long usage and tradition, referred to the ordinary charges with which they were all familiar. But now they were going to make great retribution for the past, and great and costly provision for the future—to meet in fact a great crisis in the history of the metropolis. They had discovered a great neglect; they had found a great blank and void in their arrangements; they were called upon to repair the fault of former generations, and to supply the wants of generations yet to come. It appeared to him, therefore, that a proposition like the one before the House raised questions with regard to the liability of parties that were entirely different from those which were connected with the ordinary local charges of the metropolis. Then came the question whose was the permanent interest in the property of the metropolis? It was not the interest of the occupier nor that of

the lessee; and it seemed to him that what they ought to desire, if practicable, should be that, on the one hand, the proprietors of London should be represented in the body that was to make this great expenditure, and that, on the other, their proprietary interest should be made to bear a fair proportion of the charge. It might be urged that the matter was one not easy to settle at a moment's notice. The tenures in London were different from those in the country in general, and it might not be easy at once to suggest the right provisions. Still they should endeavour to throw upon the right parties the burdens of the scheme. Looking at the framework of the Bill, he confessed that it raised a good deal of doubt and difficulty in his mind. He wanted to know who was to be ultimately responsible for the payment of this money. There was no doubt that the Bill provided, or appeared to provide, that the charge should be borne by the metropolis; but at the same time the public, through the medium of the House of Commons, often became involved unawares in pecuniary obligations. He wished, therefore, to look at the framework of the Bill, to see how far it was calculated to secure the ultimate avoidance of such responsibility, or whether it might not have certain latent tendencies, in possible contingencies, to bring responsibility upon the public. There were cases in which the House of Commons had not thought fit to assume minute and particular responsibility for the details of a measure. There had been reports of Ecclesiastical Commissions, and statutes of importance had passed at different periods, wherein the House of Commons had confined itself to the functions of assenting to plans recited in the preamble of the Acts. Now, he did not object abstractedly to the principle of a public guarantee in a matter so important as the present; but he thought it fair that the application of that principle should be watched and scrutinized with the utmost jealousy, for he knew no single class of measures which ought to be watched with greater care, except, indeed, propositions for grants of money, than measures for giving a public guarantee. He wanted to see the responsibility of the body to which it was proposed to give the guarantee, and he wanted to avoid possibly slipping into a position in which it might be said that all was really done on the authority of Parliament, and it was vain for Parliament to think of avoiding to pay for it. He concurred with the right hon. Member for Kidderminster (Mr. Lowe) in not thinking that this was a case in which they were dealing with a popularly elected representative body, which, possessing the confidence of its constituents, and being a competent judge of the subject, had come forward and represented that it simply desired pecuniary aid in the shape of a guarantee for the economical execution of the work. He did not find that set forth in the Bill; but, on the contrary, he found that Parliament seemed to be made in the main the absolute author and projector of the scheme. It was perfectly true that, it was hopeless for hon. Members to arrive at any satisfactory conclusion on engineering and technical questions by the force of discussion in that House; but, though they could not arrive at conclusions themselves on those points, they might reasonably wish to have the best assurance that those points had been adequately considered and authoritatively and competently decided on by those with whom they were dealing. He must confess that the state of the discussion, the pamphlets and publications which had appeared, did not carry conviction to his mind that the question had arrived at such a state of ripeness and maturity as would give the House a hope of satisfactorily dealing with it. There was the great question with respect to the restoration of a large bulk of water to the Thames, at or near the metropolis, which by no means, within his knowledge, had been brought to a settlement. They were not called upon to stand either on their own convictions or on the convictions of those with whom they had to deal. The noble Lord told them it was hopeless to expect to arrive at any conviction of their own. Well, then, let them arrive at the conviction of somebody else. But that was not so. The Bill did not even state that the Metropolitan Board of Works had approved the scheme which the Bill was to sanction. In the first few clauses the Bill contained a recognition and sanction of a plan which was understood to be the plan of the Metropolitan Board, but the Bill promulgated that plan on the authority of Parliament. That was a fact of the utmost importance with respect to the question of ultimate liability. It was all very well to have an estimate of £3,000,000; but human nature was fallible generally, and in no respect more so than in the concoction of estimates. It was quite within the limits of probability that these

estimates might fail; and suppose they did, and suppose that this plan proved not to have been the best plan, and that the £3,000,000 proved insufficient, what would be the position of that House in respect to the inhabitants of the metropolis? Would the inhabitants be able to point to the present Bill and say that it was not by their wish, by direct petition or representation that that House assumed to deal with the matter; that the time was not chosen by them, but by the Members of that House, when annoyed by the stench of the Thames; and that the provisions of the Bill were not dictated by a regard for popular principles or by matured convictions, but were the result of a restless haste on the part of Members of Parliament to escape from personal inconvenience? Still, taking all matters into consideration he did not complain of the Government—on the contrary, if his noble Friend understood the question, and felt the ground secure under his feet, he congratulated him on his lofty position; but, for himself, he felt he was not in that position, and from the discussion he felt there were others like him. He, hoped, therefore, his noble Friend would excuse him, and not consider that it was any imputation upon him if he (Mr. Gladstone) confessed it would be a comfort and satisfaction to him if some further time were allowed before the Bill was sanctioned.

Mr. Alderman CUBITT said, he could not but admit that the House was in a difficulty, as there was such a short time allowed for deliberation on this important measure; but still the circumstances were so urgent, that if the House were to separate without sanctioning some plan they would merit the censure of the country. He had no doubt that if the powers contained in this Bill were conferred on the Metropolitan Board of Works they would be able to satisfy all the requirements of public opinion. The only objection he had to the Bill was one which could be amended in Committee. It related to the proviso that if the sewage was readmitted into the Thames above Barking Creek it must be deodorised; but he would ask if the sewage could be deodorised below London, what was to prevent it from being deodorised in London itself? He had no doubt that the work of deodorisation could be accomplished in London. What he should like would be, that the Board of Works should carry out any scheme they pleased, taking care that the river should be made free from all pollutions. A good deal had been said about the composition of the Metropolitan Board of Works, but he could tell hon. Gentlemen that there were members of that Board who would do credit to those benches. It was said that that Board contained no scientific or engineering skill. He maintained that there was both; but at the same time he reminded the House that what was wanted was, not a board of engineers, but a body of men of general intelligence, competent to make a wise selection of their officers—men independent in position and of general business habits. His authority had been quoted for having said on a former occasion that 80,000,000 of gallons were pumped up out of the Thames for the use of the water companies. He ought to have said that half of that water came from the east and half from the west. But still the general fact remained that the condition of the Thames between Westminster Bridge and Richmond was one from which great inconvenience had been felt, and therefore they must be careful how they further diminished the volume of the stream. He hoped in conclusion, that the House would permit the Bill to go into Committee, where such alterations as might be necessary could be made.

Mr. CONINGHAM said, he confessed that he felt considerable alarm at the prospect that the drainage of the metropolis might be handed over to the Metropolitan Board of Works, whose scheme ignored, he believed, the two great principles of the modern system of drainage—the utilization of the sewage by applying it to the soil, and the separation of the sewage from rainwater by a double system of tubular drainage. The Government referees, in a letter addressed by them to the First Commissioner of Works, had shown that with regard to many points the scheme proposed by the Metropolitan Board must fail to effect its object of purifying the sewage, so that the surplus water might be carried into the Thames. It was also an extraordinary circumstance that while the Board proposed to deodorize the western portion of the sewage they proposed to carry away the eastern portion by tunnel. Now, if deodorization would suffice for the west, why should it not suffice for the east also? A friend of his, Mr. F. O. Ward, in a very able letter he had addressed to him on this subject, made the following observations:—

"Now, consider the effect of a sudden rainstorm falling on London, and pouring through these overcharged subterranean receptacles. Suppose

it only to sweep into the river nine or ten days' accumulation of filth, to what do you imagine that is equivalent? It is equivalent to the simultaneous discharge into the river Thames of the mass of excrement produced in one day by the entire population of Great Britain, numbering 21,000,000. And to such eruptions of filth we should still be frequently liable, even if the great tunnels for mixed rainfall and sewage were built. The money loss on every such occasion would be in ammonia only, without reckoning phosphorus, nearly £16,000. Besides, after every such discharge the tidal river would remain discoloured, and in hot weather putrescent for several days. Such would be the operation of the colossal tunnels on which we are invited to lay out millions; such are the evils consequent on the mingling of rainfall with sewage. The obvious conclusion is, that the tunnel scheme propounded by the Metropolitan Board of Works, with the sanction of Mr. Stephenson and his party, not merely ignores, one-half of the problem in hand—namely, the agricultural utilization of the sewage, but is inadequate to accomplish the moiety which alone it contemplates — namely, the purification of the river. Indeed, by their last vote on this subject the Metropolitan Board resolved to pour the sewage of the western district of London, more or less deodorized, into the Thames above Westminster Bridge, and to reserve the proposed great tunnels for the conveyance of the remaining sewage only. Of deodorization, the mainstay of this scheme, I will only here remark, that while at best it is a costly and imperfect palliative, it becomes quite impracticable precisely when most needed—*i.e.*, when heavy showers are sweeping from the sewers the largest masses of putrescent filth. Independently, however, of this objection, the two parts of the scheme are manifestly inconsistent. For, if deodorization suffices for the west, why is interception necessary for the east? And, contrariwise, if miles of tunnel are required to convey far off the eastern sewage, how can it be right to pour the western sewage into the river above bridge? Surely, the principle must be false that leads to such illogical conclusions. The principle to which, by these and other considerations, my friends and I have been gradually led is shortly this—that the whole of the rainfall is due to the river, the whole of the sewage to the soil. The adoption of this principle is, we believe, as essential for the perfect purification of the Thames as it is for the economical utilization of the sewage. That this may be obvious to you, pray keep in view that when sewage and rainfall are once mixed, whether in the Thames itself or in the minutest of the filaments that feed it (in a street-sewer or in a house drain, for example), those mingled waters can never again be separated. In polluting the smallest of its tributaries you virtually pollute the Thames; and, as it has been said, 'Take care of the pence and the pounds will take care of themselves,' so I venture to say, 'Purify the tributaries, and the main stream will run pure of itself.' If, now, we trace in each house the course of the rain from roof and area, and the course of the sewage from closet and sink, till we come to the point at which the separate pipes conveying these two distinct streams meet in a single drain, we arrive at the precise boundary line between possible and impossible in this matter of Thames purification and sewage utilization. For, up to this point, and before this meeting of two waters, we are free to apply each streamlet to its proper use. We can send the unpolluted rainfall to scour the river, and the undiluted sewage to fertilize the land. But directly this junction point is passed, directly the daily runlet of cistern-water, rich with its freight of ammonia and phosphorus, meets and mingles with the casual rainfall, the two waters become, as we have seen, a worthless, unmanageable mixture, equally unfit for agricultural and urban use. Not only do they cease to be our property, and pass beyond the control of art, but they revert to the domain of nature, spoiled even for her simple service. For this error we are punished by pestilence. I say, therefore, that the battle of interception is to be fought, not on the banks of the river, but in the basements of the houses; not with monstrous tunnels, but with modest tubes; not by the diversion of variable rainbrooks, alternately dry and torrential, but by the diversion of uniform cistern supplies, always moderate and manageable; not at a profitless cost of many millions, yielding no return, but at a profitable outlay of a few millions, producing an ample return —probably half a million per annum. This tubular purification of rivers and fertilization of lands is, indeed, but the logical extension of the tubular drainage of houses and streets which my friends and I have succeeded in establishing after a ten years' struggle with the engineers. And, as our tubular sewers, notwithstanding the strenuous opposition of Mr. Stephenson and his friends, are now working successfully by hundreds of miles, not only in provincial towns, but in the metropolis itself, so also, I am confident, will the tubular purification of the Thames ultimately supersede the monstrous tunnel project, which, if adopted, would cost us many millions, and turn out a gigantic failure after all. . . . . I have only to add, in conclusion, that the purification of rivers and the utilization of sewage are, in my judgment, but two aspects or incidents of a sanitary organization comprising several other elements, each indispensable to the perfect working of the whole. This complete organization cannot, however, be suddenly accomplished; nor can even its several parts be simultaneously prepared. But in the development of such portions as we may be able presently to undertake the others may be kept in view; and this is in the highest degree desirable, in order that the sanitary works of our day may serve, not as a bar, but as a transition to the more perfect institutions of our successors. Should the monstrous rain and sewage tunnels proposed by the Metropolitan Board be built, they would indeed oppose a serious obstacle to such ulterior progress. But of this I have little fear. Those subterranean rivers are already beginning to be regarded by the ratepayers as a costly and colossal blunder, and, unless I am much mistaken, they will be obsolete before they are begun."

He (Mr. Coningham) warned the House against plunging into a scheme which would prove a colossal failure, and which involved a direct attack upon the pockets of the metropolitan ratepayers.

SIR BENJAMIN HALL said, the noble Lord the First Commissioner of Works had observed that hon. Gentlemen on that (the Opposition) side of the House, who

had formerly loudly called upon the Government to take some steps for the purification of the Thames, were now prepared to throw over the whole question. He (Sir B. Hall) begged to assure the noble Lord that he was not one of those who desired to throw over the question, but that, on the contrary, he intended to vote for the second reading of the Bill if a division took place. He thought it right, however, to state the one reason, and the one reason only, which induced him to take that course. He would not enter into the details of the various plans which had been proposed for the drainage of the Metropolis, for nearly all the hon. Gentlemen, who had addressed the House were disposed to adopt different plans if the matter were left to their decision. He thought, however, it was essential that, with a view to the purification of the Thames, the Metropolitan Board of Works should be entrusted with those powers of raising money which were proposed to be vested in them generally by the Bill of 1855, and which the present Bill proposed to confer upon them in a more detailed form. There were, however, some clauses in this Bill which required careful consideration, and to which he hoped strong opposition would be offered. Reference had been made to the recommendations contained in the Report of the Commissions appointed to inquire into the Corporation of London, presented in 1854, and a right hon. Friend of his had stated that the Act of 1855 was not strictly carried out in accordance with the recommendations of those Commissioners. This was quite true; but the general views of the Commissioners had been embodied in the Bill when first introduced; the details could only be determined when it became necessary to enter upon the subject of metropolitan legislation, with a view to the introduction of a measure which was to effect that great and long-desired object. The recommendations to which his right hon. Friend had particularly alluded were these:—

"We suggest the creation of a Metropolitan Board of Works, to be composed of a limited number of Members deputed to it from the Council of each metropolitan municipal body, including the Corporation of the City. We propose that the management of public works, in which the metropolis has a common interest, should be conducted by this body. At present, works of this sort can only be undertaken either by the Corporation of London, from its own peculiar funds, or under powers created for the purpose by special legislation, or by the executive Government out of Parliamentary grants. It is manifest that a power of executing public works of general metropolitan importance, such as the contruction of bridges over the Thames, or the opening or widening of main lines of streets, accompanied by a power of metropolitan taxation, would, though founded on a basis of popular election, require efficient safeguards for its prudent and useful exercise. We, therefore, think that the plans of the works to be executed should be submitted to a committee of the Privy Council, and its consent obtained before they are carried into effect. We may add, that cases may arise where public works may be executed in the metropolis partly out of the metropolitan fund and partly from Parliamentary grants, and that in these cases a control of the executive Government such as we have proposed would be indispensable. The Commissioners recommended in their 29th suggestion, that in the event of a division of the metropolis into municipal districts being made, a Metropolitan Board of Works be created, composed of members deputed to it from the Council of each metropolitan municipal body, including the Common Council of the City."

He had endeavoured to frame the measure he had introduced for the local management of the metropolis as closely as possible in accordance with the recommendations of the Commissioners, but he did not mean to say that it was perfect in its details. It would be almost impossible to frame any measure embracing such important objects, and containing no less than 250 clauses, so as to ensure perfection. He had, however, the satisfaction of knowing that, notwithstanding some questions had necessarily arisen, no legal decision, or at all events scarcely a legal decision, had been given contrary to the spirit and intention with which the Legislature adopted that measure, and he thought that circumstance showed that it had been framed with great care. He might be allowed to state what had been his intention and that of the Government when they proposed the measure to which he had referred with respect to the constitution of the Metropolitan Board of Works, and more especially the person who might preside over that body. They were of opinion that he should be a person well acquainted with engineering works, and qualified from his antecedents to supervise their construction, and this was considered essential on introducing the Bill in 1855. He (Sir B. Hall) made use of these words according to the Report—

"With respect to the chairman, he proposed that the Metropolitan Board of Works should select three names not necessarily from their own body, or from any district board, but that they should have power to select from the whole length and breadth of the kingdom three persons, any one of whom would be fit and proper to occupy the high office he would be called upon to fill and thoroughly qualified to discharge the im-

portant functions attendant upon it. These names should be sent to the Secretary of State, and the latter should erase two, the remaining one to be the president of the Metropolitan Board of Works. He proposed that the chairman should be paid a salary of not less than £1,500, and not more than £2,000 a year, and that he should hold office during good behaviour. This body would have power to levy rates for improvements, and also, when necessary, to take land out of their district for the purpose of outfall works, as at present it was not possible to carry out the drainage of the metropolis, because there was no power to make the arterial drains beyond a certain limit. This Board would have power to make intercepting sewers for the purification of the Thames, and would be empowered to borrow money from the Treasury, to be paid within fifty years."

Such was the scheme which he proposed, and he wished it had been fully carried out, but it was the pleasure of the House to alter those provisions so far as to empower the Board to elect their own chairman, without any such reference as that proposed which they did by selecting one of their own body, and the House refused permission to obtain money through the Treasury; and it now became necessary to re-insert the latter provision. With respect to the measure before the House it was desirable that the discussion of details should be reserved for Committee; but there was one point to which he was extremely anxious to call attention. In the second clause the points of outfall were defined, and it was provided that, if they discharged the sewage at Barking Creek and a point opposite, they were to deodorize the sewage for six months of the year. He should not now discuss the propriety of fixing these points of outfall so near to the metropolis, but he strongly objected to the proviso added to the clause, which enabled the Board, if they thought fit, to discharge the sewage in any part of the metropolis. It was very true that, if they did this, they were bound to deodorize the sewage throughout the whole year; but the evidence adduced before the Committee, which concluded its sittings that very day, showed that it would be extremely difficult, if not impossible, to establish deodorizing works within the metropolitan area at the outfalls of the various sewers. He hoped, therefore, that if they went into Committee the Government would consider this question, and, before giving the Board power to erect deodorizing and manure works in the densely populated parts of the metropolis, would first ascertain whether the system of deodorization was so perfect as to be capable of application to such a place as London. The works at Leicester had been quoted, but the case of Leicester did not bear any analogy to the metropolis. The works at Leicester were in the open country, not in the town; but this could not be in London, and he thought such a power would be a very dangerous one to entrust to the Board, unless it was strictly guarded so as to prevent the possibility of a nuisance being created in the densely populated portion of the metropolis.

MR. KENDALL said, Government were blowing hot and cold. He could not understand how the Government could lay claim to activity, when, at the moment the House were willing to give full powers to the Government, they sought to get out of the difficulty by throwing the responsibility on to other shoulders. A Bill had been introduced the effect of which was to grant £3,000,000 for an object respecting which Parliament would have no sort of control or responsibility. But would £3,000,000 be sufficient? The best report ever written on any subject of this kind was that of the referees employed by the late Commissioner of Works, which was characterized by great accuracy and by consummate ability. That report showed that instead of £3,000,000, they might with the greatest safety read £6,000,000, and probably £9,000,000 or £12,000,000 would be much nearer the mark than £3,000,000. With respect to Barking Creek, the evidence adduced before the Committee went to show that they would merely send the sewage there to have it returned to London, and the nuisance would be as bad as ever. As to the Leicester plan, Mr. Cook, who had given his evidence with great clearness and precision, declared that he could erect works which would completely deodorize the sewage in a place of 100,000 inhabitants at a cost of £6,000, and could carry them on for £1,200 a year; and he added, that he was quite sure the plan was applicable to the metropolis, and that he would undertake to establish works for deodorizing the sewage of London at a cost of £100,000, and carry them on for £38,000 a year. He (Mr. Kendall), of course, did not know whether these plans could be carried out, but Mr. Cook was backed up by Mr. Stodart (who was, he believed, known to the noble Member for Tiverton) and by another eminently practical man. He did not wish the House should be under the impression that the Committee had been able to hear one-half of the evidence which might with advantage have been adduced, and he was of

opinion that the question under discussion might with advantage be still further considered before any legislation with respect to it should take place.

MR. JOSEPH LOCKE said, whatever might be his own opinion as to the best plan for carrying out the objects of the Bill, he thought that as this was a Bill for raising money, a Bill much more simple in its details would have answered the purpose. He could, also, bear testimony to the fact that there were many engineers of eminence who maintained that the scheme to which the House was virtually asked to give its assent was not that which it was most expedient to carry into effect, and he might further observe in reference to the expenditure, that some of the engineers and some of the parties examined before the Committee, had coupled with the expenditure for drainage that necessary for works of which the House had at present no knowledge. Those other works, he believed, would be attended with considerable expense, and it was to that he would direct attention. With respect to the system of deodorization which the right hon. Baronet the Member for Marylebone (Sir B. Hall) seemed to think was not calculated to work well, he could only say that some most important witnesses had given it as their opinion, that places where such a process might be put in operation might, without causing inconvenience to the inhabitants of the metropolis, be erected anywhere upon the banks of the Thames. Would it not, then, he would ask, if that were so, be better, instead of expending £3,000,000 in taking down the sewage to Barking Creek, deodorizing it there, and thus abstracting a large quantity of water from that portion of the river which flowed by the metropolis, be better to subject it to the process of deodorization upon the spot? He threw out that suggestion not so much upon the faith of his own opinion upon the subject as upon that of the evidence which had been laid before the Committee; and he might perhaps be permitted in conclusion to observe, that there having been considerable doubts expressed with respect to the success of the proposed scheme, it would be advisable that the Bill before the House should have simply guaranteed the £3,000,000 of money on the credit of the Imperial Exchequer instead of mixing Her Majesty's Ministers up in any manner with any scheme whatsoever. He agreed with the hon. Chairman of the Committee (Mr. Kendall), that they had not yet had sufficient evidence to enable them to say which, under all the circumstances, was the best scheme for the perfect drainage of the metropolis

MR. HENLEY said, that the hon. Member who had just spoken had expressed a wish that the Bill had not indicated any plan, but had simply guaranteed the money. That was exactly what the Bill did. The Bill laid down no specific plan, but left it open to the Metropolitan Board of Works to fix upon such a scheme for the attainment of the end which the measure proposed as they might deem fit. They might construct intercepting sewers or not as they pleased; all the Bill provided being that they should get rid in some way or another of a great nuisance, and that the means of enabling them to do so should be afforded. With respect to the opinion which had been expressed by the right hon. Baronet the Member for Marylebone (Sir B. Hall), to the effect that the process of deodorization should not be resorted to in crowded localities, he need merely remark that, while there was a clause in the Bill giving power to the Board of Works to avail themselves of that process, yet that there was another which provided that no nuisance should be created, and a sufficient security was therefore furnished that no works would be constructed in places surrounded by houses. In reference to the scheme which it might be most expedient to adopt, he was of opinion that the less said the better, inasmuch as that was a point upon which no two hon. Members seemed likely to agree. The simple question seemed to be this. Some two or three years ago Parliament had decided upon intrusting the power of doing this very thing to a local authority. For some cause, however, nothing had been done. Various plans had in the course of the last three years been laid before the public. They had been during that period well thrashed out, but the process simply tended to establish the fact, that no two men could be found to concur in anything. But because no two men could agree in anything, was that a reason why they do nothing? The two chief reasons, he thought, why nothing had been effected by the Metropolitan Board of Works during all that time were, that they had not the power of raising a sufficient amount of money, and that authority to place a veto upon any scheme which they might suggest rested with the Government. When they submitted a plan to the right hon. Baronet the Member for Marylebone, for

instance, he at once procured competent men to pronounce an opinion upon it, and when there were competent men upon the side of the one party and of the other they were, as a matter of course, sure to differ. The result had been that one set of competent men had drawn up reasons in opposition to the scheme of the others, and that nothing had been done. The Thames' nuisance had gone on meantime increasing in intensity, until it had at length arrived at such a pitch that it might any fine morning give rise to a pestilence. Now, if we were to wait to remove that nuisance until "competent authorities" should agree among themselves as to the best mode of carrying that object into effect, it was, he thought, perfectly obvious that we might be called upon to wait till Doomsday. That was the position in which the question stood, and it was in order to obviate all the inconvenience which had in consequence arisen, and to effect something, that the Bill before the House had been introduced. Now, the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) seemed to object to the term sewage rate as contained in the Bill; but he must remind the right hon. Gentleman that the term was one not unknown to the law of England, and that there were many places in which a similar tax was levied at a higher rate than 3*d.* in the pound. It was quite obvious, too, he thought, that none of the inconveniences which had been mentioned would result from the imposition of such a rate, inasmuch as its payment would always form a matter of contract between the landlord and the tenant, rendering the one or the other liable to its payment as might be agreed upon between the two parties. Objections had been raised as to the mode in which the Metropolitan Board of Works was elected, and it had been argued that it did not fairly represent the metropolis. The question was discussed about three years ago, and that objection was not then raised, certainly not in the sense in which it was now urged. After what they had heard against the election of councils by large constituencies, he thought it could not be seriously recommended that the Metropolitan Board of Works should be elected by the entire body of ratepayers in London. He was not aware that any objections had been made on the part of the metropolis to the Metropolitan Board of Works being intrusted with the carrying out of the drainage plans. If the country at large were willing to pay for the works, then the matter might be left to the Queen's Government; but if the country refused to pay, or to assist in paying, for those works, then it ought not to interfere in the construction of them. They had already had some experience in this matter. There could be no doubt that the veto of the Government had brought matters to a dead lock, and with regard to the drainage of other towns, past experience must have taught them that the interference of the Government was neither agreeable nor useful. Therefore, as he believed that whatever scheme might be adopted, it would tend to abate the nuisance which now existed, and as delay would not advance their acquaintance with the subject, he hoped the House would consent to proceed with the Bill as speedily as possible.

MR. STEPHENSON thought the noble Lord (Lord J. Manners) would not have said the subject of the drainage of London was thoroughly threshed out had he been so long occupied in considering it as he (Mr. Stephenson) had been. About eight years since he became a member of the Metropolitan Sewers Commission, and commenced an earnest and continuous study of the difficult question of the sewage of London and the best means of disposing of it. He acted in conjunction with some very able men, and formed an opinion which, although it had undergone some modification since that time, had not been essentially changed. He was called upon at that time to examine 150 different plans which had been sent in by various individuals, in compliance with the advertisements of a previous Commission, which presented every possible variety of scheme for the drainage of London. These plans he studied with great care and considerable anxiety, and came to the conclusion that nothing would effectually meet the evil but an intercepting system. The right hon. Member for Kidderminster (Mr. Lowe) had objected that that system was not adapted to any increase in the population of London beyond three millions and a half; but nothing more inappropriate than that objection could be conceived. The intercepting system divided the sewers of London as they at present existed into a series of zones: each intercepting sewer would deal with the zone immediately above it; and, therefore, any extension of London would only require the construction of a new intercepting sewer for each

additional zone without interfering with anything that had been done in the interior of the metropolis. One of the chief recommendations of the intercepting plan was its capability of expansion without involving any interference with the existing drainage. Upon the occasion to which he had referred, after the 150 plans had been examined, plans were drawn up with great care and referred to Government; but when it came to obtaining money for carrying them out it was found that the hands of the Commissioners were tied, and the Government disregarded their applications. Therefore, as the minor sewerage of the metropolis could be constructed under the ordinary superintendence, the Commission resigned. A new Commission was subsequently formed, comprising many eminent men of his own profession, who, after deliberation, came to the same conclusion as he had; and their having done so, without any communication with him, was another strong argument in favour of the intercepting system. This Commission also failed, because the Government refused every application for money. The noble Lord the Member for Tiverton sent them a letter, very brief and very dictatorial, stating that the Commission ought to carry out the scheme of a gentleman recommended by himself. That led to the resignation of the Commissioners. They could not carry it out, and they felt it would be absurd to identify themselves with such a scheme. Objections had been taken to the Metropolitan Board of Works as the body to execute the proposed works, but he could not see the justice of the objection. What other body possessed the information necessary for the performance of such a task. Any other body must acquire and rearrange all the information of which the Metropolitan Board of Works were now in possession. He agreed with the right hon. Gentleman who spoke last in doubting the advantage that would arise from any interference on the part of the Government. The House was arguing in ignorance of the course which this question had taken. If they were to recommence the argument five years hence the debate would assume precisely the same character as it did at present. The right hon. Member for Oxford University (Mr. Gladstone) seemed to object to the mode of levying the tax, as falling unfairly upon lessees and occupiers, and proposed that proprietors themselves should be taxed. But when a bargain was made it must hold, or in cases where the lessees derived a doubled or tripled advantage there must be a rearrangement of terms. Those were matters that could not be dealt with by Parliament in legislating upon a matter of this description. He hoped the House would decide in favour of the Bill, unless they intended to postpone legislation altogether, and leave things just as they were. He did not think any one would agree to that. If the intercepting system was not absolutely a perfect system, yet still it would be better to adopt a plan that would do some good than to allow another year to pass away without doing anything to remove the existing evils. The right hon. Gentleman the Member for Oxfordshire (Mr. Henley) said that the Bill did not bind the Board of Works to any particular plan; but he apprehended that that House ought not to advance money unless they knew for what it was advancing it. As a man of experience, he advised the House to insist upon a considerable portion of the intercepting system being adopted, and recommended that the work should be commenced by the construction of the high level sewer for the interception of the storm waters.

Mr. LOWE explained that he had not said that a system of intercepting sewers would necessarily be limited to any amount of population, but that the plan of the Board of Works, which he understood was to be carried out under this Bill, was professedly limited to a population of 3,500,000.

Sir JOHN SHELLEY said, that having sat upon the Commission of Sewers which succeeded that of which the hon. Member for Whitby (Mr. Stephenson) was a Member, he could confirm the statement of that hon. Gentleman as to the labours of these Commissions. He might also add that the majority of the Commission of which he was a Member agreed with its predecessor in preferring the system of intercepting sewers to any other which had been devised. He thought that it would be well to begin with the high level sewer in order to get rid of the storm water. If they waited for any further inquiry, then, after all the delay which might arise, they would only come back to the point at which they had already arrived. Although the right hon. Gentleman opposite (Mr. Henley) said that there was nothing in this Bill which bound the Government to any plan, he thought that the first clause bound them to the adoption of

the system of intercepting sewers, and that was one reason why he should support it. He was also pleased to hear from the right hon. Gentleman that no works would be put where they would be a nuisance; but who was to determine what was a nuisance? That point ought not to be left in doubt. With regard to deodorization, he reminded the House that though Mr. Cooke, of Leicester, who gave evidence upon that subject, was undoubtedly a man of great intelligence, he was the chairman of a company which was very anxious to sell the produce of deodorizing works of which they had hitherto been unable to dispose. The only fear he had with regard to the Bill was its giving power to the Metropolitan Board of Works to have the outfalls within the metropolitan area. It was hardly fair that although, if the outfalls were within limits of the metropolis, the sewage was to be deodorized all the year, if they were just without, that process was insisted upon during only six months. He should, however, vote for the second reading of the Bill, because it removed the great difficulty under which the Board of Works had hitherto laboured—that of obtaining money; and he hoped that in Committee provision would be made that the outfalls of the sewers should not be within the metropolitan area.

SIR GEORGE LEWIS said, that having been one of the Commissioners upon whose Report the constitution of the Board of Works was mainly founded, he was anxious to say a few words before this Bill was read a second time. The principle of this measure he understood to be that this great work should be executed not by the Government, or by a Board appointed by the Government, but by the Metropolitan Board of Works. To that principle he gave his unhesitating assent. The Government were undoubtedly right; and if they had acted upon a different principle they must have been prepared to ask that House to furnish funds for executing the work; but having proceeded upon that principle they had rightly cast upon the metropolitan rate-payers the duty of providing the funds. They had, he thought, gone quite as far as could be expected in giving a guarantee for all the money which it was said would be required for the work. There was one provision with regard to the guarantee to which he entertained a strong objection; he meant that by which the Government took power to appoint a superintending inspector. He viewed with the greatest jealousy the imposing upon the Government any responsibility, or giving them any power of interfering with the local authorities, which if the plan was unsuccessful, if mistakes were made in carrying it into effect, or if the funds were insufficient, would justify those authorities in saying to the Executive, "You, by your inspector, had had cognizance of what was going on, you tacitly approved our proceedings, and you are therefore bound to share with us the loss which has been incurred." He trusted that the Government would not take upon itself any more responsibility than was absolutely necessary for the protection of the guarantee which the State was to give. Having assented to the principle of the measure, he must add that the Bill upon the face of it seemed to be inconsistent with the statement which had just been made by the right hon. Gentleman the President of the Board of Trade (Mr. Henley). That right hon. Gentleman said that it would be competent to the Metropolitan Board of Works to adopt any plan they might think fit, that the Government would not be responsible for the adoption of any plan or the preference of any one practical principle over another.

MR. HENLEY: What he said was, that the Government were not bound to any particular plan, and that it was quite open to the Board of Works to carry out any plan they thought fit, but he made no reference to principles.

SIR GEORGE LEWIS understood that the Government had expressed no opinion in favour of any plan, and that it was quite open to the Board of Works to adopt any one they pleased. If that was the case, why was the House called upon to assent to this precise sum of £3,000,000? How did they know that £3,000,000 would be adequate to carry out a scheme which perhaps had yet to be conceived, and which was certainly at present unknown? How was it known that a rate of 3*d.* in the pound for forty years would be sufficient to defray the cost of these works? If it was true that no plan had been selected—if the field of choice were quite open—how did they know that the Board of Works might not fix upon some scheme which would require the expenditure of £5,000,000 or £6,000,000 to carry it out? One of two things—either the Board of Works had fixed upon some plan, and the Government, adopting and approving it, had proposed

this £3,000,000 as the sum which it was thought would be required for its execution; or this £3,000,000 was a mere guess—any other amount might as well have been inserted in the Bill—and the House had no security whatever that when a portion of these works had been completed that amount would not be found to be insufficient, and they would be called upon to guarantee a further loan. This was his only difficulty in assenting to the second reading of this Bill; and, if it received a satisfactory explanation, he should, without hesitation, consent to the measure passing that stage.

MR. JOHN LOCKE remarked, that if the difficulty he felt at the bringing in of the Bill was great, it was much greater now that he had the measure before him. The Government said that they had no plan at all, but the Bill contained regulations as to the point of outfall. Did that foreshadow a plan or not? If they had a deodorizing plan, no stipulation as to the point of outfall would be necessary. It was clear, therefore, that the Government must have some plan, or must, at all events, have decided upon the principle to be adopted. The House had heard the speeches of the hon. Members for Whitby and Honiton (Mr. Stephenson and Mr. Joseph Locke) than whom it would be impossible to consult higher authorities; but the opinions expressed by those hon. Gentlemen had only added to the perplexities by which Parliament was surrounded. The hon. Member for Honiton's bias was clearly in favour of deodorization; but the other hon. Gentleman was decidedly against that plan.

MR. STEPHENSON said, he was not opposed to the deodorizing system. He was only opposed to relying for the drainage of the metropolis upon deodorization. He quite admitted that some parts of the metropolis could not be drained except by deodorization.

MR. JOHN LOCKE resumed: When doctors differed in this way the House was placed in a most unfortunate position. He had certainly understood that the hon. Gentleman's plan was the zonal system. The hon. Gentleman would divide the metropolis into zones, and he understood from his evidence that he was against adopting the plan of deodorization for London. They were called to guarantee £3,000,000 for nobody knew what. The Government said that they had no system, and that the Board of Works might do what they liked, and still the Government had shadowed out a system of intercepting drains. He regretted that although the sewage might be put in a state of solution, the question of the drainage of the metropolis did not appear to be capable of solution. They were called upon to legislate in the dark. The supporters of the Bill did not seem to have a definite idea of what they were supporting. However, it was not for him, after the speeches of the hon. Members for Westminster and Marylebone, to oppose the second reading of the Bill, though he had no hope that it would be sufficiently altered and amended in Committee.

VISCOUNT EBRINGTON said, he would not enter upon any of the engineering questions that had been alluded to. He disclaimed any notion of being enamoured of this Bill, which was founded on no clear principle. It neither threw the entire responsibility of the drainage of the metropolis upon the Metropolitan Board of Works, nor, on the other hand, did the Government undertake the responsibility of dealing with the question. They proposed to appoint an inspector—they laid down conditions as to the principle of drainage and the point of outfall, and they limited the guarantee to £3,000,000, but they assumed no direct responsibility for the works to be carried out. He had, for his own part, no confidence in the Metropolitan Board of Works. He believed that the landowners of the metropolis were inadequately represented in that body. It was composed of too large a number of members, and from its unwieldly size was unequal to carry out such large and extensive works as the drainage of the metropolis; and he would submit to the Government that, as it would be only fair that the State should, in fairness, contribute something to metropolitan works, so the Government should undertake the responsibility of nominating a smaller and more working body than this large representative council, under whose auspices there would be greater reason to hope for a speedy and economical solution of the present difficulty. He repeated that he was not sanguine respecting the well-working of the present measure, while the Government, who brought it in, would be held responsible by the inhabitants of the metropolis for the failure of the measure, if that failure should afterwards be found, as he felt it would, both signal and costly.

MR. CLAY said, in his ignorance of engineering science—an ignorance shared

by most of those present—he thought the duty of the House on this occasion was confined to a very simple point. All that the House had to determine was, whether it was worth while to expend a large sum of money to remove the nuisance of draining into the Thames, whether the work should be undertaken immediately, by whom the money was to be paid, and in what way the work was to be carried out. It appeared to him that those points were settled by the Bill before the House. The right hon. Member for Oxford University seemed to think that the Members of that House were legislating under the pressure of a bad smell, and that they reasoned as they appeared disposed to pay, through the nose. He agreed with the right hon. Gentleman that the matter should be further considered, not, however, by the engineering capacity of the House of Commons, as they had that evening shown their own incapacity for doing so. There was no body more capable of doing so than the body they had themselves created for that purpose. It had been complained that that body had done little or nothing. They had, however, accumulated a large mass of useful and necessary information on the subject, and if they had done little the fault lay with the House of Commons, which declined to give them the necessary power, and then shackled them with the Government veto. If proper power had been lodged in the proper hands, this work would have been undertaken long since. The future consideration which the right hon. Member for Oxford University had spoken of, should be given by the body charged to carry out this measure. If they should prove incapable, he believed it would be because the thing could not be done. He should give his cordial support to the Bill.

MR. PULLER said, he agreed that if the Metropolitan Board of Works had hitherto proved a failure it was because Parliament had not entrusted it with sufficient powers. He thought that the Government were entitled to the thanks of the House for grappling with a subject of enormous difficulty, but he thought that they had produced the wrong measure. At the same time he must deny that the charge of inaction could justly be brought against the House of Commons if they did not sanction the present Bill. That House was not the proper or a competent authority to decide on the value of competing schemes, and therefore, he must protest against any attempt to throw upon them the responsibility of the question. The Bill in effect said, that the plan of Mr. Bazalgette and of the Metropolitan Board of Works should be carried out. Now, that scheme professed to be capable of being carried out for £3,000,000, but to require an annual expenditure of £150,000. The scheme of the Government referees would require for its execution five or six millions. When, therefore, the Government proposed to lend the Metropolitan Board of Works £3,000,000, it was clearly implied that the cheaper but less comprehensive scheme was to be carried out. If, at the end of a few years, the Metropolitan Board of Works came to Parliament for a larger advance and were met with a proposal to lay an increased rate on the metropolis, they would reply that the Government had forced them into the adoption of a bad plan, and that they ought, therefore, to defray the additional outlay thus rendered necessary out of the Consolidated Fund. For these reasons he should move that the Bill be read a second time that day six months.

The Amendment, for want of a seconder, fell to the ground.

VISCOUNT PALMERSTON said, he hoped that the House would agree to the second reading of the Bill, because its rejection would postpone to an indefinite period the possibility of applying a remedy to an evil the magnitude of which it was almost impossible to exaggerate. He spoke not merely of that evil which the members of that House had in their persons recently experienced, but of the more general and growing evil which arose from the pollution of the waters of the Thames; for, in proportion as the metropolis increased and drew a larger supply of water for its requirements from the Upper Thames, in the same proportion the Thames became from year to year nothing but a great sewer, and like a sewer stank, and would be the source of disease and pestilence. Therefore it was a matter of the utmost importance to prevent for the future the discharge of the sewage into the Thames. He knew that many people said that no doubt it was disagreeable to smell this stench, and that persons were sometimes made sick by it, and were unable to eat white-bait dinners when they went down to Greenwich. He hoped that the members of the Government would not be so situated on Saturday next. Nevertheless, there had been no great amount of disease,

for, fortunately, there had been no epidemic in London; but, if there had been the cholera at the time this stench arose, would any man say that it would not have aggravated to an intense degree the disorder? Hon. Gentlemen were not aware of the amount of misery and suffering endured by a large proportion of the population of this great metropolis from the imperfect drainage of the localities in which they resided. When he was at the Home Office it was his lot to hear from persons who resided north of the Thames, in the neighbourhood of Hackney Brook, descriptions of the sufferings they endured from the stench which arose from the sewer, and also from the flooding of their dwellings when there was a heavy fall of rain. On the southern shore of the Thames, also, there was a vast population living in a district where there was no drainage at all, and where there was no outfall, except during a very short period at low water. Whenever there was a heavy fall of rain the sewers of that district were inundated; abominations of all kinds were driven back from the sewers into the basement stories of the houses, and an amount of suffering and discomfort was caused of which hon. Gentlemen who had not received communications from those who had endured it could form no conception. These evils could not be cured by deodorizing tanks, which required great outfall tunnels. Hon. Gentlemen must not imagine that there was any remedy for the great evils now experienced in the metropolis, except from intercepting sewers communicating with tunnels which would carry the drainage down to some lower level of the Thames. He confessed he thought the Bill was defective with regard to the subject of intercepting tunnels. In his opinion Barking Creek and the opposite shore were too near the metropolis, and money expended in carrying tunnels to those points would, to a certain extent, be thrown away. Complete relief would not be afforded to the metropolis by the expenditure of 3,000,000; and if tunnels were constructed to Barking Creek the Metropolitan Board of Works would have to come to Parliament and say, "You sanctioned this work, but by limiting the expenditure you forced us to adopt a plan which is essentially and radically defective, and therefore, on the part of the public, we call upon you to assist us by grants of public money to carry the sewerage to another point, in order to accomplish the object we wish to effect." He thought, therefore, it was most unfortunate that the Government should persist—if they meant to do so—in limiting the outfall of the intercepting tunnels to a point so near the metropolis as Barking Creek and the opposite side of the river. There was another point not immediately entering into the arrangements of the Bill, but to which he must express his hope that the attention of the Metropolitan Board of Works would be speedily and successfully directed; the possibility of converting to agricultural purposes, as manure, the vast amount of matter which was now discharged into the Thames. There could be no doubt that, if the proposed system were carried out, a great quantity of fertilizing matter would be thrown into the stream of the Thames, with the view of being carried out to sea. It must be admitted that hitherto no process had been suggested by which that fertilizing matter could advantageously and profitably be applied to agricultural purposes, beyond a very narrow limit of space, but he entertained a hope that before long some practical mode might be discovered by scientific chemists of converting into a source of great national wealth the matter which it was now proposed to throw into the waters of the German Ocean. He trusted that the House would assent to the second reading of the Bill, and that Her Majesty's Government would attend to the suggestions which had been made with reference to the modification of some of its clauses.

Mr. COX said, that as a metropolitan Member, representing a district, the residents in which would have to pay a very large proportion of the rate, he wished to say a few words with respect to this Bill, although he did not mean to oppose the second reading. He thought that a revision of the area of rating was absolutely required, because under the Metropolitan Local Management Act very extensive districts in the neighbourhood of the metropolis derived benefit from the existing law, and would enjoy the advantages of the Bill before the House, although they were entirely exempted from any rate. He did not wish to mention any particular districts, but he might state, that in the neighbourhood in which he resided there was a very large parish, the sewage from which passed through the metropolitan district, and was discharged into the Thames, but which, not being comprised within the metropolitan

area, was entirely exempted from rating. He believed also that the Bill, in its present form, might lead to disputes between the Metropolitan Board of Works and the Commission of Conservancy of the Thames with regard to the mode of dealing with the foreshore; but that was a point which might be more conveniently considered in Committee.

GENERAL CODRINGTON said, that in his opinion the only chance of anything being done was to allow the second reading to take place, and make the requisite alterations in Committee. He would, however, suggest, that as the Bill proposed the appointment by the Treasury of an engineer to control the expenditure of money upon the works, and he would suggest that the appointment of a Government inspector to prevent the creation and continuance of nuisances would be attended with great advantage. He must also object to the proposed plan of sewage, on the ground that, owing to the proximity of Woolwich to the point of outfall, the tide might carry the sewage to that town. This, he thought, would not be unattended with danger.

MR. BUTLER said, he deemed it most unfair that his constituents and the heavily taxed ratepayers of the metropolis should alone bear the enormous cost of purifying the Thames—the principle was a just one, that those who contributed to foul the waters of the Thames should be rated for its purification. Why, for instance, should not the inhabitants of Richmond, Brentford, and other districts bear a fair proportion of that rate? In his opinion, the area of rating prescribed by the Metropolitan Local Management Act was most unjust, and he hoped the injustice would be remedied in Committee.

Bill read 2°, and *committed* for *Wednesday.*

HARBOURS OF REFUGE.

OBSERVATIONS.

On the Order of the Day for receiving the Report of Ways and Means,

MR. WILSON said, he had given notice that he would call the attention of the House to the Report of the Committee on Harbours of Refuge, as he had intended to press upon the Government the propriety of appointing a Royal Commission for the purpose of concluding those inquiries which the Committee did not feel itself competent to enter into. He understood, however, that the right hon. Gentleman (Sir J. Pakington) did not object to grant this Commission, and he would not, therefore, waste the time of the House at that late period of the Session by making any lengthened remarks on the subject at present.

SIR J. PAKINGTON said, he had read the interesting and important report presented by the Committee over which the hon. Gentleman had presided, and thought the reasons adduced in it were quite sufficient to justify the appointment of a Royal Commission. The hints contained in the report were of extreme value, and could not be fully or satisfactorily acted upon without the assistance of a Royal Commission to inquire into the exact locality of the harbours, and fix upon their sites. It was, therefore, the intention of the Government to appoint such a Commission.

MR. LIDDELL said, there were the circumstances of trade at various ports, and the capabilities of different places, which must all be accurately weighed and considered before the Commissioners could come to any decision. The limits within which the Committee had confined its inquiries were too narrow, and the principles it had laid down not sufficiently clear and comprehensive to serve as a useful guide to the proposed Commission. He therefore hoped the Order of reference would be large and full, and that the Commissioners would not be restricted from taking that evidence which was necessary to enable them to arrive at a fair and just decision with regard to the different localities where Harbours of Refuge were thought to be required. The subject in itself was of immense importance. A thousand lives a year, and a million and a half of property were lost on our coasts through causes which were in the main preventible. One grave question for the Commissioners to settle was, whether the saving of life and property would be better accomplished by the construction, at a large expense, of one or two new harbours, or by making advances for the improvement of a larger number of existing harbours.

MR. A. SMITH said, he was glad, as a member of the Committee in question, to hear that the Government would agree to the appointment of a Royal Commission. He trusted the Commissioners would be most carefully selected, and that no person who had been examined before the Committee would be appointed a member.

MR. DODSON said, he wished to ex-

press his gratification at the readiness of the right hon. Gentleman the First Lord of the Admiralty to appoint a Royal Commission to inquire into this important subject. At the same time, he would beg to remind the Government and the House of the necessity of considering the state of our southern and eastern coasts, which, being opposite to the northern coast of France—the latter being well supplied with forts and arsenals—required the most careful attention. The harbours recommended by the Committee differed from those, the construction of which had been previously suggested by Commissions, in this, that they had almost exclusively in view the protection of our commercial marine from the dangers of shipwreck. The Committee, therefore, recommended that a portion of the expense should be borne by the shipping interest itself; but he hoped their views would not be allowed to interfere with or postpone the works at Harbours of Refuge which were intended for the protection of our coast in case of war, and which were already in progress.

MR. INGHAM said, he participated in the satisfaction felt by the House at the consent of the Government to grant a Commission. He feared, however, that there was some ambiguity in the recommendation of the Committee. They recommended the appointment of a Commission to inquire into the best situations for Harbours of Refuge within the limits indicated, but those limits were not clearly pointed out, and for that reason he thought it incumbent on him to impress on the Government the necessity of issuing their instructions to the Commission in the clearest and most comprehensive terms.

MR. WILSON said, he had abstained from making a statement to the House upon the subject under discussion that evening, simply in order to facilitate the despatch of the business upon the paper. He hoped, therefore, hon. Members would refrain from expressing any opinion with respect to the question until he was enabled to bring it more fully before the House.

MR. M'CANN said, he entertained a similar view in favour of the postponement of the discussion.

SIR JAMES ELPHINSTONE said, he thought it very likely the members of the Committee up-stairs present that evening were as numerous as they would be on any future occasion when the subject might come on for discussion, and that there was, therefore, no good reason why they should refrain from at once expressing their opinions with respect to it. For his own part, he must express a hope that the Commission about to be appointed should consist of the most competent persons, and that the order of reference should be of a more extended scope than would seem to be warranted by the evidence which was taken before the Committee, and which was of a most imperfect and desultory character. There were three branches of the question of Harbours of Refuge, all of which required full consideration. There were military harbours, being those which were erected solely for strategic objects; harbours for the shelter of commerce, and harbours for the protection of our fisheries, and unless funds were granted sufficient to construct Harbours of Refuge in these three branches, it was of little use issuing a Commission. It was quite appalling to think that there were lost annually on our coasts more than 800 lives and two millions of property, the greatest portion of which might be saved by the expenditure of a sum which was really a trifle as compared with the result expected. The great increase, too, in the shipping of this country — an increase of about 130 per cent within the last few years—added much to the urgency of the question.

MR. BENTINCK said, that this most important question was always trifled with in that House. He did not mean anything disrespectful to the members of the Harbours of Refuge Committee when he said that although they had been sitting for the last two years, yet, from the fact of the majority of them not being conversant with nautical affairs, they were not in a position to come to a sound conclusion on the matter referred to them. There was an enormous amount of life and property sacrificed every year for want of proper Harbours of Refuge, and yet year after year the House was going on appointing Committee after Committee. This was nothing short of a broad farce and a trifling with the lives of thousands. He hoped that the Commission now about to be appointed would be one competent to deal with the subject, so that something satisfactory and definite might result from its labours.

MR. DUFF said, he would strongly support the recommendation that no person who had given evidence before the Committee should be appointed on the Commission.

WITHDRAWAL OF BILLS.
QUESTION.

MR. LABOUCHERE expressed a wish to know whether the Government meant to persevere with the Chinese Emigration Bill, and a hope that if such were the case it would be brought on this week, as it was likely to lead to considerable discussion.

SIR HENRY WILLOUGHBY said, he trusted the finance accounts would for the future be laid upon the table of the House at a period of the Session when they could be more conveniently discussed than had hitherto been the case.

THE CHANCELLOR OF THE EXCHEQUER: Arrangements have already been made in order that the necessary financial accounts may be laid upon the table as early as possible; but as preparation and an alteration in arrangements which have long existed must precede the production of these accounts, I cannot speak with certainty on the matter. Her Majesty's Government have given their earnest attention to the recommendations of the Public Moneys Committee; and these recommendations will lead to alterations in the transaction of public business. With regard to the question put by the right hon. Gentleman the Member for Taunton (Mr. Labouchere) to my right hon. Friend the Secretary for the Colonies, I must observe that the Bill to which the right hon. Gentleman referred is to come from the Lords, and our attention must, I think, be devoted in the first place to those Bills which have to go up to the Lords; but I think I may say that we shall not press that Bill on the attention of this House this Session. There is another measure of great importance, which I regret to say I cannot ask the House to decide on this Session, though I shall take the earliest opportunity of asking them to sanction it next Sesssion—that is, the Superannuation Bill. I promised the hon. Member for Devenport (Mr. Wilson) that I would communicate with him with respect to this measure; and I take this opportunity of informing him that I shall not press it at present. There is another Bill which is of importance, and which I trust will be, on an early occasion, brought before the House, but which, I think, I cannot, consistently with the rules laid down by the House of Lords, ask this House to proceed further with this Session—the Irish Police Bill. These are the only announcements I have to make with respect to the public business.

Resolutions *agreed to.*

CORNWALL SUBMARINE MINES BILL.
COMMITTEE.

Order for Committee read.

Motion made and Question proposed—"That Mr. Speaker do now leave the Chair."

MR. A. SMITH said, that the reason he objected to this measure was that its real object was quite different from that professed by its title. The subject ought to be regarded in two aspects: first, in reference to the Crown revenues; and secondly, to the great foreshore question, which had created much agitation throughout the country for many years. In his opinion the Bill was calculated to increase the great dissatisfaction that had been felt in consequence of the manner in which the claims of the Crown had been pressed in the mining districts. He some time ago moved for the production of the arbitration and the documents upon which the decision of the arbitrator was founded, and the Secretary of the Treasury of that time promised, as soon as a third point, which was still pending, was decided, they should be produced, and it was also stated that no legislation would be attempted in the meanwhile. Nevertheless the documents laid upon the table included nothing but a few letters of reference with comments, and contained none of the statutes, charters, cases, or arguments upon which Sir John Patteson had founded his award. He contended that without such information the House was not justified in confirming the arbitration of any individual, however eminent, which took away from the Crown valuable property in which the public, during the present reign, at all events, had a beneficial interest; and also that other persons, whether bodies corporate or individuals, who might have to enter into similar contests, had a right to have the benefit of knowing on what evidence the Crown claimed, particularly as that evidence had been collected at the public expense. The Bill spoke of mines between high and low-water mark; but property of a much more extensive and valuable character was involved. It was said that the right to such mines involved the right to the *fundus* or bed of the river or estuary, and the power of disposing of the foreshore, so that the probability was, that the minor right would be held hereafter to carry with it the major. This had been done before; and in the case of the Keyham Docks, where the public had rights of fishing and other rights, those

rights had been taken by the Crown without compensation. There were many similar instances where public rights had been invaded, and indeed it was only last year that the Duchy of Cornwall derived a considerable income in this way. It was remarkable that they never heard anything about the rights of the Crown to the bed of a river, or to land between high and low-water mark on the shore of the sea, when there was anything to pay, but only when there was something to be received. If improvements were required the public had to pay for them; but if advantages were to be had, the Crown claimed them. Again, he must demur to the position that minerals in the bed of the sea belonged to the Crown, because it had been settled that anything which was found upon the surface, although under water, belonged to the finder. It also had become a serious question whether the wastes on the sea shore and in estuaries ought not to be considered in the same light as waste lands, and be treated in the same manner; for where there were wastes in a manor in which the public had certain rights, Parliament always gave a compensation when it deprived the public of their rights. Judge Bayley and his commentator Mr. Woolrych, both laid it down that the foreshore was placed in the hands of the Crown, not for its own benefit, but as a trustee for the use of the public. He was moreover inclined to think that the present Bill contemplated something more than mere mineral rights, from what he observed in the 9th clause, where he found this expression — that mines and minerals should comprehend all mines and minerals, and all quarries, veins, beds of stone, and all substrata whatsoever. Now, that, he thought, was an acknowledgment of a right which would be very prejudicial to the owners of property on the sea shore. He had taken up this question solely on public grounds. Scarcely anybody in Cornwall knew anything of the provisions of the Bill, not even legal gentlemen, and he asked the Government whether it was just to bring in such a Bill at the fag-end of the Session. There could be no damage to any one from delay, and he would therefore move the Amendment of which he had given notice.

Mr. WHITE seconded the Amendment.

Amendment proposed,—

To leave out from the word "That" to the end of the Question, in order to add the words, "this Bill, to declare and define certain rights of the Crown, in the beneficial interests of which the Public are concerned during the reign of Her Majesty, as part and parcel of the hereditary revenues, ought not to be proceeded with till such times as Copies of all the Documents, Cases, and Opinions of Counsel submitted to Sir John Patteson, and on which his arbitration is founded, are laid on the table of this House," instead thereof.

The SOLICITOR GENERAL said, that he should be wanting in courtesy to the hon. Gentleman if he did not explain the history of the measure, which was simply as follows. *Primâ facie*, the whole of the soil, and every thing under the soil, between high and low water mark on the shores of the kingdom, belonged to the Crown; and in numerous instances that right had been granted away, or passed to individuals by adverse possession against the Crown. In the case of the Duchy of Cornwall the difficulty had been this—that very large grants were made of the soil and shore to the Prince of Wales in the time of Edward III. by charters, and great difficulty had always arisen with regard to the construction of those charters. That doubt had been further increased by innumerable dealings which had since taken place between the Crown and the Prince of Wales in the shape of statutes, other charters, and deeds of various kinds. In consequence it had in recent times become matter of extreme uncertainty whether, as regarded the soil between high and low-water mark, and even below low-water mark, in the Duchy of Cornwall, the rights to minerals was in the Crown or the Duchy. In the year 1856 it was considered desirable that these doubts should be resolved, for it was found that the existence of doubts had had the effect of putting an end to various kinds of improvement, and checking mining operations. The consequence was that the mines along the shore of Cornwall remained entirely unproductive. In this state of things Lord Cranworth, as representing the Crown under the late Government, and Mr. Pemberton Leigh, as representing the Duchy, considered that it would be unseemly for the two interests to enter into litigation in the ordinary courts of law, and they agreed to request Sir John Patteson to take the very great trouble of reading over all the documents in this case and give his award. Sir John undertook the task, in February 1856, and from that time to June, 1857, when he made his award, he paid to the subject the most unremitting attention; all the charters, grants, and other records extending over many thousands of folios, and which the hon.

Gentleman, not content with results, was anxious to have laid in extenso upon the table of the House, being examined and considered by him. On reading over the award, however, it was found desirable before final arrangements were made for carrying it out, that a further question should be submitted to the arbitrator and settled. In February this year this point was also decided. The rights of the relative parties were determined—those of the Crown to the soil of the bed of the river and the minerals below, and those of the Duchy to the shore between high and low water mark and the minerals below. But as to reach the mines of the Crown it was necessary to pass through or over the property of the Duchy, Sir John Patteson suggested that an arrangement should be made for that purpose, which arrangement this Bill proposed to carry out. The hon. Member said there was no great pressure on the subject, and that it might be delayed till the next year. He could assure the hon. Member that there was very great pressure, as the mines were now remaining wholly unproductive, and besides there were scores of men who were anxious to purchase these rights or to settle disputed claims. He could also assure the hon. Member the rights of no single individual in the kingdom were affected by this Bill; it concerned the rights of the Crown and of the Duchy alone, and there was a saving clause most carefully drawn securing the rights of every person except those in dispute between the Crown or the Duchy. But then the hon. Member said that the Crown sacrificed its own rights. Now the Crown had given up no rights except such as Sir John Patteson declared it had no right to possess. The Consolidated Fund lost nothing, for, in fact, in consequence of these disputes, the mines in question had remained all along unproductive; but now those rights that had been awarded to the Crown would be made available, and their proceeds brought into the Consolidated Fund. Under these circumstances he hoped the hon. Member would not offer further opposition to the Bill.

MR. WYLD said, he thought the explanation of the Solicitor General was perfectly satisfactory, and he believed if the Chancellor of the Exchequer carried out the promise he made on a former occasion with respect to it, that it would prove of great benefit to the county of Cornwall.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to.*

Bill *considered* in Committee.

House *resumed.*

Bill *reported;* as amended, to be considered *To-morrow.*

JEWS' BILL.—COMMITTEE.

Order for Committee read.

MR. KNIGHTLEY said, he did not rise to oppose the House going into Committee, but he wished to made a few observations on the strange and anomalous position in which they found themselves. If the House of Lords were desirous of agreeing to the admission of Jews to Parliament, it would have been better if they had agreed to the Bill which that House had sent up to them. He had opposed the clause in that measure relating to the Jews, but he must say that if the question was to be conceded, he thought it could not have been done more satisfactorily than by the adoption of the courteous and conciliatory clause proposed by the noble Member for the City of London, and he regretted that that clause had not been accepted by their Lordships. Instead of that the House of Lords had sent down this queer odd measure — this sort of Irish compromise — in which one party conceded everything and the other gave up nothing; and which left everything as unsettled as ever. The House of Lords in fact said, we are as opposed as ever to the unchristianising of the Legislature, but if the House of Commons wish to do so they may; and they sent down to that House this Bill, and at the same time, which seemed to be the climax of absurdity, they sent down five excellent Reasons why the Bill should not be passed, and having done so they washed their hands of the whole business. It seemed to him that this was a position which was wholly untenable. He might as well give a latch key of his neighbour's door to a well-known burglar and point out the way to the plate chest, and think himself free from responsibility because he read him a holy homily on the heinousness of breaking the eighth commandment. He should be sorry to go before a British jury in the hope that he would not be considered an accessory before the fact. In his opinion, the House of Lords were in the position of accessories before the fact. When a foreign nobleman came to that table as a representative of the City of London, and took an un-Christian

oath, the guilt and responsibility would rest upon the House of Lords. Of course with the consciences of the House of Lords he had nothing to do, but he objected to this Bill, that it settled nothing. The House would no doubt see Baron Rothschild take his seat this Session, but the Resolution which permitted him to do so would last only during the present Parliament. He was convinced that when another appeal was made to the country the question would all be unsettled again. It appeared to him that the House of Lords had only carried a hypothetical Jew Bill, and having abandoned the whole question of Christianity, it was idle to fight for a shadow. Supposing that Her Majesty should summon Baron Rothschild to a seat in the House of Lords, he would have sat in the House of Commons as the representative of the greatest city in the world, and he would go up to the bar of the other House with the patent of the sovereign in his hand; would any one tell him that the House of Lords could refuse to admit him? Would the free admission given to the choice of liverymen of London be refused to the choice of the sovereign? Suppose the House of Lords refused to admit Baron Rothschild, the only result would be a direct collision between the Crown and the other House—the thing of all others in the world most to be deprecated. He would say that if they conceded the whole principle that Members of that House might take the oaths at the table without the words "On the true faith of a Christian," the Bill did not go far enough in the cause of civil and religious liberty, for he did not see why, if Jews were admitted to sit in Parliament, Mahomedans should be excluded. They believed the whole of the Old Testament; and, more, although they denied the divinity of our Saviour, they believed him to be a good man and an inspired prophet; whereas the Jews believed him to be an impostor; so that if there was to be any distinction it ought to be made ratherin favour of Mahomedans. He was opposed to all measures for admitting Jews to Parliament, but of all the measures with that object, that which had received the sanction of the Earl of Derby, the Prime Minister of England and the leader of the Conservative party, was in his opinion, the very worst that was ever submitted to the consideration of the House.

MR. GILPIN said, that he had no doubt the views expressed by the hon. Gentleman who had just sat down were shared by a large majority of that House. He regarded this Bill as a miserable compromise, and he only accepted it as the best that could be got, and as for the present answering the purpose of those who wished to admit the Jews to Parliament. Those who were desirous of admitting the Jews to Parliament advocated their claims as a question of principle, and hon. and right hon. Gentlemen opposite opposed it as a question of principle, and now there was thrown among them, with an entire ignoring of principle, this miserable subterfuge, and he was not sure that it was creditable to any party to accept it. If he had not felt that there was something more than personal feeling, at stake, he should not have thought it worth while to accept it even rather than to get nothing. He was almost inclined to prefer to postpone this question to another Session, and fighting it out upon principle, instead of agreeing to this unsatisfactory mode of settling such a question. All that could be said was, that it was a little better than nothing.

MR. BENTINCK said, he concurred in the observations of the hon. Member for Northamptonshire (Mr. Knightley) with respect to this Bill. Hon. Gentlemen opposite said that this was the best Bill that could be got; and if so, considering the great majority by which it was carried in both Houses, bad was the best. As so little had been said on this measure—as they were about to un-Christianize the Legislature without discussion—he should like to ask one or two questions. Did the House recollect that this was no settlement of the question at all? Every time a Jew came to the table to take the oath there must be a new Resolution passed, and in every new Parliament the question must be revived. He was not urging this as an objection to the Bill, because he believed the result would be that before many years, when the people were fairly represented in this House, there would be a vote in this House against the Jews; but he would say that the present proceeding was neither satisfactory nor creditable to the House. They had heard a great deal of the determination of this House not to be dictated to by the House of Peers. But what was the position of this question now? The House of Peers told the House of Commons—"We re-

tain all our objections to the admission of Jews to Parliament; we believe that they are not fit to sit in the council of the nation, and we will not admit them to our House; but if you, the House of Commons, choose to un-Christianize your benches, we wash our hands of the matter, and leave you to make the best of it." Was that a dignified position for this House to be placed in? What, on the other hand, was the position of the Jews themselves? The House of Lords told them—"We will not admit you to our House, but if the House of Commons choose to allow you to contaminate them"—[*cries of* "Oh!"]—he was merely giving expression to the sentiments which would seem to be conveyed in the proposition of the House of Lords, and not using language of his own—"if they choose to admit you, they may do so." Could anything be more insulting to the Jews; It was an aggravated insult both to the House of Commons and the Jews. What he objected to, and what he regretted, was the want of consistency and foresight of those in "another place" in thus dealing with this question. The argument which was urged in favour of that inconsistency was, that if the Jews were any longer excluded from Parliament, there would be a danger of a collision between the two branches of the Legislature. That, however, was an argument which, in his opinion, was absurd, as he did not believe that there was any such danger. He believed the House of Lords might have gone on for a century to come rejecting the claims of the Jews; and if they had persevered in that consistent course, not only would there have been no feeling in the country against them, but their views would have gained ground; for he believed that the feelings of the people were not represented in the House on this question, and that the feeling of the great majority was decidedly opposed to the admission of the Jews to a seat in Parliament. There was another point which he would not pretend to argue, but he looked on this proceeding as a gross infringement of the rights of the Crown, and he should like to hear that point argued by persons competent to deal with it. Another class of persons were unjustly dealt with by this measure, and a clause had been handed to him with a request to move it in Committee; and his only reason for not wishing to do so was, that he did not desire to mix himself up in a matter so little creditable to all concerned in it. Otherwise he believed that the clause would be accepted by those who were in favour of civil and religious liberty by acclamation. It proposed to give the same liberty to all classes, and it proposed to add to the first clause the following words:—"Be it further enacted, that the provisions of this Bill be extended to all Turks, heretics, and infidels of every grade." [*Cries of* "Move!"] As he had said, he was not prepared to move at all in such a discreditable matter as this, but he would be ready to vote for such a clause, as he contended that the House was bound in justice to include Turks and heretics, and infidels, in the Bill. ["Hear, hear!"] He was glad to perceive, from the manner in which that sentiment was received, that the clause was likely to be so popular, and he should gladly place it in the hands of any of those hon. Members who cried "Hear, hear!" In conclusion, he would compliment the noble Lord (Lord J. Russell) on the part he had played in this matter; and he only hoped the noble Lord's own reflections, and the part he would play in the eyes of posterity in relation to this question, would be as satisfactory as he could wish.

MR. SPOONER said, the House was placed in a most extraordinary position. They were asked to go into Committee on a Bill in favour of which no one had said a single word. On the contrary every one had condemned it. The noble Lord opposite said it was not his Bill, and only agreed to it because it carried out the object he had in view. What was that but saying that the "end justifies the means," and was that to go forth to the country as the principle on which that House acted. This measure was a great disgrace to the other branch of Parliament, and an insult to the House of Commons. The other House asked this House to agree to a measure every word of which they reprobated, and which was only accepted because it carried out the object in view. If the Jew came into Parliament he did so with the declaration of the House of Lords, that he was "morally unfit" to legislate for the country. It was strange that the noble Lord (Lord John Russell) had not favoured the House with his views on the constitutional part of the question. The noble Lord ought not to have been silent on that point after the challenges he had received. He would ask the noble Lord whether it was constitutional for one House of Parliament to ignore the other? The House of Commons

had not been consulted in the matter. It was dangerous for the two Houses to begin to act separately by Resolution; and no one knew where such a course was to end. He particularly wished to hear, and he hoped the noble Lord would state, whether according to his views of the constitution, they in that House by themselves and without the consent of the upper House and the Crown, could take on themselves to say who was to sit in that House. In Committee he should move an Amendment to the first clause, reserving to the Crown the right of "veto," and enacting that every Resolution of this nature should be submitted to the Crown for its sanction.

LORD JOHN RUSSELL said, that at the request of the hon. Member, and for no other reason, he would state his view of the question to the House. The hon. Gentleman seemed to think the House was now bound to proceed by a Resolution of its own and to seat Baron Rothschild or any other Jewish member without any authority of law. Now, if this Bill passed, the House of Commons would clearly be acting under the authority of an Act of Parliament which the House of Lords had already sanctioned, and to which they hoped the Crown would also assent. In the case of Mr. Pease there might be some doubt, but in this instance there could be none whatever. It was not for him to defend the Bill of the House of Lords; but he did think the Earl of Derby, as the head of the Conservative party, was entitled to more respect than he seemed to receive from many Conservative Members in this House.

Motion made and Question put, "That Mr. Speaker do now leave the Chair.

The House *divided*—Ayes 144; Noes 40; Majority 104.

House in Committee.

Clause 1.

MR. VERNON SMITH said, he wished to ask whether the object of the Bill could not be accomplished by better means than those proposed in the Bill? In the early part of the Session they had followed what he thought was a bad precedent inasmuch as the Oaths Bill they had sent up to the Lords did not afford to Roman Catholics the same advantage which was intended for Jews. In 1849 he had proposed to make one form of oath, but was then met by the argument that it would be imprudent to mix up the Roman Catholic question with the Jewish question. As the Bill now stood, taken in conjunction wih the Amended Oaths Bill, there must be a fresh Resolution for each person, whereas he thought that it would be preferable to have one general Act applicable to all cases. Any other course would be only giving a veto to that House, to admit favourite persons, and would not be carrying out the principle of religious liberty, for which they were contending. For they did not maintain that there was any great advantage in having five or six gentlemen of the Jewish persuasion in that House. If this was to be considered a bargain with the Lords, he should not ask the House to break it, for he was desirous to see the Jews in this House, though he would rather see them introduced in some other manner than that they should be smuggled in in this manner. But if there were no such bargain, he would suggest that they ought to make the Resolution one which should be applicable to all cases. In conclusion, he would suggest that the words referring to the Oaths Bill should be struck out, and that the noble Lord should not press the notice he had given in reference to the Lords' Amendments of that Bill.

LORD JOHN RUSSELL said, with respect to the objection that the form of oath did not apply to Roman Catholics, he would remind the Committee that that House had decided against such form as he wished to adopt. As to the necessity of a fresh Resolution being passed in each case, he did not at all agree with the right hon. Gentleman; but, on the contrary, he believed that when any Jew came to the table to be sworn and declared he had a conscientious objection to the form of oath, it would be in the power of the House to declare that thenceforth every Jewish Member might take the oath without the words "on the true faith of a Christian." The words in the present Bill were framed upon the Oaths Bill as sent to the House of Lords, and if they were to be framed according to the Oath of Abjuration, objectionable terms relating to the Pretender must still be continued. He considered that the object they had in view would be attained by this Bill, and that any Jewish Member duly elected might come to the table and avail himself of the provisions of the Bill.

MR. WILSON remarked that the Bill was not in the same state as when it passed the second reading in the House of Lords. In the original Bill the words were:—

"That if any person professing the Jewish religion shall have a conscientious objection to take the Oath of Abjuration in the terms required."

On the third reading, for the purpose of compelling this House to accept another Bill, which it had already refused, and which it could not accept without assenting to reasons which were inconsistent with the step which it was now taking, these words were substituted:—

"Objection to taking the Oath which by an Act passed, or to be passed in the present Session of Parliament, has been or may be substituted for the Oath of Allegiance."

He did not think that the course which the noble Lord now proposed to adopt would get rid of the difficulty, because, if they accepted a Bill which they had once rejected, they would make themselves parties to the Reasons which were given for its acceptance; and he should be quite prepared to vote for any Amendment which would restore this measure to the shape in which it stood when it was read a second time by the House of Lords.

LORD JOHN RUSSELL said, that as the Bill originally stood it provided that a person professing the Jewish religion might omit the words "and I make this declaration on the true faith of a Christian." It was truly observed that these were not the words contained in the Oath of Abjuration as sent up from this House, those words being "I make this acknowledgment heartily, willingly, and truly, upon the true faith of a Christian." To remedy that inconsistency the House of Lords might either have put in the words which actually were in the Oath of Abjuration or have referred to the Bill. They adopted the latter alternative, and as that oath had been adopted by this House after considerable discussion, and he thought that any question as to its simplification might well be deferred, he could not admit any such Amendment as that suggested by his hon. Friend.

MR. SPOONER said, he moved a Proviso at the end of the first clause. If this Act passed, a Resolution of one House of the Legislature might in future become law without being liable to the veto of the Crown. He admitted that the Crown might give its veto to the Bill, but if that were not done, the power of placing a veto upon a Resolution of that House would be gone. The present appeared to him to be a most unconstitutional proceeding; and he hoped that some of those who had the constitutional duty and privilege of advising the Crown would point out to Her Majesty the danger of such a principle as that which this clause laid down. As a protest, he would move the insertion of the following proviso, at the end of the clause, without, of course, under existing circumstances, any expectation of its being adopted:—

"Provided always, that such Resolution shall not be acted upon until the consent of the Crown be signified to both Houses of Parliament."

Proviso *negatived.*

MR. STUART WORTLEY said, he wished to give notice that upon the Report he should call attention to the fact that the provisions contained in this measure were made dependent upon the passing of another Bill.

Clause *agreed to*, as were the remaining clauses.

House resumed.

Bill *reported*, without Amendment; to be read 3° *To-morrow.*

GOVERNMENT OF NEW CALEDONIA BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

Clause 1,

MR. GLADSTONE said, he rose, not to trouble the House with any formal Motion, but to state some objections to the structure of the Bill, and upon a matter of principle to which he attached great importance. This measure constituted a Royal Government in New Caledonia without free institutions, and then provided that at a future period Her Majesty might, if she thought fit, establish such institutions in the colony. There were two opposite ideas as to the proper mode of founding colonies from this country, one of which was true and the other false. The true mode was that which was historically the oldest. It was that upon which our earliest colonies were established, and which was only abandoned when exceptional circumstances began to mark the origin of our Colonies—when they were founded for the purpose of receiving, not free colonists, but convicts. It was natural enough that in such colonies there should be an absolute Government; but, unfortunately, having taken to this defective principle in deference to necessity, we extended it to cases in which it had no application, and, instead of limiting it to penal colonies, made it a model and founded all our Colonies upon that rule.

Hence grew up a miserable spawn of most mischievous opinions with regard to our colonial policy generally. The opinion prevailed that as it was natural, or at least useful, for a child to be carried in the arms of a nurse for twelve months, so it was natural for a colony to be dandled for a term of years in the arms of the Imperial Government, in order that it might, by a process which was called education, be fitted for freedom; the fact being, on the contrary, that the longer you applied a government of that sort to a society of free men the more you unfitted them for freedom. He had hoped that the controversies of the last twenty-five years, and the Bill passed by the present First Lord of the Admiralty in 1852 for the government of New Zealand, had exploded these fallacies; and he was sanguine enough to believe that the next time we dealt with a colony of free settlers by Act of Parliament we should, like our ancestors in the seventeenth and even in the eighteenth century, recognize it as a free and self-governing society. He regretted that in this instance that mode of procedure had been departed from, and that this Bill began by establishing a society which was not free, and then provided that at a future period free institutions might, if it was thought fit, be introduced into it. He wished the Government could be prevailed upon to embody in this Bill the principle that we were about to establish a free society. It might be said that in this colony of New Caledonia we should have a mixed and promiscuous population, of irregular habits, uncertain objects, and various origin, and that on that account it would not be right that the colony should be founded with free institutions at the outset. He was sceptical with regard to the gist of that argument, because he was afraid that if it was difficult to maintain the public peace in this new colony, if there was likely to be a considerable charge attending its foundation, the evils would be greatly aggravated by placing the responsibility in the hands of the Executive Government, especially when we considered the enormous distance at which they were to wield their powers. At the same time he was prepared to repose confidence in the Executive Government upon that subject, and to throw upon them the responsibility of suspending, if they thought fit, the establishment of free institutions. But he wanted that that should be done in deference to a distinct necessity, of which the Executive Government were to be constituted the judges, and with respect to which Parliament should hold them responsible, and require them hereafter to show for every year and every month during which free institutions were not established that there was an absolute necessity for postponing them strictly connected with the exceptional circumstances of the colony itself. If, therefore, the Government had chosen to frame their Bill in such a way that it should begin with the establishment of free institutions in principle, and should then grant to the Crown a special discretion, strictly limited to peculiar circumstances and a sufficient cause, of suspending their action, he, for one, would not have objected; but that was not a course which had been adopted. Anybody who read this Bill, knowing nothing of our colonial history, would suppose that it really expressed our normal ideas with respect to the foundation of a colony, and that our notion was that a colony should be founded as a community unfit for freedom. Moreover, the power given to Her Majesty to establish free institutions was expressed in a manner so vague that it did not imply any special duty in the Crown or the Minister to give an early development to freedom. He could not help expressing regret at the form in which this Bill had been conceived and framed. Although for a length of time we had been steadily advancing with regard to our colonial policy, and although the public mind at home had arrived at something like a general settlement as to the true principles by which it ought to be regulated, now, when an Act of Parliament was to be passed recording our present ideas, it was one which, instead of carrying them forward, actually appeared to carry them backward.

Mr. LABOUCHERE said, he fully agreed in the general principle laid down by the right hon. Gentleman. He believed that the practice of allowing a colony to start with free institutions and grow up with them was the best means of insuring its prosperity. When in office he had acted on that principle in the case of Vancouver's Island. There was at that time so small a population that free institutions were but a name, but he thought that as population increased that name would become a reality. It was doubtless not necessary to remind the right hon. Gentleman that an Act of Parliament was not necessary for the establishment of free institutions in our Colonies. By the common

law of England, an Englishman carried the constitution with him everywhere, and the constitution existed in every colony. The three estates were represented—the Crown by the governor, the Commons by an elective body, and the Lords by a nominated council, and that form of government he believed to be the best. But really, under circumstances so very peculiar as those of the c ny of New Caledonia, they must not shut their eyes to the dangers that would arise from giving free institutions at once. The main attraction was the gold, which was about 300 miles from the coast. The population, which would there be established at a distance from all communication, would be the outpourings of California itself, not a very regular society. Not long ago free institutions had to be suspended in California, and it was only by a sort of Lynch law that any sort of order was maintained. There was also great danger of conflicts with Indian tribes, which were used to find their rights respected, and the settlers would not be of a class likely to respect those rights. The colonial government of England had been often blamed, but most unjustly, for he questioned if any other country in the world ever had a better system. In the colony of Victoria, peace and order prevailed, whereas, in California, under a Republican form of Government, the Executive was almost powerless and in such a state that Lynch law had to be established. A comparison, therefore, between that State and Victoria, where, under our more liberal system, there was very little disturbance, and that little speedily quelled, they would afford a strong argument in favour of our old-fashioned colonial institutions. With regard to the frame of the Bill itself, he thought great credit was due to the Government. They had provided wisely for times of emergency and he should feel it his duty to give them his support. He wished, however, to draw the right hon. Gentleman's attention to the third clause, which purported to give Her Majesty in Council power to establish any constitution which she might think fit in New Caledonia. Now it was one thing to give the Queen, under special circumstances, power to establish something like an arbitrary government there; it was altogether another thing to give the Queen in Council power to establish any constitution she might think fit. As he read the clause it appeared to give the Queen in Council power to establish institutions, which should be permanent institutions, for the colony, by order in Council, without coming to this House. That, he thought, would be most objectionable. He thought it ought to be either the old constitutional form, or one which should be submitted to Parliament and approved by them.

MR. ROEBUCK said, he thought that a mistaken notion was entertained respecting the peculiar power of the Crown. The Crown had authority by charter to give what power it pleased with respect to government, so that, in fact, the Crown, without the aid of any Act of Parliament, could give any institutions it pleased to the colony. That could be shown by past history. He might take the cases of Maryland and Rhode Island, in the latter of which there was one Council, and in the other two Councils, while in Carolina a complicated system of government laid down by Locke was established by charter, but afterwards abandoned. The present Bill would expire in four years, and therefore the Colonial Secretary would be bound to provide for the expiration of the Bill. It was probable that by that time New Caledonia would contain a large population. In 1849 he proposed to frame a Bill with the view of laying down general principles as a guidance in respect to colonial government. That proposition was rejected by the House, but he thought that they would have done well to lay down some general principles beforehand. In the present Bill there was nothing that might not be done without it, and he therefore thought that the House was spending time to no purpose in discussing it. The Bill stated that certain institutions might be given to the colony, but he conceived that it would have been better to make it imperative that at the end of three years representative institutions should be given, so that nothing might be left to the Colonial Office. Not having done that, the Bill did nothing. It would be much better to give the colony free institutions to-morrow than to leave a doubt as to when it should have them. The right hon. Gentleman (Mr. Labouchere) was under a mistake when he drew a comparison between California and Victoria. California had a peculiar population drawn from all parts of the world. The whole ragamuffin population of the whole universe went there; and, notwithstanding that, if the right hon. Gentleman turned his attention to the constitution they drew up for themselves he would be struck with its great wisdom. It was a model constitu-

tion, and the only difficulty consisted in the population. There would be the same population in New Caledonia,—quite as bad, if not worse,—and he would warn the Government to be prepared with a stringent force to coerce the population there, and then to be prepared, also, with a constitution for their government.

Sir BULWER LYTTON said, that whatever fell from the right hon. Member for Oxford University was deserving of consideration, and he was glad the right hon. Gentleman had had an opportunity of expressing his views on this subject. It would, however, have been a fairer course to have done so on the second reading of the Bill, or at any rate to have given an earlier intimation of the important alteration he had suggested, for the present was not an optional experiment in colonial legislation. The intelligence received from the colony of New Caledonia was such as to leave the Ministry no choice but to endeavour to establish, as soon as possible, a Government for a district which was threatened with great danger, and which, up to this moment, had no legal Government at all. The necessity for this measure manifested itself in a few days after he acceded to office ; and his anxious desire, seeing the great perils which surrounded the district, had been to frame a measure that should pass as rapidly as possible, and conciliate all opposition. Well, the Bill he brought in was supported by hon. Gentlemen of great weight in the House, who had taken much interest in the foundation of the colony. It went through a first reading with the general approval of all the hon. Gentlemen who spoke ; passed a second reading with equal unanimity ; in Committee received one or two verbal alterations only ; and would have been read a third time had it not been recommitted to allow the right hon. Gentleman to express his opinion upon this clause. After the Bill had gone through so many of its stages with indulgent favour, the House could hardly go back and accept a proposition that would entirely change its complexion and character, and reverse the provisions which had been so unanimously agreed to. Their first object must necessarily be to give all the power they could to the only authority at present in the colony—the Governor ; but if he were to accept the proposition of the right hon. Gentleman, the consequences would be that the Governor would not have the same power that he had under this Bill. Considering the great uncertainty which prevailed with regard to this colony, the next consideration was to make the Bill as pliant as possible to meet all the necessities of circumstances which we could not perceive. The right hon. Gentleman opposite (Mr. Labouchere) objected to the third clause. Now, it certainly was the object of the Government that the colony should receive representative institutions within four years, if there were materials for creating them in the colony. Supposing, however, a settled population were rapidly formed, the Government might then be advised to constitute an elective chamber or council, and by Order in Council it could at once be established. He felt the force of what the hon. and learned Member for Sheffield had said with respect to the importance of maintaining a sufficient military force in New Caledonia, but that force must necessarily be to some extent limited by the accommodation and the provisions which could be procured for the troops, and under such circumstances he thought it was of more importance that that force should be efficient than that it should be large. He should have some observations to make on this subject at a subsequent period, but he hoped that as the Bill had been so far favourably received, the House would give a further assent to the measure by allowing it to pass through Committee.

Mr. ROEBUCK said, an hon. Gentleman had asked the other night what the colony would cost. In his opinion it ought to cost nothing, and he believed that if certain portions of the colony were surveyed, if a site were selected for a town near the gold diggings, if town and country lots were planned, and if they were offered for sale in London, a sufficient amount would speedily be obtained for the maintenance of the colony.

Clause 1 *agreed to.*

Clause 2.

In reply to a question from Mr. Butt,

The SOLICITOR GENERAL said, the Bill provided that the laws established by the authority of the Queen should continue in force for a period of four years ; but if free institutions were established, it would be in the power of the colonial assembly to alter, amend, or abrogate any laws which might have been established by the Royal authority.

Clause *agreed to.*

Clause 3,

Mr. LABOUCHERE said, he wished to know whether he understood this clause

aright, that it gave to the Crown the power of establishing any constitution it might think proper without the sanction of Parliament. If so, he thought it was a novelty and one of a very unconstitutional kind. He quite understood and approved of the arbitrary Government, if he might so call it, which this Bill established in the first instance, but the Crown could establish no other. By the common law every Englishman carried with him to the most distant colonies the representation of our own constitution, and nothing short of that could be established except under the authority of Parliament. He thought the clause should be struck out.

THE SOLICITOR GENERAL reminded the right hon. Gentleman that this Bill established in the first instance, as he said, an arbitrary Government, and what this clause contemplated was an abrogation or relaxation of those arbitrary powers. But the short answer was, that all that was done under this Act would be liable to be revised and reconsidered when it came to expire four years hence.

MR. ROEBUCK contended that, supposing this clause were struck out, the Queen would still have the power to give a constitution by charter, and without coming to Parliament, and in proof he referred to the constitution of Rhode Island, which was constituted by Charles II, with only one legislative chamber. He was not aware that either Act of Parliament or custom had since taken away the right of the Crown, which had been exercised so lately as the settlement of the colony of Georgia, the last of the American colonies that was planted by this country.

LORD JOHN RUSSELL was understood to say, that the Crown certainly might grant a charter and appoint a Governor and Council, but the power of taxation should come from the people to be in accordance with the constitution of this country. After four years, if necessary, Government might come to Parliament to establish any other constitution which the Governor and Assembly might agree to recommend.

THE SOLICITOR GENERAL said, it was quite impossible, after the expiration of four years, to establish a constitution under this Act, as powers were given only during the continuance of the Act, the Crown could grant any form of government which it thought fit by charter, but it could not grant the power of taxation by charter. This Bill was framed upon the Acts relating to West Australia and other colonies, in which, under the same words, the right of taxation was conferred. It was one of the reasons why the Government came to Parliament; but there was another reason which seemed to have been overlooked by the hon. and learned Member for Sheffield —namely, that at present Canada possessed certain jurisdiction which would clash with the jurisdiction given by this Bill.

Clause *agreed to*, as were the remaining clauses.

Preamble *agreed to*.

House *resumed*.

Bill *reported*, without amendment; to be read 3° *To-morrow*.

CIVIL BILLS, ETC. (IRELAND), ACT AMENDMENT BILL.

COMMITTEE.

Order for Committee read. House in Committee.

Clause 1 *agreed to*.

Clause 2.

MR. J. D. FITZGERALD said, he wished to move an Amendment, the effect of which was to prevent assistant barristers being removed by an Order in Council. Superior Judges could be only removed by an Address from both Houses of Parliament, and he proposed to place the inferior Judges in the same position.

THE CHAIRMAN said, that the Amendment was out of order. They were dealing not with the superior Judges, but the assistant barristers.

MR. J. D. FITZGERALD said, he would, of course, take the law from the Chairman.

MR. BERNAL OSBORNE said, he wished to know what was meant by the words "permanent infirmity."

MR. WHITESIDE said, that the Act provided a retiring allowance to assistant barristers in the case of permanent infirmity; and the meaning of these words was incapacity to discharge the duties of the office personally. The phrase occurred in an existing Act; but he would alter the clause, so as to give the Lord Chancellor the power of certifying to the Privy Council that an assistant barrister was incompetent to perform his duties on account of a permanent infirmity; and to make the Lord Lieutenant in Council, after hearing counsel for the barrister, to decide on the question of his removal.

MR. BRADY said, that he still feared that there might be vague and uncertain

decisions, under the clause, of what constituted permanent infirmity.

MR. WALPOLE said, he thought that the definition was well understood, and that no difficulty would arise.

MR. P. O'BRIEN observed, that he preferred the constitutional remedy of removal by an Address.

MR. BUTT remarked, that it was much more humane to the individual for the Lord Chancellor to certify that an assistant barrister was incapacitated by permanent infirmity, than that his physical and mental incapacity should be brought before both Houses of Parliament. Moreover, the penalty held over the head of the assistant barrister was, after all, not a very terrible one. At the worst a man could only be sent into retirement with two-thirds of his salary.

MR. ROEBUCK said, that the Bill only gave the Lord Chancellor the power of certifying to the Privy Council that an assistant barrister was incapable of performing his duties, and the Privy Council was then empowered to take steps for the removal of the individual in question. Now, there might be an unscrupulous Lord Chancellor in Ireland, and as the Privy Council was summoned at will by the Government of the day, there was no sufficient provision for the independence of the Judge. He did not think, therefore, that this was a tribunal that would conciliate the confidence of the public.

MR. WALPOLE observed, that the case put was worthy of consideration. He had no objection, in such a case, that the clause should be so amended as to require that on such an occasion all the members of the Privy Council should be summoned.

COLONEL FRENCH said, as the opinion of the people of Ireland was opposed to this change, he hoped that this provision would not be insisted upon. At present, no Bill was necessary to remove incapable Judges, as the Government already possessed the power to do so.

MR. COGAN saw no reason why this power of removal should not be extended, so as to include the superior Judges. He wished to have an instruction given to the Committee to that effect. And in order to effect his object, he moved that the Chairman do report progress and ask leave to sit again.

THE CHAIRMAN said, that such an instruction could not be given to the Committee.

MR. MAGUIRE said, the Government ought to be satisfied with carrying the Bill with one clause; and in a short time there would be no danger of having incapable men sitting upon the bench in Ireland. Give a man the certainty of retiring with two-thirds of his salary, and there would be no danger of any man in a state of infirmity remaining on the bench.

MR. BERNAL OSBORNE said, he regarded the office of assistant barrister as altogether an anomaly, and on that ground he was wholly opposed to the Bill, as well as for the reason that the House was increasing the pensions of the old and effete as a bribe to get rid of them.

SIR WILLIAM SOMERVILLE said, he must oppose the clause, as he believed that there was scarcely a single argument having reference to the assistant barristers which had not equal reference to the Judges.

Motion for reporting progress *negatived.*

MR. COGAN said, he would move an Amendment to the effect that seven days' notice of meeting should be given to the members of the Privy Council.

Amendment *agreed to.*

Question put, "That the clause, as amended, stand part of the Bill."

The Committee *divided:* — Ayes 98; Noes 50: Majority 48.

Clause *agreed to.*

Clause 3 *struck out.*

The House *resumed.*

MR. COGAN proposed a clause to allow the Lord Chancellor to make the appointments from barristers of seven years' standing, instead of ten years. This would assimilate the law to that of England.

MR. WHITESIDE said, the Government could not accept the clause.

MR. J. D. FITZGERALD advised that the clause should be withdrawn and brought up again on the Report.

Clause *negatived.*

MR. FITZGERALD said, that on the bringing up of the Report he should move the recommittal of the Bill, in order that it might be extended to the Judges of the Superior Courts.

House *resumed.*

Bill *reported,* as amended, to be considered *To-morrow.*

POLICE FORCE (IRELAND) BILL.

WITHDRAWAL OF BILL.

Order for resuming adjourned debate [8th July] read.

COLONEL GREVILLE said, he wished to ask for the production of the correspond-

ence affecting the character of Mr. M. O'Ferrall.

LORD NAAS said, he was surprised to hear that it was supposed that any aspersion was ever cast, or intended to be cast, on Mr. O'Ferrall. Had there been any imputation upon that Gentleman, there would be no objection to the production of the correspondence, but as none had ever been made or intended, it would serve no purpose to accede to the hon. Gentleman's request.

MR. J. D. FITZGERALD said, he wished to give notice that early next Session he would move for a Select Committee to inquire into the Dublin police force.

Order *discharged.*

Bill *withdrawn.*

CHELSEA BRIDGE ACT AMENDMENT BILL.—CONSIDERATION.

Order for consideration read.

SIR JOHN SHELLEY asked, whether there would be any objection to extend the exemption from toll now accorded to foot passengers on Sunday to Easter Monday and Whit Monday?

LORD JOHN MANNERS had no objection to the proposition.

Amendment *agreed to.*

Bill to be read 3° *To-morrow.*

House adjourned at half-after Two o'clock.

HOUSE OF LORDS,

Tuesday, July 20, 1858.

MINUTES.] PUBLIC BILLS.—1ª Railway Cheap Trains, &c.; Inclosure of Lands; Legitimacy Declaration; Sheep, &c., Contagious Diseases Prevention; Turnpike Acts Continuance; Public Health; Vaccination (Ireland); County Property Conveyance.

2ª Ecclesiastical Jurisdiction Continuance; Charitable Trusts Acts Continuance; Turnpike Trusts Arrangements; Copyhold and Inclosure Commissions, &c.; Indemnity; Administration of Oaths by Committees; Army Service.

3ª Copyright of Designs; Militia Ballots Suspension.

SALE AND TRANSFER OF LANDS (IRELAND) BILL.—COMMITTEE.

Order of the Day for the House to be put into Committee read.

Moved, That the House do now resolve itself into a Committee.

LORD ST. LEONARDS said, that before the House went into Committee, he wished to address a few words to their Lordships. As they were all aware, this Court was originally established at a time when Ireland was in great distress, and that that country had experienced the greatest benefit from a tribunal which had enabled the owners of incumbered estates to give such a title as rendered them marketable. It was now by this Bill proposed to extend the powers of the Court to estates that were not incumbered. He protested against the establishment of any such principle. But whether it were right that the State should enable a vendor to give an unimpeachable title to a purchaser or not, certainly a court of this kind ought to maintain itself, for it was not a court for the administration of justice, but whose object was to furnish good titles to land. He wished to ask, whether under the present Bill it was proposed that the Judges should themselves investigate the titles, whereby, as regarded the professional investigation of titles, the whole bar of Ireland would be thrown over, or that they should merely superintend the matter, and that a conveyancer should be resorted to, to say whether there was a good title or not? By the present Bill, a person was empowered to go into Court and demand that his title should be investigated. Such a system was very different from the principle of the laws of England and of Ireland—a great object of both laws being to take care that a man's estate should not be taken away from him behind his back. When he, for the purpose of facilitating the transfer of land, asked their Lordships this Session to shorten the period of limitation with regard to titles generally to thirty years, they were perfectly shocked at the proposal to bar all adverse claims to an estate on the expiration of so short a period. But what would become of the existing salutary limitation when this Bill passed? The statute that gave that limitation would become mere waste paper, and might be thrown into the fire. Under this Bill a man would go to the Court and ask for a title. He would pay the duty, and obtain a certificate which gave him a good title; but having got it, instead of selling, he kept the estate. Some time afterwards a claimant turned up whose title was clear and unquestionable beyond all doubt. If this Bill became law, however, his claim would be barred in five minutes, for the other person would produce his certificate, which would be a good title as against all comers. He must say, that such a provision would revolutionize

the whole law of property, and, although he had no doubt that the Bill would pass, he solemnly protested against the interference with private rights which it would sanction, without the slightest necessity being shown for the measure. He much regretted that Ireland was always made the subject of exceptional legislation. The same laws which obtained in this country with respect to property ought, in his opinion, to prevail in Ireland also; for so long as the practice of exempting Ireland from general legislation was persisted in, so long would she continue to stand in an isolated position with regard to the laws of property, which if they were good for England were, as a general rule, good for Ireland also. Objecting, as he did, most conscientiously to this measure, and regarding it as a mischievous attempt to subvert all the rights of property, he should take no part in any endeavour to improve it in Committee, but should content himself with this simple protest against the further progress of the Bill.

THE LORD CHANCELLOR said, he was sorry he had not been fortunate enough to hear all that had fallen from his noble and learned Friend, inasmuch as on a subject of this kind his noble and learned Friend's advice would be invaluable. He would, however, take this opportunity of explaining to their Lordships the nature of the Bill. It might be described generally as a Bill to facilitate the transfer of land, and to simplify the title to land in Ireland. For many years past there had existed the greatest desire to discover some plan by which land might be transferred without the necessity of going through the long and tedious process of reinvestigating the title from a very early period—some mode by which "a Parliamentary title," as it was termed, might be conferred upon the purchaser, which might serve as a kind of terminus from which only it would be necessary to proceed in any future investigation of the title. Various schemes had been devised for this purpose; but ultimately a state of things arose which made it imperative that some proposal should be brought into practical operation. In the year 1849 a large amount of land in Ireland had become so deeply incumbered that it was quite impossible for the owners to deal with it at all, or to perform those duties which ought to be discharged by the owners of property. In this state of things the Legislature took a bold and decided step, and they passed a Bill establishing a Court for the sale of Incumbered estates. It was apprehended that by forcing on the market a great quantity of land the value of land would be depreciated, and in order to counteract that and to hold out a bounty to purchasers, a Parliamentary title was conferred upon the purchaser, beyond which it would be unnecessary to go in dealing with the property at any future time. The wisdom of the measure was proved by experience, for it was found that, in consequence of the Parliamentary title that was obtained, four years' additional value on the average was obtained for the land sold under the Act. Property to the amount of millions had passed through the Court, and he believed that only one complaint had been made of any improper dealings with the title, or of any acts prejudicial to the rightful owner. In many instances the owners of unincumbered estates created incumbrances in order to obtain a sale through the medium of the Court. The working of the Court had been subjected to the ordeal of a Royal Commission and of a Select Committee of the other House, both of whom recommended that its powers should be extended, and that instead of dealing with incumbered estates only, it should have the like power of dealing with unincumbered property, and giving a Parliamentary title. His noble and learned Friend (Lord Cranworth) acting upon the recommendation of the Committee of the House of Commons, introduced a measure during the present Session, which received the sanction of their Lordships' House, and was sent down to the House of Commons. The object of that Bill was the same as the present — there was a difference only in the machinery — his noble and learned Friend proposing to give the business to the Court of Chancery while the present Bill proposed to establish a new court on the model of the Incumbered Estates Court to deal with the subject. Their Lordships might be said to have given their sanction to the principle of the measure — the giving a Parliamentary title to the sale of unincumbered estates, and therefore he anticipated the support of his noble and learned Friend to this Bill. There was a portion of the Bill, however, which went further than the Bill of his noble and learned Friend, as to which it would be necessary for him to say a few words. An inquiry was instituted in the year 1857 into the question of registration of title. The Commissioners who reported on this question recommended that there should

be established a judicial investigation of title, giving to the owners of unincumbered estates the same advantages as were possessed by the owners of incumbered estates. This would complete the measure and put both the two classes of owners on the same footing; for, as he had already stated, the advantages of a Parliamentary title were equivalent to four years' purchase; unless a similar provision were made the owners of unincumbered estates would be under this disadvantage, that if they wished to sell their land they went into the market with their estate depreciated in value as compared with the owners of incumbered property. Ireland possessed very great advantages and facilities for the investigation of titles, which were not possessed to the same extent by this country. There were Registration Acts in Ireland, under which every deed must be registered, whether it were of a sale, a transfer, or an incumbrance. These registers enabled any one to see what was the course of the title. But it might be said, perhaps, that a fraudulent owner might obtain an unjust judicial decision in his own favour, by concealing a deed which would be evidence against the party entering into such investigation, but against no one else. Fraud would continue, if possible, to evade or overcome every contrivance that the wit of man could devise; but there would certainly be this security, that however easily perpetrated in the case of a private sale, there was less danger of it in the case of the publicity which attended the proceedings of this Court, where there must be notices, advertisements, and every precaution which human ingenuity could devise against its perpetration. He asked why should this advantage be given to a purchaser and not to proprietors of land? It might be said what would prevent an owner of land from making a sale to a trustee in order to obtain the value of a Parliamentary title. But why should the owner of land be put to this circuitous mode of obtaining this advantage? What danger could there be in allowing a judicial investigation of unincumbered estates of the same description as that which had taken place with regard to incumbered estates? He understood his noble and learned Friend (Lord St. Leonards), the whole of whose argument he (the Lord Chancellor) was unfortunately unable to hear where he sat, to object altogether to that part of the Bill which related to unincumbered estates, and, as he presumed, to that which related to a judicial title. He understood his noble and learned Friend also to object to the arrangement which had been proposed for defraying the expenses of the Court; but it must be remembered that the calculations upon which it was hoped the Court would be self-supporting were founded upon this part of the business of the Court; and if this class of business were removed from the proceedings that source of emolument must fail. The only objections, as far as he understood, were on the 51st clause of the Bill —a clause which had been inserted on the recommendation of the Commission, and which appeared to him to be a necessary completion and complement to the measure he was then proposing to their Lordships. He had considered the measure very carefully since he had learned the nature of his noble and learned Friend's objections, and he felt perfectly satisfied that it was a measure which it was very desirable for their Lordships to adopt, and therefore he should take his stand upon the clause which he supposed would be the battle-field between his noble and learned Friend and himself.

LORD CRANWORTH said, he believed it to be unnecessary to assure their Lordships that the Bill with some Amendments would have his most cordial support, since it was substantially the same in principle as the measure which he had the honour to lay before their Lordships early in the present Session, and which passed their House by a majority of one. No doubt there were objections in theory to the original constitution of the Incumbered Estates Court. It might be said that in selling an estate under the supervision of a tribunal they were running the risk of overlooking the right of some one not in possession, who, when the estate was sold and the money paid away, might be deprived of the rights which the law ought to have protected. This was the objection in theory to an Incumbered Estates Act, but it was entitled to very little weight. The fact was that a great deal of land in Ireland was held under such enormous and complicated incumbrances that the owners never had the means of performing the duties of proprietors. After the Incumbered Estates Act had been in operation with the most beneficial results, it was found that estates with a Parliamentary title sold for so much more than others, that the more prudent

portion of the landed proprietors of Ireland, who had managed their estates well, had to sell them at a disadvantage, because they could not give a Parliamentary title. This state of things was pressed upon him in the first year of his acceptance of the Great Seal, and with the consent of his colleagues he issued a Royal Commission. The late Lord Chancellor of Ireland was at its head, and amongst its members were Lord Justice Blackburne, Chief Justice Monaghan, the Master of the Rolls for England, Sir Richard Bethell, the present Solicitor General, and Mr. Commissioner Longfield. They found that in principle there was no reason why unincumbered estates should not be as safely sold with a Parliamentary title as incumbered estates. They therefore recommended that the distinction between them should cease, and that the tribunal should have the same power of giving an unimpeachable title to incumbered and unincumbered estates. The only question was as to the machinery by which the recommendations of the Commissioners should be carried out. For his own part, he preferred the machinery of the Court of Chancery, and thought that if they constituted a new Vice Chancellor's Court for this class of cases it would act with all the weight of the Court of Chancery, and do away with the necessity for the reference to that Court which now existed; and this proposal of his was strictly in accordance with the views of the Commissioners. When, however, he looked to the provisions of the 51st clause, he must say he considered the measure was so far one of unmixed mischief. He could scarcely hope to change the opinion of his noble and learned Friend (the Lord Chancellor), but he felt bound to express his opinion. The proposed power of giving an owner a right to apply for a declaration that his title was indefeasible, could have no other effect than to defeat the rights of third parties; for what honest purpose could a man who intended to retain possession of his estate ask any tribunal to say that he had a title which nobody could touch? Whenever he wanted to sell, the Court, would have power to give a Parliamentary title to purchasers, and that was all that was required to make his land fetch its highest value in the market. If he intended to retain the possession, his only object in asking for a declaration of title must be to defeat dormant rights. In the Bill which he (Lord Cranworth) had introduced, he proposed that the money should be distributed by the Court; and if any portion of it was paid over in fraud of a third person, the party receiving it should be held to be a trustee for the person rightfully entitled. He believed the new power given by the 51st clause was calculated to produce evil without any corresponding advantage, and so that it was calculated to damage the Bill and affect its popularity. That was, however, the only portion of the measure to the principle of which he objected, although he disapproved of some minor details. He should, of course, not object to going into Committee, but he feared there would be little use in his dividing against the 51st clause.

THE EARL OF WICKLOW said, it appeared to him that this Bill differed very materially from the Incumbered Estates Act, inasmuch as that Act only gave power to sell one particular kind of estate; but this Bill enabled proprietors to dispose of unincumbered estates, and also enabled them to do so without having any intention of selling, but for the purpose of obtaining a Parliamentary title. The Bill went beyond the Incumbered Estates Act, and, so far, he disapproved of it. There was to be a charge of £1 per cent payable to the Court on the value of an estate before a Parliamentary title could be obtained, and he asked how was that value to be ascertained, as the value of land varied in Ireland from five to ten years' additional purchase according to the county in which it was situate. He confessed he thought it would be far better to leave the 51st clause out altogether.

THE EARL OF CLANCARTY said, he did not think a landed proprietor, animated by the natural desire to hold that which he was justly and legally entitled to, could be fairly chargeable with the design of injuring the right of any other person by going to the Court for a Parliamentary title under the provisions of this Bill. In another view of the case, it was important that facilities should be given to persons in possession for raising money for the improvement of their estates; but, as the law now stood, parties declined to come forward and lend money for that purpose in cases where the title was in the least disputable. He had formerly been opposed to the facilities being increased for the transfer of land from hand to hand; but he had of late years witnessed so much of the good effects arising from estates in the west of Ireland

changing hands that his opinions in that respect had been considerably modified. Where such changes had taken place they had generally been from hands which were utterly incapable of improving the land to those under which it had become fertile, and now afforded an example of the progress of agriculture in Ireland. He was happy to hear that the general tenor of the Bill had been approved by the noble and learned Lord opposite (Lord Cranworth), and he looked forward to the great advantages which would result from its passing into a law.

Motion *agreed to.*

House in Committee accordingly.

Clauses 1 to 50 *agreed to.*

Clause 51.

On Question, whether the said clause shall stand part of the Bill?

The Committee *divided* :—Contents 29; Not-Contents 10: Majority 19.

Resolved in the *Affirmative.*

Clauses 52 to 67 *agreed to.*

Clause 68.

THE EARL OF DONOUGHMORE moved an Amendment, relative to the appointment of rent over the land, or charging the whole or any part thereof; and making such appointment binding on the Crown and every corporation or person.

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Clauses 69 to 88 *agreed to.*

Clause 89, which empowered the Lords of the Treasury to invest from time to time unproductive cash, being the proceeds of sales lodged in the Bank of Ireland under the provisions of the Act.

LORD MONTEAGLE inquired why this power should be vested in the Lords of the Treasury, instead of being exercised by the heads of the Court in the same way as similar funds were dealt with in other cases?

THE EARL OF DERBY said, that in the first instance all the expenses of the Act were charged upon the Consolidated Fund; but, on the other hand, all the receipts arising out of the Act were to be repaid to the Consolidated Fund in diminution of the original outlay. The unproductive balances lying in the Bank of Ireland were sometimes very large, amounting occasionally to as much as £1,000,000, and it was the duty of the Treasury, as the guardians of the Consolidated Fund, to see that those balances should be properly invested.

Clause *agreed to.*

Remaining clauses *agreed to.*

Report of Amendments to be received on *Thursday* next.

MEDICAL PRACTITIONERS BILL.
COMMITTEE.

Order of the Day for the House to be put into Committee, read.

Moved, That the House do now resolve itself into a Committee.

THE EARL OF CARNARVON said, that it was probably too much to expect that this Bill would please everybody; but almost all the leading medical corporate bodies in the kingdom were, with very little difference, agreed in its favour, with the exception, he was sorry to say, of the College of Physicians. The state of things which it was the intention of the Bill to remedy was very anomalous. They had a variety of medical interests existing throughout the country, each, *mutatis mutandis*, with a separate and distinct jurisdiction. The College of Physicians claimed an exclusive privilege seven miles round London, and the College of Surgeons and Apothecaries' Hall claimed similar privileges with regard to conferring power on practitioners; and they existed together with similar institutions in Scotland and Ireland without any reciprocity whatever. The most eminent Scotch physician had no right to practise in London; the most eminent physician had no right to practise in Scotland, and the same question arose regarding Irish practitioners. The Bill before their Lordships would tend to remove those complications and anomalies that had grown up in the course of centuries. The Bill was no destructive Bill, because, while it remedied existing anomalies and evils, it kept alive the twenty-two corporate bodies that now existed in this country. Its further object was to improve the position of the medical profession, to infuse fresh life into these institutions, and to preserve them in their efficiency, besides instituting a complete reciprocity between them. To effect this it proposed to establish one General Council of Supervision for the kingdom, with branch Councils and Subordinate Committees. The Council would have the power of investigating and determining as to the standard of examination. The Council would have the controlling and regulating power over the working of the system, and there would be a virtual power of suspension by appeal to the Privy Council. The Bill contained an important provision relative to the much-desired power of registration, for which at present there was no

official means of reference. The Bill, he thought, would be productive of great benefit both to the medical profession and to the public.

LORD EBURY said, the ostensible object of the Bill was to remedy the anomalies that at present existed in the medical profession of this country; but the real effect of it would be to secure a monopoly to these various associations. The only petitions in favour of the Bill had come from the medical bodies themselves, and not from the qualified practitioners. It was, in point of fact, a doctors' Bill. He should object to clauses in Committee. What, he would ask, was the state of the practice of medicine in this country? They were going by this Bill to confer a monopoly in the practice of medicine in this country upon persons who themselves said that they had no confidence whatever in that practice. What said Dr. Bailey just before he died—"He feared that he had done more harm than good." What said Dr. Chalmers in his funeral oration over Dr. Williams? Why, that he had no confidence in medicine. What said Dr. Forbes? Why, that the present practice of medicine was so entirely unsatisfactory that he hoped some new school would be set on foot. In the Bill before the House they were going to confer a monopoly of the medical practice of this country on a set of men who declared they had no confidence in the system.

Motion *agreed to.*

House in Committee accordingly.

Amendment moved, and *negatived.*

Amendments made; the Report thereof to be received on *Thursday* next.

GOVERNMENT OF INDIA BILL.

AMENDMENTS REPORTED.

Order of the Day for receiving the Report of the Amendments read.

Amendments *reported* accordingly.

THE EARL OF ELLENBOROUGH moved, that the word "alone" should be inserted in the second clause after the words "government of India," so that it should be made evident that the expenses of the government of India were paid out of the revenues of India alone.

Amendment *agreed to.*

THE EARL OF DERBY said, a proposal had been made in Committee that the Governor General of India ought to have the appointment of his own Council. He had promised to consider the question, and had now to state that, after consultation with those best qualified to judge, he found they were unanimously of opinion that the Governor General should not have the nomination of his own Council. He would, therefore, leave the Bill as it now stood in this respect, and he only mentioned the matter now in order that the noble Earl (the Earl of Ellenborough) or any other noble Lord might, if they thought proper to do so, re-open it on the third reading.

THE EARL OF ELLENBOROUGH moved, to insert words in Clause 52, empowering the Auditor specially to note in his audit from time to time any case, if any such there should be, in which it might appear to him that any money arising out of the revenues of India had been appropriated to other purposes than those of the government of India.

Amendment *agreed to.*

Clause 66, which provides that all contracts, covenants, liabilities, and engagements of the Company made and incurred before the commencement of this Act, may be enforced by and against the Secretary of State in Council, in like manner as they might have been by and against the Company if the Act had not passed.

THE EARL OF DERBY proposed to include the word "treaties," which the terms "contracts, covenants, liabilities, and engagements" might not be thought to cover. He took that opportunity of stating, that at the commencement of those discussions, questions had been raised as to whether the saving clauses introduced into the Bill with regard to the East India Company were sufficient. His noble Friend opposite (Lord Monteagle) had since stated, that he had examined those clauses and thought they were calculated to secure all the rights and privileges of the Company. He ought, however, to mention that, within the last few days he had had placed in his hands some clauses which had been prepared on behalf of the East India Company, which he proposed to examine, and if he should find that any further provisions were required for the protection of the Company, he should be happy to move their insertion on the third reading of the Bill. But he apprehended, with his noble Friend (Lord Monteagle), that the saving clauses already embodied in the Bill would be found sufficient for the purpose.

Amendment *agreed to.*

Further Amendments made.

Bill to be read 3ª on *Thursday* next.

House adjourned at a quarter to Nine o'clock, till To-morrow, Four o'clock.

HOUSE OF COMMONS,

Tuesday, July 20, 1858.

MINUTES.] PUBLIC BILLS.—1° Factories.
2° Consolidated Fund (Appropriation); Militia Act Continuance; Militia (Servic Abroad) Act Continuance; Militia Pay; Ecclesiastical Commission.
2° Government of New Caledonia; Chelsea Bridge Act Amendment; Returns to Secretary of State; Law of False Pretences Amendment.

THE CASE OF THE CORMACKS.
QUESTION.

THE O'DONOGHUE said, he would beg to ask the right hon. Gentleman the Attorney General for Ireland whether it is the intention of the Government to bring up Spillang as a witness on any future occasion.

MR. WHITESIDE said, that no criminal trial was at present pending in which it would be necessary to examine Spillang.

DIVORCE ACT AMENDMENT AND PROBATE ACT AMENDMENT BILLS.
QUESTION.

MR. HADFIELD said, he rose to ask the Attorney General when he intended to proceed with the Divorce and Probate Amendment Bills.

THE ATTORNEY GENERAL said, he had been very anxious to bring the Probate Act Amendment Bill and the Divorce Act Amendment Bill under the consideration of the House on some day during the last three weeks, but the House had been occupied with Bills which it was necessary to send up to the House of Lords. He would endeavour to make an arrangement with his right hon. Friend the Chancellor of the Exchequer for a day to consider the Bills, and he hoped that Thursday or Friday might be secured.

MR. GLADSTONE said, that the Divorce and Matrimonial Causes Amendment Act, which involved considerable novelty, would probably lead to a lengthened discussion. He wished to know whether it was the intention of the Government to proceed with the new clauses.

THE ATTORNEY GENERAL said, that it had not occurred to him that any of the clauses of the Divorce Bill were open to the observations just made. If it turned out, however, that any of the clauses note in the Bill, or any of the Amendments of which he had had notice either appeared to introduce any important change in the law or to be likely to give rise to much discussion or opposition, he should be quite ready to postpone the consideration of those clauses or amendments to a future session, merely proceeding with those portions of the measure which related to the procedure of the Court.

THE INDIAN REVOLT.—QUESTION.

MR. BUXTON said, he would now beg to inquire of the noble Lord whether, in the opinion of Her Majesty's Government, considering the great number of executions that have already taken place and the great slaughter of the enemy in battle, it would not now be desirable to offer a complete amnesty to all who will lay down their arms, unless they can be proved to have been present at the murder of Europeans?

LORD STANLEY: Sir—The observations which the hon. Member has addressed to me is rather in the nature of a suggestion than of an inquiry, and I think I shall best reply to it by reminding the House of the instructions which have actually, within the last few weeks, been sent out from this country to the Governor General in Council. On the 24th of March the Secret Committee — that is to say, my noble Friend Lord Ellenborough—addressed to the Governor General a Despatch, which has been laid before this House, and of which the most important paragraph is as follows:—

"To us it appears that, whenever open resistance shall have ceased, it would be prudent, in awarding punishment, rather to follow the practice which prevails after the conquest of a country which has defended itself to the last by desperate war, than that which may perhaps be lawfully adopted after the suppression of mutiny and rebellion, such acts always being excepted from forgiveness or mitigation of punishment as have exceeded the license of legitimate hostilities."

On the 5th of May the Court of Directors, adverting to the letter from which I have just quoted, addressed the Governor-General in a Despatch which has also been laid before this House. They say:—

"That letter emphatically confirms the principles which you have already adopted, as set forth in your circular of the 31st of July, 1857, by impressing upon you the propriety of pursuing, after the conquest of the revolted provinces, a course of policy distinguished by a wise and discriminating generosity. You are exhorted to temper justice with mercy, and, except in cases of extreme criminality, to grant an amnesty to the vanquished. In the sentiments expressed by the Secret Committee we entirely concur. While there are some crimes which humanity calls upon you to punish with the utmost severity, there are others of a less aggravated character which it would be equally unjust and impolitic not to pardon and to forget."

The Despatch defines the crimes with

which the Governor-General would be called upon to deal in such a manner as to show that what was intended amounted, except in the case of aggravated offences, to an amnesty for political offences, reserving punishment for crimes of personal violence. The Directors go on to say :—

"As soon as you have suppressed the active hostility of the enemy your first care will be the restoration of public confidence. It will be your privilege, when the disorganized provinces shall no longer be convulsed by intestine disorder, to set an example of toleration and forbearance towards the subject people, and to endeavour, by every means consistent with the security of the British Empire in the East, to allay the irritation and suspicion which, if suffered to retain possession of the minds of the native and European inhabitants of the country, will eventually lead to nothing less calamitous than a war of races."

These are the instructions which have been sent out from the Government in this country. If they have not since the date of that Despatch been reiterated it is only because it seemed to us that their simple reiteration was needless, and that the good sense and good feeling of Lord Canning would incline him of his own accord to act upon the policy which is here indicated to him. In saying that I do not speak without evidence, because we have a Despatch, —it has not been officially received, but it has appeared in the newspapers — addressed by the Secretary to the Governor of the North West Provinces to the Commissioner in Rohilcund on the 28th of April. In that Despatch I find the following paragraph :—

"Further, in respect of treason, and defiance of British authority his Lordship desires that criminal proceedings shall be taken only against leaders, and against such persons, whether high or low, as have distinguished themselves by activity or rancour against the Government, or by persistence in opposition to its authority after the advance of troops and the reoccupation of stations. The Governor General will admit to amnesty all other classes, even though they have borne arms on the side of the rebels, provided that they tender an early and complete submission. But continuance in opposition will exclude from pardon."

That is the expressed policy of Lord Canning. What is the policy of the Government in this country I have already stated, and, if we have not sent out positive and peremptory orders that an amnesty shall be declared by a certain day it was simply because we were not willing, having confidence in the judgment of Lord Canning, to tie his hands by imposing upon him an absolute command to do a certain act at a time when we, considering the matter here, could not possibly foretell what the state of India would be. But as far as the intentions and wishes of the Government are concerned they have been as plainly intimated to Lord Canning as it was possible for them to be.

MILITARY PROMOTIONS.—QUESTION.

LORD ADOLPHUS VANE-TEMPEST said, he wished to ask the Secretary of State for War whether he has any objection to state at what period any decorations or promotions intended to be bestowed by Her Majesty on such officers who have been recommended by the General Commanding in India will be made public?

GENERAL PEEL said, that the names of those officers who had been recommended for distinction would appear in that night's *Gazette*, and the honours would be conferred as soon as the Warrants were issued.

BURLINGTON HOUSE.—QUESTION.

SIR WILLIAM FRASER said, he would beg to ask the First Commissioner of Works whether he will consider some plan for removing the wall between Burlington House and Piccadilly, and for giving the public the advantage of the ground in the front and rear of that building.

LORD JOHN MANNERS stated, in reply, that some time ago the noble Lord the Member for Haddingtonshire (Lord Elcho) submitted to him a design which had for its object the removal of the wall in question. Since then the whole subject of the appropriation of Burlington House and the grounds for the public service had been under the consideration of the Government, and until that larger question was settled it was impossible to say what ought to be done with respect to the wall.

HUDSON'S BAY COMPANY.
RESOLUTION.

Orders of the Day read, and, on Motion of the CHANCELLOR of the EXCHEQUER, postponed till after the Notices of Motions relative to the Hudson's Bay Company and Bothina.

MR. ROEBUCK rose to move the Resolutions of which he had given notice respecting the territory and privileges of the Hudson's Bay Company. The hon. and learned Gentleman said that at this late period of the Session, he should feel it an unpardonable act on his part if he sought the attention of the House to anything that was not really important; but, as he believed that our interests as an em-

pire were deeply involved in the question which he was about to propound, and as he knew that the Government desired some information as to the opinions of the House, he thought he had sufficient reasons for asking hon. Members to attend to the suggestions which he wished to make. The present state of the North American continent was a matter of great interest to England. That continent, as was well known, was divided among three possessors. The southern and most important portion belonged to the United States of America, which ran up to the northward until they met the dominions of England, which stretched from the Atlantic to the Pacific. England possessed the larger part of the continent, and her territory proceeded northward until it reached upon its western frontier the territory belonging to Russia, which formed a small portion in the north-west corner. In former days we planted colonies in that portion of the continent which he had first named. We originally planted thirteen colonies in that country. Those colonies declared their independence, and had since increased to the number of thirty-five or thirty-six independent States. We had created a power there which, if something were not done by England as a counterpoise to the United States of America, would overshadow not only England but the whole earth. He believed that in the northern part of the continent we had the means of establishing the counterpoise which he sought. If England would carry out a systematic plan of colonization upon that portion of the continent which now belonged to her she would enable the world to resist what he believed would otherwise be the predominant power of the Anglo-Saxon race now established in the United States. It was on this ground that he solicited the attention of the House to the few words which he wished to address to them. The English possessed that portion of the American continent which stretched from the Atlantic to the Pacific, north of the great lakes. Prince Edward's Island, Nova Scotia, New Brunswick, Lower and Upper Canada, were colonies when the English became possessed of the country, and since that time they had not created one new colony there, preferring to leave that portion of the continent, as we found it, in the distribution of the old colonies. In the meantime the Americans had increased from thirteen to thirty-six independent States, and from 3,000,000 population to very nearly 30,000,000; while all this time the English had remained idle, and though they had seen the Americans become one of the greatest nations, they, notwithstanding that they had the means, had effected nothing as a counterpoise to the Americans. He wished to see this state of things ended; but he was met by a curious observation. Canada—and with Canada he would alone deal—with a strip of land along the shores of the St. Lawrence, and in the reign of Charles II. certain persons asked and obtained from the Crown powers over certain portions of territory which they called the Hudson's Bay territory. At that time Canada belonged to France, and France was supposed to have dominion to the North Pole; but, with that curious habit which then belonged to all the nations of the earth with respect to wild lands, Charles II. dealt with these wild lands as if they belonged to nobody, and gave the Hudson's Bay Company power with respect to that territory and those wild lands. The Hudson's Bay Company applied to Charles II., in 1670, for a charter, and in the very words of the request the King granted their desire "to have the sole trade and commerce of all those rivers, creeks, straits, and sounds lying within the straits called Hudson's Straits, that are not actually possessed by any of our subjects or by the subjects of any other State." After this the history of the Hudson's Bay Company was very curious. For many years they did nothing; but an Act was passed giving them those lands and powers which were granted in the charter, but only for a definite term—thereby clearly imputing that when the Act of Parliament expired all power on the part of the Company over those lands would expire also. When Canada came into the possession of the English the energy of the English race stretched from Montreal, and carried a trade in furs and peltries up the river St. Lawrence to the wild territory west of Canada. This led to great opposition on the part of the Hudson's Bay Company, and great wars actually took place between the two Companies—the Hudson's Bay Company and the North-West Company—which no doubt would have shed glory on the belligerents if they had been known to historians. Then an astute and clear-headed man interfered, the right hon. Member for Coventry (Mr. Ellice), and he told the Companies that they were fighting a useless

battle, and advised them to unite. They did unite, and by so doing they cheated the public. From that time to the present day they depended on the charter, declaring that they would do all they could to enforce the rights conferred on them. He (Mr. Roebuck) would at once say that he meant to bring no charge against the Hudson's Bay Company. They had done what by their nature, as a Company, they were called on to do; but he asked the House to consider the circumstances under which the Company acted. It was a fur company, and a fur company by its very nature was opposed to colonization. Where wild animals congregated, there man could not live; and the introduction of man as a colonist drove away the fur-bearing animals, and put an end to all fur companies. Therefore the Hudson's Bay Company, following up their own interest, had maintained the territory in its wildest state, and had kept out colonization. In this state of things he appealed to the House of Commons, and said that they had the means in their hands to advance civilization over an uncultivated territory, and to carry there all the arts and happiness and all the improvement in manners, laws, and religion which attend civilization, making the territory, what God intended it to be, a happy home for many millions of people. All this the House of Commons had in their power; but to such a consummation the Hudson's Bay Company, having a narrow interest, was opposed. He was told that the Hudson's Bay Company had certain rights which they derived under the charter granted by Charles II. He maintained that the Company had no such rights, and it was the duty of the Government to determine whether they had or no. If the Company had no such rights, Parliament would know how to deal with them; and if they had, Parliament would also know how to deal with them — by purchasing them out immediately. If they had rights, the Government ought to buy them out immediately, and if they had none, they had been illegally enjoying the territory for many years, and the sooner they were ousted the better. The first Resolution he should move was—

"That the privileges of the Hudson's Bay Company, about to expire, ought not to be renewed."

He ought to explain to the House that the privileges about to expire were not privileges claimed under the charter of the Company, but belonged to them by a grant from the Crown, which grant expired early next year; and he said to the Ministerial bench that these privileges ought not to be renewed. But, in order that the country might derive all possible benefit from the non-renewal of those privileges, he thought it proper that the rights of the Company under their charter should be ascertained, so that the whole of the land should be converted to the purposes of civilization, and the dominion of England be carried from the Atlantic to the Pacific. The right hon. Gentleman opposite (Sir Bulwer Lytton) had brought in a Bill in the present Session to enable him to create a colony west of the Rocky Mountains. Perhaps the House were not aware of the fact that goods could be shipped in London, and carried without transshipment to the western shore of Lake Superior. This had been effected by rendering, among other things, the St. Lawrence navigable by great ships, and the English were now further across the great Continent of America than the Americans themselves. Although America had established a State on the Pacific called Oregon, he believed the line of route from Halifax to Lake Superior exceeded in extent any possessed by America. Taking the western side of Lake Superior to the Rocky Mountains, they would cut the new colony which the right hon. Secretary for the Colonies proposed to establish, and he believed plans had been laid before the right hon. Baronet for carrying a railway completely across the continent, so that a direct communication would be established between England and Vancouver's Island, by way of Halifax. This was a magnificent scheme. He believed the right hon. Secretary for the Colonies was ambitious of renown; indeed, he had already given to the world pledges of that ambition; and he would tell the right hon. Baronet that the man who carried out this scheme would have achieved greater things than even he (Sir Bulwer Lytton) had done for literature, and his name would be handed down to posterity as a great Colonial Minister. The accomplishment of such a scheme would unite England with Vancouver's Island and with China, and they would be enabled widely to extend the civilization of England. When he referred to the civilization of England, he wished it to be compared with the civilization of America, and he would boldly assert—here, in the House of Commons, where every word that was said travelled round the whole world—that the civiliza-

tion of England was far above that of America. Why did he say this? Because the English were a free people; they were not contaminated by the infernal blot of slavery; and they would, as a free people, carry England's name, and England's laws, and England's literature across the whole continent of America. They afforded a refuge to the slave, and they exhibited to the populations they had planted in the more favoured portion of America a most striking example of greatness, goodness, and happiness. He maintained, then, that it was the duty of every man who wished well to mankind to promote to the utmost of his power this great project. He hoped the right hon. Baronet would take immediate steps to ascertain the legal rights of the Hudson's Bay Company, for when those rights were ascertained they would be enabled to compensate the Company. The next measure should be to plant a colony from the western shore of Lake Superior to the Rocky Mountains. And he entreated the right hon. Gentleman to carry out this object without delay. If that were not done, Minnesota would send her cohorts into the territory, and they would have to fight over again a boundary question similar to that which had arisen between this country and America some years ago. He therefore entreated the right hon. Baronet at once to bring in a Bill which would enable the Government to apply to the formation of a colony as much of the land now belonging to the Hudson's Bay Company as was suitable for such a purpose. His belief was, that if this country really fulfilled the great mission intrusted to her, she would establish English nations in Australasia, in South Africa, and over the whole of North America. It was formerly said that the language of Spain was spoken over a greater portion of the world than any other language; but if the scheme he pressed upon the Government were adopted, the English tongue, English laws, the English religion, and English literature would be predominant in the world. He believed this result would lead to the happiness of mankind; for he would venture to say without fear of contradiction that the English nation, as a nation, was the great nation of the earth, and that by spreading their language, their institutions, and their literature over the various countries of the earth, they would render an invaluable benefit to mankind, and would fulfil the purpose for which they had been placed in such a high position. He could not imagine what opposition would be offered to the Resolutions of which he had given notice. He had been told that the "Previous Question" was to be moved, but that was always a cowardly mode of proceeding. It was saying in effect, "We admit the truth of the proposition, but this is not the time for considering it." His first proposition was that the privileges of the Hudson's Bay Company ought not to be renewed. Did the Government intend to renew those privileges, which would expire next May? If not, why should not the House of Commons now declare that it was expedient at once to put an end to such privileges? He warned the right hon. Baronet that if he intended to renew the privileges of the Company strong opposition would be offered to the measure; but if he did not entertain such an intention, on what ground could he object to the Motion? If the right hon. Baronet declined to express any opinion on the subject at present, the Hudson's Bay Company would only regard him as a cowardly Minister, who dared not declare what his intentions were. He (Mr. Roebuck) had brought no charge against the Hudson's Bay Company; he did not intend to bring any charge against them; but he believed it would be for the interests of England that the Resolutions of which he had given notice should be adopted, and he hoped they would receive the assent of the House.

Motion made and Question proposed, "That the privileges of the Hudson's Bay Company, about to expire, ought not to be renewed."

VISCOUNT BURY, in seconding the Resolutions said, this question was one which possessed a double interest, inasmuch as it involved not only the welfare of some of our important colonial possessions, but, to a very great degree, the Imperial interests also. He thought the House ought to be informed what were the intentions of the Government on this subject, because the time was getting very short, as the exclusive license of trade possessed by the Hudson's Bay Company would expire early next year. He could only hope that the opinions of the present Government would not coincide with those of the late Government on this subject. He had in his hand a letter addressed by Mr. Merivale, while Secretary for the Colonies, to Captain Shepherd, which evinced a disposition on the part of the late Government to renew the license of

trade upon certain conditions; but Mr. Merivale stated that he did not think it incumbent upon the Government to investigate the legality of the rights claimed by the Hudson's Bay Company, and that he considered it no part of his duty to moot that point. He said that if persons in Canada wished to contest the legal rights of the Company the Government must leave them to take that course on their own responsibility. Now, he (Viscount Bury) thought that when a question was certain to arise as to whether a large amount of compensation for these rights, or supposed rights, was to be given to the Company, it was a matter which very much concerned both that House and the Government to examine into those rights before they talked about compensation. Then the Government went on to say that, if no such proceedings were taken, they were prepared to propose, as a condition of the renewal of the license, that the Company should surrender such portions of the territory as were required by Canada for the purpose of settlements. Now, this begged the whole question. In the first place, why should all this land be reserved to the Company when neither the Government nor the House knew whether they had any right to it? Again, the question was treated as exclusively one between Canada and the Hudson's Bay Company, though it seemed to him that the matter concerned the whole empire. If Canada were placed in possession of this vast territory to-morrow she would not be able to govern it; she could not colonize it, for the country she already possessed was not filled up. The real point at issue was whether the Company should continue their monopoly, should keep closed doors, should put up a "no thoroughfare" board at every inlet into this country, or whether it should be thrown open to the enterprise of all Her Majesty's subjects. In the same correspondence there followed a letter from Mr. Shepherd, in which he said that the territory mentioned as likely to be taken by Canada was not only of value to the Hudson's Bay Company in connection with the fur trade, but because from it the Company's store of provisions was drawn, and he added that their expenditure would be largely increased if this district were taken away. Here was another assumption on the part of the Company that their rights and claims were quite unapproachable. They chose to assume this, and then assigned as a reason for not throwing open this route to the West—through which he believed our intercourse with India and China would at no distant day be carried on—that they would be at fault for want of pemmican, and would have to go into the United States or Canada to make their markets. In consequence of the statement made that it was not the part of the Government to investigate these claims, the task seemed to devolve upon anybody who had an interest in that portion of Her Majesty's dominions. Connected as he was, therefore, by all sorts of ties with these colonies, he had endeavoured, to the best of his ability, to inquire into the subject for himself, and to ascertain how far the Company's rights were founded on truth and justice. Before, however, stating the result of his investigation, he should like to say a few words upon the nature of the territory claimed by the Company. Out of the House he seldom heard that territory mentioned without being more or less associated with the terms "barren," "sterile," "ice-bound," "unfit for colonization and the support of human beings." But that was an entirely erroneous supposition. It might be true that comparatively only a small portion of this vast territory was fitted for colonization, but it was no less true that that comparatively small portion consisted of something like 500,000 square miles, and would afford occupation and means of subsistence to, he believed, every person of full age in Her Majesty's dominions, both in the Colonies and at home. Eastward from the Rocky Mountains, and as far south as Peace River and Lake Athabasca, the country was barren and unfit for settlement; but southward from that point, as far down as the boundary line, the 49th parallel of latitude, it was magnificent, consisting of the same fine prairie land as that in which the Ohio and Mississippi sprung—well watered, very fertile, stocked with wild animals and fish of every description. Another part of the country consisted of impenetrable forests, the soil of which, like that of the Canadian forests when reclaimed, would be found well suited for agricultural purposes; but the prairie lands were those most susceptible of cultivation, and upon which the development of the country and its future prosperity would chiefly depend. His right hon. and learned Friend had alluded to the possibility of forming a communication by railway from the head of Lake Superior to the Pacific, but he had made no allusion to the water communication which might be opened.

Viscount Bury

It was only within the last few years that the United States had, by very great exertions, formed a ship-canal to overcome a fall of eighty feet called Sault St. Marie, by which ships were able to pass from Lake Michigan to Lake Superior. He thought that the system adopted by the United States in the formation of a certain ship canal might be very easily applied. In that case 180,000 acres of land were set aside in the State of Michigan, and were given in trust for the persons who made the canal on condition that they finished it; and as it advanced and they wanted money part of the land was sold, and supplied funds for prosecuting the work. It was found that the sale of these lands, made infinitely more valuable by the canal itself, fully remunerated the shareholders for their undertaking; and he thought it would not be at all difficult to set aside reserves of land along the line from Lake Superior to the Pacific, and apply the proceeds of the lands sold to defray the expense of constructing the communication between those two points. With the exception of a single rapid (which might be avoided by a canal) the navigation of the Saskatchewan offered no difficulty. With this one exception you could take a vessel of considerable size up to the foot of the Rocky Mountains; and at this point there was a gap in the mountains which would interpose no great obstacle in the way of a junction between the Columbia and the Saskatchewan, whose sources were but a little distance apart. In fact, there were very great facilities for the completion, not only of a railway, but of a water-communication with the Pacific, and he hoped some day to see this great work accomplished. As regarded the claims of the Company he apprehended it would be conceded that no grant could be valid unless the land were absolutely and *de facto* in the possession of the grantor at the time the grant was made. Now, he believed it might be proved that this country did not belong to England when Charles II. gave it to the Hudson's Bay Company. For some time prior to the date of the charter it was, he believed, the property of another Christian king, and as such, by the terms of the charter itself, it was expressly excluded from the grant. Further, he thought he could show that, supposing all these difficulties overcome and the charter to have been originally valid, the Treaty of Ryswick at once and for ever upset it. In 1598, many years before the date of the charter, Henry IV. of France made the Sieur de la Roche Lieutenant Governor of lands the boundaries of which were described by the French geographer, L'Escarbot, in his edition of 1611, and which were sufficiently wide to include a large part of the Hudson's Bay territories. Subsequently, in 1627, the Cardinal Richelieu granted to the *Compagnie de la Nouvelle France* seignorial and territorial rights such as were usually given in feudal times, over a tract of country extending from Labrador to the Pacific. It would, therefore, appear that under the terms of their charter the Hudson's Bay Company were for the second time debarred from setting up any just claims to the territory which had thus been disposed of. In 1629, a few years after Charles I. came to the throne, Quebec, as well as the towns of New Brunswick and Nova Scotia were taken by the English, who held possession of them during the war; but when peace was concluded by the Treaty of St. Germains, the whole of Canada was relinquished to France, all the conquered territory was given back to her, and the British forces were withdrawn from the positions which they had taken and occupied. There was, therefore, an international treaty by which the charter of the Company was barred. That charter was granted in 1670, but it was not for some years afterwards that any attempt was made upon the part of the inhabitants of this country to establish themselves in that portion of North America to which the charter related. The cause which led to the granting of the privileges which the Hudson's Bay Company enjoyed were to be found in the fact that two French Canadians, named Grozelier and Radisson, who in 1668 applied to the French Government for powers something similar to those which had been conferred upon the *Compagnie de la Nouvelle France*, had their application refused, and in consequence came over to this country and gave a most glowing account of those districts which were now under the control of the Hudson's Bay Company. In 1668, they fitted out an expedition to that country, and it was so successful that Charles II. was induced to grant that Charter to the Hudson's Bay Company, of which they now heard so much. The Company proceeded to establish forts and factories on the territory thus ceded to them. Now, for the first time, the British established themselves on the coast

of Hudson's Bay; but no sooner had they done so than France took measures to oust them. Those measures, however, were insufficient for the purpose, and the English for a few years held their position, although they lived in a miserable way, on the shores of the country. England and France were then at peace, and if the Hudson's Bay Company had then a right to the territory, the attempts made by France to oust the English might have been treated as a *casus belli*; and it seemed strange they had not been so treated, unless indeed, it was then tacitly admitted that the rights of the Company were very slender. Then came the Treaty of Ryswick, of 1697, one of the articles of which was, that the forts taken by the English in a time of profound peace should be given up to France. Surely if the Hudson's Bay Company had at that time a leg to stand upon, or if the British had the slightest claim to the shores of Hudson's Bay, they would not have tamely submitted to such a treaty. Through some oversight one of these forts was not given up to France. In 1713 came the Treaty of Utrecht, when England became possessed idisputably, for the first time, of the Hudson's Bay territory, and they returned into the possession of their forts, which they held ever since; but that Treaty conferred nothing on the Hudson's Bay Company which had not been conferred by the Treaty of Ryswick, and the Treaty of Ryswick conferred nothing which they had not had before, and what they had before was absolutely nothing. When Canada was ceded to Great Britain, the Hudson's Bay Company were only in possession of one fort. Canada had been infinitely more successful than their rivals of Hudson's Bay; but as soon as the country came into the possession of Great Britain, the Hudson's Bay Company began to oppose in the interior the French Company of Montreal. Previously that part of the country was in the undisputed possession of the French. Now he came to 1812. At that time the stock of the Company had become greatly depreciated by mismanagement and ill success. But there rose up at this time one who would be a great man in any age, a man of the most iron nerve and determined resolution—Lord Selkirk, who soon acquired a predominant influence in their councils. He saw the French Company trading up Lake Superior, and that they were obliged to carry up supplies a long distance, and that it was impossible they could carry on their trade in Canada in any other way. It was at this time Lord Selkirk formed the Red River Settlement, which had been instanced as a proof of our colonizing power; but it was not owing to our colonizing power, or to the Hudson's Bay Company, or to anything but the adventurous and military spirit of Lord Selkirk. Its object was not colonization, but was due to the prompting of a military and strategic spirit. The object of Lord Selkirk was to cut off the supplies of the French Canadian Company. If the Montreal Company were unable to reach the interior and bring supplies, it was easy to see what would be the result. A few years after this Lord Selkirk went down to Quebec, and soon after became possessed of great power. He became a magistrate of Canada, and was invested with considerable authority. Lord Selkirk enlisted a body of disbanded soldiers, set off and took Fort William, which was not within the bounds of what the Hudson's Bay Company claimed under their charter, but belonged to Canada. Attempts were made to oust him from the fort; the force sent to do so was defeated, and the constables imprisoned; and when the sheriff was sent to levy a fine of £500, he imprisoned the sheriff also. Now Fort William was on the extreme verge of civilization, and tidings such as these were a long time in reaching England. In 1821, however, the right hon. Member for Coventry (Mr. Ellice) pointed out that both parties were fighting an up-hill game, that litigation would exhaust their funds, and especially warned the Hudson's Bay Company that their charter would not hold water if contested; but, said that Company, let us trade under your charter and we will hold your monopoly against all the world. The rights claimed by the Hudson's Bay Company were of a twofold nature. One was the monopoly of trade over Rupert's Land, granted by charter, and the other was a license of occupation for twenty-one years, which would expire next year. With respect to the license now on the eve of expiration he had nothing to say, that being strictly within the power of Parliament to grant or withhold as it might think proper; but as to the monopoly of trade over Rupert's Land, even if the charter was valid, there were legal objections to it. He found that Blackstone, in his *Commentaries*, laid it down that, in a newly-discovered country, having no laws of its own, the laws of England came into force as soon as we took possession of the land,

and remained in force until others were made by competent authority. The charter of 1670 declared the Hudson's Bay territory to be one of His Majesty's plantations or colonies of America, and therefore it was liable to the same laws which governed the other dominions of the King of England. One of these laws declared that all monopolies were illegal and bad, and Lord Coke, a contemporary authority, had said that monopolies of traffic were opposed to the liberties of the people. It followed, then, that King Charles, by the charter, granted what he had no power to grant. There was an Act of the reign of James I. which made all monopolies void, and two knights who were found guilty of being concerned in a monopoly of the sale of gold lace were exposed in the pillory and made to ride through the streets with their faces to the horses' tails. He did not advocate such strong measures towards the Hudson's Bay Company, but he thought it time their exclusive privileges should cease. The license of exclusive trade was, in fact, a complete and exclusive power over the lives, the liberties, and the labour of the Indians. If, by the charter, the Indians were compelled to sell to the Hudson's Bay Company alone, at any prices which the Company might choose to give, those Indians were completely at the mercy of the Hudson's Bay Company, through whom alone they could obtain the ammunition that was necessary to enable them to kill those animals from which they derived the means of subsistence. If the prices given by the Hudson's Bay Company were not as high as could be obtained in an open market, then the charter simply granted them a monopoly of power over the lives, the liberties, and the property of a large body of Her Majesty's subjects. Much had been said about the colonizing tendencies of the Hudson's Bay Company; but he would invite the House to consider what was the fact. There was an astronomical boundary, south of which was to be found a teeming population, while north of that line the country was in respect of population a perfect desert. Every year the population of the United States advanced northwards, and very soon would overstep the astronomical boundary which marked the commencement of British territory. When that happened the hard-headed American farmer would not stop to inquire whether he was on British or American soil, but he would miss the protection of American laws, and would demand to be placed under their safeguard. He believed that there was far more danger of difficulty arising from that source than from any Central American question. In conclusion, he would quote the words of a Canadian legislator, one who occupied a prominent position in that country, who declared:—

"This was the very madness of monopoly. Surely the Hudson's Bay Company could not expect by their effete and stupid charter to shut up for ever the route to the great West?"

He (Viscount Bury) agreed with that sentiment. It was utterly impossible that this monopoly should be permitted to endure after public attention had been called to the subject, and he trusted the discussion which would take place that evening would open the eyes of the nation to the importance of the matter, and that Her Majesty's Ministers would not be backward in acting upon the suggestions that would be made.

MR. GLADSTONE: Sir, I am sure I only express the unanimous feeling of the House when I say that I have listened with great interest to this discussion as far as it has gone. My hon. and learned Friend (Mr. Roebuck) is a veteran in these matters. It is a fact upon which the hon. and learned Gentleman has a right to reflect with gratification, that upon this subject and other questions relating to our policy in British North America he has frequently been the expositor of truths at an early date, which although not at once acknowledged have subsequently obtained complete recognition. I believe the exposition he has now made is one in which he is so far fortunate that it is not even now unpopular; and I am convinced that the history he has given us and the opinions he has expressed are so sound and just that they must become the basis of our future policy in respect of that country. Although a veteran in the cause, I am sure my hon. and learned Friend has hailed with joy and satisfaction the accession he has received to-night in the person of one who is a novice indeed in years, but who in knowledge and accomplishments has shown himself a thorough master of the subject. If I do not say more of the speech of the noble Viscount it is because I feel that he has so completely possessed himself of the matter, in all its facts and bearings, that it would be presumptuous in me to comment upon it. As to the question that is immediately before us, my hon. and learned Friend has laid down

three propositions. Of these, the first is that that portion of the privileges of the Hudson's Bay Company which are now about to expire ought not to be renewed; next, that the legal validity of the exclusive rights of the Company under their charter should be determined by force of law; and, thirdly, that arrangements should be made with the Hudson's Bay Company for extricating from their possession, whether rightly held or not, but upon the mere grouud of policy, so much of the territory as might be needed for the purposes of colonization. Of these propositions the most important is the second, and upon that I wish to address a few observations to the House. No one can have listened to the speech of the noble Viscount without being convinced that this is a most serious matter. Here is a large portion of the surface of the earth with regard to the character of which we have been systematically kept in darkness; for those who had information to give have also had an interest directly opposed to their imparting it. I am at liberty to say so because I refer only to public documents; and as an illustration of the truth of what I have said I need only direct attention to the interesting and important work of Governor Simpson, his *Voyage Round the World*—he will find in that work that Governor Simpson, who, when he had a pen in his hand, was not dreaming of any controversy about the Hudson's Bay Company, giving a glowing description of the agricultural capabilities and fitness for colonization of a very considerable and important portion of the territories of the Hudson's Bay Company. Last year my right hon. Friend the then Secretary of State for the Colonies (Mr. Labouchere), moved for, and the House granted a Committee to inquire into the affairs of the Hudson's Bay Company. Before that Committee questions were raised seriously involving all their rights. Governor Simpson was examined before it, and the hon. and learned Member for Sheffield and other hon. Gentlemen questioned him upon the agricultural and colonizing capabilities of the territory of the Company. An entire change had come over the spirit of his dream. He represented that these territories were bound up by frost and banked in fog, and that woe would betide any unfortunate individuals who might by a reckless spirit of adventure be so far diverted from the path of prudence as to endeavour to settle in those parts. And, when some Member of the Committee, with inconvenient curiosity, ferreted out the book of Governor Simpson and made quotations from it, the Governor, with all his ingenuity, which is not small, was greatly puzzled, and indeed entirely failed to reconcile the account of the country which he had given as an author, and that which he gave as Governor of the Hudson's Bay Company, when the object was to prove to the Committee of the House of Commons, that it was useless to pluck and feather the Company because they had got nothing which was worth having. Now, the truth is beyond question, that a great part of this country is highly valuable for colonizing purposes, and it is impossible to state in too strong language the proposition, that the Hudson's Bay Company is, by its very existence and its character the enemy of colonization. All its traditions, all its habits, all its establishments—the fruit of generations—all its purposes and arrangements, are not only not directed to colonization, but are directed to purposes the attainment of which requires that colonization should be absolutely excluded. If it be necessary for a gentleman who makes a deer forest in Scotland to remove the sheep and the shepherd's hut from its range, still more necessary is it that from the whole of the Hudson's Bay territory which is to be used for the purposes of the fur trade, colonization should be excluded with the utmost and most unyielding rigour. The noble Viscount (Viscount Bury) has pointed out to the House many of the reasons which lead us to suppose that the rights of the Hudson's Bay Company in that country are extremely doubtful. He has shown that it is very questionable whether the country which was purported to be given did not at that time belong to France. The hon. and learned Member for Sheffield has pointed out that it is at least very doubtful whether it was not admitted in the reign of William III., in the year 1689, that the validity of the charter hung upon an Act of Parliament which expired seven years afterwards. There is another point which is extremely doubtful, and a most proper subject for legal argument—but which has not been mentioned to-night. The charter, if I recollect rightly, while it purports to give the privilege of exclusive trade—a privilege which it is very questionable whether the Crown could confer, as against British subjects—gives that exclusive trade only with the Indians; but the policy of the Hudson's Bay Company

has been to prevent parties carrying on any trade or any enterprise whatever within its territories. Yet, when the charter was granted it was not trade with the Indians alone which was contemplated; on the contrary, those who refer to that charter will see that it was then anticipated that trades of other kinds might be carried on in this territory, and in particular that mining enterprise would there prove highly successful. My noble Friend, if I may call him so, says, taking up the expression, that the Hudson's Bay Company have written up "No thoroughfare." The usual mode of prohibiting entrance is to put up a board bearing the words "No admittance except on business;" but this Company have done worse—they have refused admittance, especially when it is upon business. Admittance for the purpose of carrying on business is what they will on no account permit; and my hon. and learned Friend is right when he says that from the nature of their undertaking it can only be carried on upon the assumption that all human enterprise is to be excluded from the country, which is to be left solely to the Indians and to those agents of the Company who deal with them. This is a most interesting question. Although it concerns a vast tract of country much of which is a hopeless and inhospitable waste, there is a colouring of romance over the whole history of this territory; and although romance and law are not usually associated, yet I will venture to say that, turning from the wild life of these regions and the pursuits of the people connected with the objects of the Company to the legal points concerning its condition and status, there never were presented for the exercise of human ingenuity and intelligence a more interesting or more curious set of questions than are involved in the consideration of this matter. Let me, in showing that there are fair and probable grounds for raising these questions, refer to another point connected with the validity of the Company's charter, and it shall be the last which I will notice. At present the Hudson's Bay Company are in possession, by virtue, as they consider, of their charter, of the whole country reaching from the source of the Saskatchewan, in the Rocky Mountains, for some thousands of miles across the country, to Hudson's Bay. Now, even if you admit the rights of the Crown over this territory—if you admit its right to grant the charter, and to give an exclusive privilege of trading, as against all other British subjects, to these favoured parties, it still remains extremely doubtful, upon the language of the charter, whether it did give, or was ever intended to give, to the Hudson's Bay Company that vast range of territory, and whether the true legal interpretation of it is not that the lands intended to be given were those upon the shores of the Bay, and upon the shores of the lakes and rivers in its immediate neighbourhood. And in conformity with that was the state of facts, because the Company did not at first possess themselves of this vast territory reaching to the Rocky Mountains. On the contrary, for a hundred years and more after the granting of the charter, they departed, but by comparatively small and trifling distances, from the shores of the Bay, and the time at which they extended themselves over this vast range of country was the more recent date at which they formed their fortunate coalition with my right hon. Friend the Member for Coventry. It would, therefore, I think, appear, without endeavouring to make the House responsible for the arguments which have been addressed to it, that there are very serious reasons in law for questioning the powers at present possessed and exercised by the Hudson's Bay Company. I dare say that it is in the knowledge of many hon. Members that there are upon record the opinions of very high legal authorities—counsel not Judges—including Lord Brougham, Mr. Serjeant Spankey, and Sir A. Pigott, which to the full bear out the opinions that have been expressed in the course of this debate. There is, however, an impression that there would be great hardship in raising this question at the present time. It is said that the Company have been in possession for nearly two centuries, and that, even supposing that the grant was originally wrong, yet by some peculiar process that wrong has gradually been enured and hardened into right. Let the House briefly examine that view of the question. In the first place, it is not a view which the House of Commons has ever yet consented to recognize; because in the year 1849 this House unanimously adopted an Address praying that the Crown would be pleased to take legal steps for the purpose of testing and ascertaining the validity of the rights of the Company. I had the honour of moving that Address, and I certainly thought that "legal steps" meant a process in a court of law according to the good old

constitutional fashion, dating from 200 and more years back, under which, when powerful companies were found exercising rights which were considered hostile to those of the public, it was usual to try those rights by a suit in a court of law, such companies being perfectly competent to defend themselves, and a legal issue being the fairest mode of ascertaining the rights of all parties. The noble Earl who was then Colonial Secretary (Earl Grey) understood that Address in a different sense, and, instead of causing any judicial decision to be taken, he obtained, I think, from the Company an *ex parte* statement of their claims, that *ex parte* statement he submitted to the law officers of the Crown, and upon it obtained their opinion that they saw no reason to question the charter upon the case stated to them. His last step was to inform a young gentleman named Isbister, a most meritorious man but in humble circumstances, who was struggling to pay for his own education at the University of Aberdeen, and assisting in the work of teaching there, that it was open to him as a private individual to try the question on behalf of the public at his own cost and charge. The Company agreed to this, and I must say that they have never in any improper manner endeavoured to shirk the raising of this issue. I only refer to this because it is a proof that the House of Commons has not recognized any principle averse to the Motion of the hon. and learned Gentleman, but on the contrary has been of opinion that the ascertaining by legal process the rights of the Company was the proper and justifiable course to take. There is also, I think, a great deal of error in the impression that the possession of the Company is consecrated by time. It is quite a mistake to suppose that the flourishing monopoly which we now see is the creation of the charter of Charles II. For 150 years from the date of that charter the Company dragged on a feeble and inert existence, and the present flourishing and powerful monopoly is a child, not of the charter of Charles II., but of somebody who understood his business much better than the drawers of that charter—namely, of the right hon. Member for Coventry, whose absence this evening we most deeply regret, for here he ought to have been to receive the honours due to his industry, sagacity, and skill. At the same time, while we place the saddle upon the right horse, or rather the chaplet upon the right brow, it is not to be denied

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that in admitting that truth we strip the case of the Company of the character of venerable antiquity which the friends of the Company are rather fond of claiming, and give it, on the contrary, a character of what may be called something like modernism. The possession of the Company as it now stands is recent; but, at the same time, I would be the last person to maintain that any harshness ought to be shown towards the Company on that account. If the Company has rights, then, as my hon. and learned Friend says, the case is clear, it is entitled to the full and absolute enjoyment of them, and cannot be deprived of them except upon that ample compensation which it may claim on the ground of justice. It might, on the other hand, appear that although the Company have not very great rights in law, yet that in point of equity and fairness there are reasons for a liberal entertainment of their claims. That is an intermediate course which it might probably be expedient to pursue. I do not attempt to prejudge the question, but we should not assume that those who think the legal rights of the Company ought to be tested by an investigation are therefore of opinion that the Company should be harshly and severely dealt with. When those who have entered upon such an enterprise have staked their lives, their fortunes, their industry and energy in the undertaking, it cannot be a question that they should be treated by Parliament upon liberal principles. I feel strongly, however, that the British public have rights in this matter as well as the Company. I shall not now enter into the question, which is an important and difficult one, whether the colonization of the territory now possessed by the Company ought to be conducted by a direct agency from hence, or whether it would not be better to leave Canada to undertake the work; but I do say, that the rights of the British public and the necessity of opening new fields for the enterprise of British adventurers impose a duty upon us which we must not neglect. Whatever we may think with regard to the Company, however we may be disposed to deal with them, we ought not to allow this enormous obstruction to cover over a large space of the surface of the earth, with great capabilities for the exercise of human industry and enterprise, until we are certain that strict law and right stand in our way. Justice to the British public demands that steps should

be taken such as those which the hon. and learned Member for Sheffield indicates by his Motion. I now come to the last point the course to be taken on the present occasion. The mover and seconder of the Resolutions must be satisfied, from the reception their speeches have met with from the House, that they have greatly advanced by this discussion the general views and principles which they seek to establish. They have no reason, as far as I am aware, to anticipate any hostile feeling on the part of the Government, and I shall not be suspected of any want of sympathy if I venture respectfully to submit to them whether they would not do well to leave the further treatment of the question for the present in the hands of Her Majesty's Ministers. The Government have heard from the mover and seconder of the Resolutions much that will be useful to them, and that will assist them materially in determining their course. Were we to proceed upon the present occasion I know not what might be done by the Government; but I think it probable that any division which might take place would tend to create a false impression out of doors. I hope, therefore, that the hon. and learned Member for Sheffield will listen to the statements that will doubtless be made by the Ministers of the Crown, and, unless these statements are of a character entirely hostile in principle to his views, he will then be prepared to leave the subject in the hands of the Executive Government.

MR. LABOUCHERE said, the subject before the House was of the highest interest and importance, and one which might fairly be discussed in view of the near approach of the termination of the license enjoyed by the Company. He did not agree with the right hon. Gentleman who spoke last (Mr. Gladstone), that the real question was whether the charter of the Company was valid or not. The real question, in his opinion, was whether, while giving up to colonization all those portions of the territory now possessed by the Company which were adapted for it, we should not maintain, for Imperial purposes and the preservation of law and order, the existing monopoly in those immense tracts which were unfitted for colonization. He believed that every Member of the Committee which inquired into this subject a few years ago, including the right hon. Gentleman himself, was of opinion that—setting aside the question of charter or no charter as merely a secondary one—those vast tracts ought not to be left to chance, but should, for Imperial purposes, be intrusted to the care of some body or other, the general feeling being that the preference should be given to the existing Company, which was already in occupation of the territory. If the country to which he had referred were thrown open, without limitation or restriction, to adventurers from all parts of the world, the consequences would be very serious. For a few years there would be a lucrative fur trade carried on; but the fur-bearing animals, as a necessary result of being hunted in and out of season, would soon be destroyed and the Indians would doubtless share the same fate. For this reason, among others, he recommended that, whatever else might be done with that portion of North America which was capable of settlement, that part which was incapable of colonization and settlement should not be thrown open to indiscriminate occupation, but should, for the sake of civilization and humanity itself, be left in the hands of the Hudson's Bay Company. If he mistook not, the hon. and learned Member for Sheffield himself had expressed such an opinion; but on this occasion he had not told them how he proposed to deal with those portions of the territory which he proposed to take from the Hudson's Bay Company, and how he would prevent the bloodshed and anarchy among the natives which were likely to ensue if they were left to themselves. But he (Mr. Labouchere) thought that was a view of the subject which the House should not lose sight of. With regard to the validity of the charter, he agreed with those who held that it was desirable that its validity should be ascertained by a legal process. He could assure the House that, when he was in office, he looked most anxiously to see if there was any way of having its validity tested. But the question was not new. More than a hundred years ago the Government of that day were anxious to obtain information on the same point, and referred the propriety of raising this question to their law officers, men so eminent in their profession as Lord Mansfield, who was then Attorney General, and Sir Dudley Ryder, who was Solicitor General. Their answer was, that considering how long the Hudson's Bay Company had enjoyed and acted under their charter, without the slightest interruption, they did not think it was advisable that the Government should try the question of its

validity in the Courts of law, but should await some implied or express declaration of a Court of law against it. Well, when he was in office he raised the subject again, and referred it to the law officers—Sir Richard Bethell and Sir Henry Keating. Sir Richard Bethell soon afterwards told him, in conversation, that he never could recommend the bringing of a *quo warranto* against a charter of that description; that he thought it a tyrannical and high-handed proceeding which no Government ought to undertake. The two law officers afterwards gave their opinion, in writing, that the Crown ought not, in justice, to raise this question as to the general validity of the charter; but that, on every legal principle, the Company's territorial ownership of the land, and the privileges and rights incidental thereto—as, for example, the right of excluding persons acting in violation of their regulations—ought to be deemed valid. He did not pretend to give any legal opinion of his own; but, from conversations he had held upon this subject with the most eminent lawyers, both of this country and of Canada, he believed what could be affirmed on the matter was, that so far as a right to the territory was concerned the charter was good, but that so far as an exclusive trade was concerned, the Crown had acted *ultra vires* in granting it. He did not think, however, that much would be gained by the affirmation of that principle, because, if the Company had an undoubted right to the territory, they would be sure to make such use of it as would be most suitable to their own interests, and would prevent any competitors from entering into the market with them as rival traders. This had reference to the territory held under charter; but, with respect to the territory held under license, there the Crown had power to revoke its license at pleasure; and this latter land had a better soil than the other, was nearer to the sea, and was more fitted for the purposes of colonization. The country held under license was never given to the Company, except with the distinct reservation on the part of the Crown of the right to establish colonies. At the present moment the Government might erect in that part of the territory a colony without asking the leave of the Company, and the Bill before the House in reference to New Caledonia was a proof of the correctness of his statement. He was not so sanguine as some other gentlemen appeared to be as to the results of this system of colonization; but he was willing that the experiment should be tried. He was anxious that justice should be done to the Hudson's Bay Company, for it was his duty to declare that in dealing with them he had not found them unwilling to listen to him when he impressed on them the necessity of attending to the general interests of the country, and he had no doubt that the right hon. Baronet opposite had also heard the Company express the same desire to meet the wishes of the Government and the interests of the country as far as they could do consistently with a fair regard to the interests of the members of the Company. With regard to the Indians, he believed that on the whole the Hudson's Bay Company had acted humanely towards that people. This he knew, that they had managed to keep peace between the Indian and the white man in their territory, while across their border there were too often exhibited scenes of anarchy and bloodshed. The other day he read in a book giving an account of four years sojourn in Oregon, written by an American unfriendly to the Company, a statement to the effect that, in respect to the Indians, they had acted not only with more humanity, but with more good sense than the Americans; that they had gone on a policy, perhaps for the first time ever adopted towards the red man—they had employed and paid him; made him useful, and given him a value in his own eyes, while at the same time they attached them to the whites by the tie of a common interest. He (Mr. Labouchere) admitted that there was truth in the assertion that a fur trade company must be essentially adverse to colonization. Let the Government take such portion of the territory as they might for colonization, but let them not throw open the whole of those vast lands without having first secured the means for preserving peace and order. With respect to the Resolutions which had been moved, he could not advise the House to concur in them. It was premature to attempt to cut those knots, which required careful untying, by such Resolutions. As for the first Resolution it was his opinion, that it was for the public interest that the privileges of the Hudson's Bay Company should, on proper conditions and with proper arrangements, be renewed; but of this he was sure, that his hon. and learned Friend (Mr. Roebuck) had entirely failed to tell the House what he would do with the territory if those privileges were not

renewed. Lord Grey, when Colonial Minister, referred the question as to the validity of the rights claimed by the Hudson's Bay Company to the law officers of the Crown, who came to the deliberate conclusion—to which he had himself subsequently arrived—that it would not be becoming or consistent with precedent for the Government to institute proceedings with a view to try the validity of a charter granted by the Crown. He should therefore object to the Resolution now proposed in relation to that point; but, if the law advisers of the present Ministry entertained a different opinion from that of their predecessors, and thought that this charter could be fairly discussed, no doubt a great impediment to the final settlement of these questions might thereby be removed. The third Resolution, declaring that such of the lands under the Hudson's Bay Company as were needed for purposes of colonization ought without delay to be resumed by the Crown was a mere truism in which all must concur; and the Company was perfectly willing, upon fair terms, to surrender any part of its land for such an object. Under these circumstances he thought the House had better leave the matter in the hands of the Executive Government, whose views would doubtless be explained by the right hon. Baronet opposite (Sir Bulwer Lytton). An unfavourable contrast had been drawn by the hon. and learned Member between the Colonies of the United States and our own North American possessions. He must say he was greatly surprised to hear that comparison. He had watched with great interest the progress of that noble colony of Canada, and he believed that in all points of material prosperity, in true freedom, in all that constituted true happiness, the inhabitants of British Canada need not envy their neighbours. The care of the Ministers and of the Parliament of England should be to maintain that feeling in the colony. The true defence of Canada — the link which bound her people to the mother country lay in the fact that they could look across their own frontier and see nothing in the condition of their American neighbours which they had any reason to envy. The colonists of Canada were deeply sensible of this, and fully conscious of the blessings they enjoyed under British sway, and they were as thoroughly loyal and attached to the Crown of England as any portion of Her Majesty's subjects. He trusted, therefore, that nothing would be done which was calculated to offend their just susceptibilities. He had, himself, when in office, intimated to the Government of Canada that the Crown would not drag the charter of the Hudson's Bay Company before a judicial tribunal, although it was open to them or to any other subjects of the Queen to take that course if they thought proper; and that if the people of Canada desired to extend their territory into this region, they would have the assistance of the Home Government in doing so upon an equitable arrangement with the Company. He knew not whether any answer had been received to that proposal, but perhaps the right hon. Baronet opposite could afford the House some information on the subject. He could not agree with those who said that the people of Canada had no other right to any part of this territory except that possessed by all the rest of Her Majesty's subjects, because he regarded the prosperity and the loyalty of Canada as the keystone of the arch which kept together that portion of our colonial empire, and he therefore thought that nothing ought to be done which trenched upon their rights or wounded their just feelings.

SIR BULWER LYTTON: Sir, it is with some reserve that I approach the great and difficult questions involved in the Resolutions of my hon. and learned Friend. The Government, as yet, are in the condition of negotiators. Certain distinct propositions, as the right hon. Gentleman who spoke last told us, were made to Canada by the late Government with regard to any districts now covered by the charter of the Hudson's Bay Company which she might desire for the purposes of settlement; and, whatever cause there may be to suppose that the Canadian Government will reject those proposals, still every motive of policy as well as of respect to that great colony would make us desire that any scheme for colonization in that region may have her sympathy and concurrence. To those propositions we have had no official answer — still, Sir, I own that the probability that they will not be accepted is so notorious, and the interests involved in this question are so great, that I cannot hesitate to state, at least, the general views by which I venture to think that we ought to be guided. In glancing over the vast regions devoted to the fur trade, which are loosely said to be as large as Europe, the first thought of every intelligent Englishman must be that of humiliation and amaze.

Is it possible that so great a segment of the earth, under the English sceptre, can have so long been abandoned as a desolate hunting ground for wandering savages and wild animals? I put aside, for a moment, excuses of soil and climate; it is always presumptuous to decide hastily between man and nature—to say what man may or may not do to conquer those obstacles of soil and climate which nature may raise against him. It is enough for us to cling to the grand principle that civilization should be left to find its own voluntary channels; that we should not force it, but should take care not to obstruct it. No one can deny that a trade which preserves wild animals and has a direct interest in excluding civilized men does obstruct civilization if it claims territorial rights in any district which civilized men are disposed to cultivate and inhabit. The right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) summed up the general evidence before our Committee in the first two of a series of Resolutions which he proposed to that Committee: first, that the country capable of colonization should be withdrawn from the jurisdiction of the Hudson's Bay Company; secondly, that the country incapable of colonization should be left to that jurisdiction. In the two abstract principles involved in these propositions lies the readiest solution of the gravest difficulties that beset the question; it is the attempt of a practised statesman to effect a compromise by which civilization may gain all it asks at present, and humanity may not only preserve to the savages scattered over frozen deserts, inaccessible to regular government, the trade on which they depend for existence, but guard them from the terrible demoralization produced by rival bribes of ardent spirits, and the strife and bloodshed among themselves, or between themselves and the whites, which might follow if the administrative machinery which it is the interest of a trading company to establish were destroyed before any effective substitute could be found. These are the reasons which will weigh upon the Government in considering the renewal of the license. The Government will certainly not renew the license over any part of the Indian territory which promises early settlement; but they reserve for further deliberation whether they will renew it for a limited period over the more remote and northern regions, taking care that the Crown shall have always the power to withdraw from that license any land that may be required for the uses of civilized life; that it shall retain all the imperial rights to fisheries and mines, and whatever may call forth human industry and enterprise in pursuits more congenial to our age than that gloomy trade in the skins of animals which seems to carry us back to a date before the annals of history. Now, although the renewal of the license may possibly form a part of any fresh negotiations with the Hudson's Bay Company for arrangements respecting the Red River Settlement; yet it ought in principle to be considered apart from such arrangements, and on its own merits—in lands held as yet only by the Indians does the exclusive license, or does it not work well for the Indians? The license is a question wholly distinct from that of the charter; the license gives none of the territorial rights which the charter assumes—it involves no principle of compensation in case of any lands which colonists may require, and it ought to be regarded simply as an instrument by which the Government can effect that safeguard from broil and disorder which in so vast and profitless a wilderness the Government is not able of itself to establish. But, whatever doubts may be entertained as to the second proposition of the right hon. Gentleman the Member for Oxford, namely, that land incapable of colonization should be left to the jurisdiction of the Hudson's Bay Company, no one can dispute the soundness of the first proposition, that the country capable of colonization should be withdrawn from that jurisdiction; and turning our eyes from a trade which, unlike all other commerce, rests its profits, not on the redemption, but on the maintenance of the wilderness, it must cheer us to see already, in the great border lands of this hitherto inhospitable region, the opening prospect of civilized life. Already, by the Pacific, Vancouver's Island has been added to the social communities of mankind. Already, in the large territory which extends west of the Rocky Mountains, from the American frontier up to the skirts of the Russian domains, we are laying the foundations of what may become, hereafter, a magnificent abode for the human race; and now, eastward of the Rocky Mountains, we are invited to see, in the settlement of the Red River, the nucleus of a new colony, a rampart against any hostile inroads from the American frontier, and an essential arch, as it were, to that great viaduct by which we hope one day to connect the harbours of Vancouver with the

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Gulf of St. Lawrence. This is the district offered to Canada, and I think my hon. and learned Friend has good reason to presume that Canada will decline the task of forming it into a colony at her own responsibility and charge. If the answer from Canada be unfavourable, we have two options—either to leave the district, as now, under the jurisdiction of the Hudson's Bay Company, which nothing but absolute necessity would justify, or to take it into our own hands and form a colony, which will, no doubt, one day constitute a confederate part of a great Canadian system, and which might meanwhile, perhaps, be administered by a Government in concurrence with Canada. To this there have been two objections. The first is the presumed expense. This I do not at present anticipate. All heathful colonies should be self-supporting, and I agree with my hon. and learned Friend in the general theory he advances with so much eloquence and wisdom. Colonies will be self-supporting in proportion as you leave them to raise their own revenues under free institutions. The second objection is, that such a colony would not be peopled by Canadians; that, owing to the easier access from the American frontier, the majority of immigrants would be Americans. This objection does not alarm me. In the first place, though the immigrants come from the American territory as the readiest access, it does not follow that they should all be Americans. Probably large numbers of our own countrymen, especially the Scotch, would flock there, as well as Americans; and as for Americans, once settled as British colonists, it is probable that they would soon identify their national feelings and interests with the land in which they lived, and the conditions of the Imperial Government. It has been so already in Canada; it would be so at Red River; because all history tells us how soon men, if at all of kindred race, take, as it were, the stamp and colour of the land in which they settle. We, in this country, are an instance of that truth. No less than sixteen counties in this kingdom were given up to the immigration of the Danes, and probably the great mass of the population in those counties, more particularly in Yorkshire, Lincolnshire, and Norfolk, are of Danish origin to this day; yet in a very short time they became as heartily English and as hostile to the Danes of the Baltic as the Anglo-Saxons of Kent. Nay, even the Normans, despite their pride as a conquering race, despite the difference of language, became in the third generation as intensely English and anti-French in their national feelings as if they had been Saxon Thegns. In short, no matter where men come from, place them in ground covered by the British flag, overshadowed, though at a distance, by the mild British sceptre, and they will soon be British in sentiment and feeling. All that I say on this score is, do not, on account of such jealousies and fears, obstruct civilization. Here is land fit for settlement; if civilized men will settle in it, let them. Never let us mind the difficulties of access, soil, or climate, Leave the difficulties to them. Nature and man will fight their own battle and make their own peace. With regard to the fitness of the place itself for colonization, I an contented to take the opinion of the Hudson's Bay Company themselves; for, in a letter from the Company to Lord Glenelg, February 10th, 1837, when asking for a renewal of the license, I find it said.—

"The soil and climate of the country of the Red River settlement are favourable to colonization; that it was intended that this settlement should be peopled by emigrants from Britain, and that the Company hoped to establish in time a valuable export trade from thence to the mother country, in wool, flax, tallow, and other agricultural produce."

Sanguine hopes, not realized since 1837 under the auspices of the Company, but which may be more rapidly fulfilled when the Company withdraws from the place the shadow of its chilling protection. With regard to the safety of a settlement at the Red River from all ordinary attacks that might be made on it from the American quarter, I have a most satisfactory Report from Sir William Eyre, the Lieutenant General commanding the forces in British North America. He states that—

"The Red River settlement consists of about 8,000 persons, of whom 2,000 are Irish, English, and Scotch; the remaining 6,000 all mostly half-breeds. They are generally good shots, skilled in the use of fire-arms, and good horsemen. A local force or militia, of at least 1,000 men, could be easily organized and embodied. . . . . The barracks are perfectly habitable, and the post defensible, except against heavy ordnance, which it would be difficult to bring up against it. Norway House is the chief depot of the Company—the position might be made impregnable. All communication between Lake Superior and the Red River is now, according to Sir George Simpson, impracticable for any body of troops. . . . A few individuals might go, but not any force. There is abundance of provisions in the country; no want need be apprehended; water is good—

wood abundant. The climate is severe in winter, but healthy at all seasons."

These few extracts may suffice to show that a settlement once established would be safe from danger from without. As regards the fur trade in this district, I need scarcely say, that if you take the land from the Hudson's Bay Company, the monopoly that goes with the land will expire. To attempt to maintain the monopoly there would be impossible, and only give rise to perpetual feuds. In fact, I must be pardoned if I say that there is good reason to believe that that monopoly has practically, in a great measure, ceased to exist in those parts. Major Seton reports from Fort Garry itself:—

"The Hudson's Bay Company have long since abandoned in practice their pretensions to exclusive trade in this district and far beyond it."

Captain Pallisser writes word:—

"That monopoly there is unattainable now and for evermore; that the people engaged in the illicit trade are inhabitants of the Indian land, and born on its soil. Most of them are half-breeds; they are British subjects; and whatever the rights of the Hudson's Bay Company under the charter, they think it a very hard case that they should be debarred from trading in the land of their birth. There appears to be a shadow of justice in this complaint; but, just or not, the opposition exists, and nothing short of extirpating the people engaged in it can ever stop it."

Indeed, this Report is so far confirmed by Captain Shepherd himself, on the part of the Hudson's Bay Company, that he states, in a letter to the Colonial Office:—

"That the diversion of the fur trade is carried on by the inhabitants of the Red River Settlement, who, regardless of the Hudson's Bay Company, conduct an illicit trade in spirituous liquors and furs in various parts of the country."

I think, therefore, there can be no doubt that, where the Company yields the land, it must resign the monopoly. It will be an after-consideration by what regulations the trade should in that case be carried on, so as to maintain order and peace, and respect that considerate humanity which is due to the Indians. But now comes the difficulty. The land we would thus dispose of for colonization is within the charter of the Hudson's Bay Company, and if that charter be valid, the land belongs to the Company, but not the monopoly of the trade, except as includes the right of ownership to keep others off the land. The law officers of the late Government, men of very high distinction, consider—

"That the Crown cannot now, with justice, raise the question of the general validity of the charter; but that, on every legal principle, the Company's territorial ownership of the lands granted, and the rights incident thereto—as, for example, the right of excluding from their country persons acting in violation of their regulations—ought to be deemed valid."

While this opinion of the late law officers remains before us, unexamined by our own law officers, it would be presumptuous in me to express any opinion of mine. It is our intention to submit the question to the most careful and deliberate consideration of our law officers, and ascertain from them whether, in equity and justice, we could advise the Crown, or recommend to Parliament any mode by which to facilitate a judicial decision upon this venerable title-deed. But I am bound, in justice to the Company, to say that, though it might be very desirable to try the validity of the charter, it is not absolutely necessary to do so for any immediate objects of colonization. It is but just to the Company to say that it has not hitherto shown itself stubborn or intractable. It does not say, "You shall not have the land which our charter covers." It says, on the contrary, "Take whatever land you please; Heaven forbid we should stand in the way of civilization. We are not the fit agents to colonize; we have not the means for it; we tried it at Vancouver's, and are glad to get rid of the experiment; take, then, whatever land you desire within the range of the charter. But"—here comes the critical but!—"we rely on your honesty." In other words, "If you take from us that which we actually possess, without proving that we have not the right to possess it—we are human beings, and we expect some kind of compensation." Seeing all the embarrassments of this dilemma, I cannot but admire the skill with which, in pursuance of the report of our Committee, the right hon. Gentleman the Member for Taunton (Mr. Labouchere), devised a scheme which was intended to unite the objects we have in view with a temperate conciliation towards the claims of the Company. He proposed to cede this territory to Canada if she would agree to open a line of communication to it, and give satisfactory evidence of her intention to take steps for laying out townships and settling and administering the affairs of these districts; and as to the Hudson's Bay Company, he proposed to renew its trading license for twenty-one years over the wilderness not fitted for colonization; and that three Commissioners—one chosen by

Canada, one by the Imperial Government, and one by the Company,—should consider and report what, under all the circumstances of the case, might be justly payable to the Company in consequence of such contemplated annexation, and in respect of property which they might be required to surrender. Well, if Canada reject these proposals, our hands are free for fresh negotiations and unfettered action. Meanwhile, to sum up my answer to the hon. and learned Gentleman, first, I think the license ought not to be renewed except where civilization has no requirements and law no other machinery but that of the Company. Secondly, with regard to raising the question of the validity of the charter, it will be submitted to our law officers, and we can obviously say nothing one way or the other till their opinion is received. Thirdly, I grant the expediency of strengthening our empire in North America by substituting, and in one connected frontier line, the colonies of Great Britain for the hunting grounds of a trading company. It is my sincere wish and hope that arrangements for that object may be effected in a spirit of reasonable conciliation to all parties concerned, and that we may thus lay the foundation of a civilized community, upon those principles of humanity towards the red man, and of honour and honesty towards the white, which our civilization should carry along with it wherever it extends, as the colonizers of old carried along with them a fragment of their native earth, and a light from the altar of their ancient council hall. The Company have assured us of their desire to meet the necessities of the case in a spirit of concession, and I do hope that early next Session we may propose to Parliament arrangements that will receive its approval. In the object before us we all have a common interest,—to fulfil the mission of the Anglo-Saxon race, in spreading intelligence, freedom, and Christian faith wherever Providence gives us the dominion of the soil, and industry and skill can build up cities in the desert. Sir, hoping that what I have said will satisfy my hon. and learned Friend at least as to the general views of the Government, I have only to thank the House for the indulgence with which it has heard me.

LORD JOHN RUSSELL: The right hon. Gentleman who has just sat down has a difficult task before him, and I am quite sure that this House will be inclined to give him whatever time he may think necessary in order to decide upon the course of policy which may seem most useful to the country and most beneficial to mankind. Having served, however, upon a Committee on this question, and having at various times had my attention called to it, I will venture to state to the House my impressions on the subject as it now stands. It appears to me there is one part of this question which is easy, or apparently easy; but we have no sooner settled that than we find ourselves in almost inextricable difficulties. The part of the question which I say is easy is that on which my right hon. Friends the Members for Oxford and Taunton, my hon. and learned Friend the Member for Sheffield, and the Colonial Secretary, are all perfectly agreed. They say there is a portion of this territory which is fit for colonization, and ought to be so applied. So far we are sailing in smooth water; there are no rocks ahead. But directly we have settled this point, an infinite number of questions arise which cannot be easily settled. One is, how much of this territory is capable of colonization? We have heard a very able speech, and one full of information, from my noble Friend the Member for Norwich (Viscount Bury), but still that is a point which requires to be examined. We have next the question, by whom shall that territory be colonized? Shall it be by Canada? Shall it be from this country? We have then this further question—what are the rights of the Company? Now, coming to this last point, which I think involves the greatest difficulty of all, it is right we should remember that the Company consider themselves, I believe, entirely mercantile in their constitution and character. You have not to deal with a body like the East India Company, which has a certain pride of dominion and possesses a certain power of patronage which it does not like to abandon. As far as I have ever heard, the Company look upon theirs as a mercantile speculation which returns a certain amount of profit—a very high amount—on all the capital they advance; and, provided that profit is secured and that capital replaced, they take no further interest in the question than as they are morally bound to consider the state of the Indians with whom they have had to deal. Now, although that appears to make the question more easy of treatment, yet there remains a point which must be solved before we can

go far in the projects we are asked to entertain—namely, what are the legal rights of this Company? The Company say—"Take the whole territory if you will; take any part of it you choose; leave us either a small or large portion; only don't let us be unjustly deprived of what we consider our property." Well, but what is their property, and what are their rights? Last year, when the subject was considered in Committee, I was willing to leave it in the hands of the Government of the day, and I confess I was rather sanguine that my right hon. Friend (Mr. Labouchere) might find means of solving this question with the consent of Canada and of the Hudson's Bay Company. I was strengthened in that belief by a passage in *Blackstone's Commentaries*, in which he says that all questions respecting the boundaries of colonies can be properly adjudicated upon by Her Majesty's Privy Council. But my right hon. Friend has made the attempt; nearly a year ago he forwarded a proposition to Canada, and he now tells us that no answer has been returned, and that therefore no effectual advance has been made. But we cannot wait year after year in this way, for if we do not make some advance towards a solution of the question, we may have disorder; we may have the United States encroaching on our territory; we may have every kind of anarchy prevailing there. Well, then, I confess it appears to me now, that notwithstanding the opinions of the law officers of the Crown, you must have some legal decision on this question. If it should be found that the Hudson's Bay Company possess no right whatever to that of which my hon. and learned Friend near me proposes to deprive them, then they would have no valid claim to compensation; but if, upon the other hand, it should be found that they do possess such a right, and that you think it necessary for Imperial purposes to take away from them privileges which they now enjoy, then, I think they must be held to have a claim to compensation which you cannot resist. But be that as it may, I cannot help feeling that until you have ascertained in what the rights of the Company consist, you will be unable to arrive at any satisfactory solution of the important question under discussion. Mr. Murray, afterwards Lord Mansfield, and Sir Dudley Ryder, who filled the offices of Attorney and Solicitor General in 1749, gave, with respect to this subject, what to me appears to have been a very wise opinion at that day. "Here," they said, "is a charter granted by the Crown. There are no particular State reasons why that charter should be disturbed. It would, therefore, be an ungracious act upon the part of the Crown to raise the question whether the privileges which it confers are or are not good in law. We, for these reasons, beg to be excused from pronouncing any opinion on the matter." Now that, I repeat, was a very wise mode of dealing with the subject at the period to which I have referred. It was very much in accordance with the maxim of Sir Robert Walpole *Quieta non movere*, and no doubt answered its purpose very well. But we have fallen upon different times. This question is no longer in a state of quietude. Everything with respect to it, on the contrary, is disturbed and in motion. I, therefore, maintain that you cannot now rest satisfied until you have obtained in reference to it the opinions of the law officers of the Crown. You must at all events have some decision upon which to proceed, whether that decision be obtained through the medium of the Privy Council or in our courts of law by means of a writ of *quo warranto*.

But now, to refer more particularly to the Resolutions of my hon. and learned Friend near me, let us see what it is which he proposes. The third of those Resolutions says:—

> "That so much of the territory hitherto held by the Hudson's Bay Company as may be needed for the purposes of colonization ought without delay to be resumed by the Government of this country."

Well, in asking the House to assent to that Resolution, he does not ask us to pledge ourselves to the opinion that the whole of the territories of the company should be taken out of their possession. He seeks to deprive them only of so much of those territories as is needed for the purposes of colonization. It seems to be admitted that there are certain districts which cannot be employed for that purpose—in which fur-bearing animals and a few scattered Indians are alone to be found, and in which colonization could have no place. What that portion of the territories of the Company is which would be required for the promotion of the objects which my hon. and learned Friend has in view neither he nor the right hon. Gentleman the Member for the University of Oxford undertakes to state. They have very properly abstained from fixing any particular boundaries,

That is a matter with which it is the duty of the Executive Government to deal, and for my own part I have no doubt that the right hon. Baronet the Secretary for the Colonies will enter upon its consideration with an enlarged view of the general interests of the country, and also with that strict regard to justice by which our proceedings should always be characterized. With respect to the first Resolution which has to-night been submitted to our notice by my hon. and learned Friend—namely, "that the privileges of the Hudson's Bay Company ought not to be renewed," I can only say that I am perfectly satisfied with the declaration which the right hon. Baronet has made. I think that declaration is quite adequate to all the purposes of the present day. I trust, however, that the right hon. Baronet, in carrying his views into operation, will ask the law officers of the Crown in what manner a judicial decision upon this question is to be arrived at, rather than again submit to them the question whether it is expedient that there should be any such decision at all. It has become a matter of necessity that the question should be decided. The prospect before us is one of immense magnitude. We have to deal with the important subject of the colonization of that country which stretches from Vancouver's Island to the banks of the St. Lawrence. The habitation of that vast territory, its being traversed by railroads and canals, all are questions which depend very much on the decision which within the next twelve months may be arrived at. The subject is one well-worthy of occupying the attention of the right hon. Baronet between this and the next Session of Parliament. For my own part, I believe with the right hon. Gentleman that we shall have in the territory with which we are called upon to deal colonists attached to the institutions of this country—attached even to her name. We shall have there none of those difficulties to encounter which arise from the endeavour to assimilate different races. We shall not be called upon to blend the Norman with the Dane. Those who are destined to be the future occupants of that country will be men speaking our own language, conversant with the language, accustomed to the habits and ways of England. I am, however, disposed to concur with my hon. and learned Friend near me, that in order to accomplish those great results, we should proceed to establish separate colonies rather than attach the whole of this vast territory together. I am also of opinion that those colonies should be established under the protection of this country, inasmuch as neither they themselves nor Canada could be expected to be in a position to bear for some time the expense of maintaining the necessary military force for their defence. With the exception of some outlay at the commencement they would require no further assistance. That I think is a result which it is most desirable to attain, for I have no confidence in those sickly colonies which owe their safety to State support. I believe it is the nature of the people of this country to struggle with difficulties, to fix themselves upon the soil on which they happen to be planted, and to overcome all those difficulties which circumstances may happen to throw in their way. That great empire which now exists upon the other side of the Atlantic—that great American Union—has been created by the force of qualities such as these, and I entertain no doubt that, by the exhibition of similar qualities, those colonies which may hereafter be established upon the American continent will rapidly increase in prosperity and power.

MR. A. MILLS was understood to say, that on the more fertile portions of the Hudson's Bay territory, there need be no apprehension of a war of races, for there would be none but the whites in those portions of the Company's territory. But if we withdrew or discontinued the Hudson's Bay Company, we ought to be also prepared to place some power in their stead; for it was impossible to expect that either Canada or the Imperial Government could undertake the administration of a country in which colonization was impossible. He wished some machinery could be devised for protecting the native Indians, who in North America were fast becoming extinct through the rifle and the poisonous stuff they obtained from the whites, and it was the duty of the Imperial Government to delay, if it could not altogether prevent, the extinction of that unfortunate portion of its subjects. He certainly agreed in the spirit of the three Resolutions proposed by the hon. and learned Gentleman, and he cordially hoped the day was not far distant when the important question alluded to by the noble Lord would be settled in a manner satisfactory to the people of Great Britain.

MR. LOWE said, he did not think there would be any difficulty in dealing with the

Hudson's Bay Company in case their territory should be required for colonization, or that it should be wished to open the fur trade to all the world. The Company were possessed of two functions—as a governing body and as a commercial association. He held that so far as related to the exercise of the delegated functions of Government, conferred upon the Company by Parliament, there could be no claim for compensation in case Parliament should think fit to relieve the Company of those functions; but as a commercial body, he thought, upon the clearest principles of justice and the invariable practice of Parliament, that they were entitled to fair and reasonable compensation if for the public benefit it was found necessary to put an end to their existence. The capital of the Company was only half-a-million, so that there was no enormous amount to deal with, even if that sum should be doubled on account of the high rate of interest which the Company now received. If compensation was given the Government would soon reimburse themselves from the proceeds of sales of land which would take place if emigrants could be induced to settle in these territories. Therefore, he did not see that the Hudson's Bay Company stood in the way of any great object of Imperial policy. There was one course which, notwithstanding the high authority of those who urged it, and the general feeling there seemed to be to support it, he could not look upon with the slightest favour — that was the course of submitting the validity of the existing charter to the judgment of a court of law. If a private person let to another a piece of land which at the time he had not in his possession, and if he subsequently came into possession of that land, the law would not allow him to set up the fact of non-possession at the time of the contract as against the grantee. He put the matter, not as one of legal technicality, but of the first principles of justice. The British Government in the time of Charles II. granted the land in question—whether they then had it or not was no matter—to the Hudson's Bay Company. Since then the land then granted had been acquired, the existence of the charter had been recognized in treaties, Act of Parliament, and other State documents, and he (Mr. Lowe) held that it would be derogatory to the dignity of the Government, derogatory to the dignity and good faith of the House, if they were now to turn round on the Company, and say, "we have permitted you to occupy this territory for 200 years, we have recognized your existence in all kinds of public documents, but now we wish to get rid of you, and we will not even repay you the capital you have invested in posts and buildings for your trading operations; we will raise a question of law, and we will chicane you out of the rights which our own charter gave you." No authority, however high, could induce him to sanction such a step. It would be disreputable in a private individual—it would be disreputable and infamous on the part of a Government. There was no practical difficulty in dealing with the license of the Company. As he understood the matter it was quite indifferent as regarded colonization whether the right hon. Baronet granted or withheld the license, for in that license he believed there was a special exception of land required for colonization. He had been sorry to hear the right hon. Gentleman (Sir Bulwer Lytton) state that, anticipating a refusal from Canada to take the charge of the new territory, he was prepared to take the country at once out of the hands of the Hudson's Bay Company and form a separate colony. He earnestly hoped the right hon. Gentleman would reconsider that determination, for he was thoroughly convinced by the evidence given before the Committee last year that if a separate colony was established it would involve the Government of this country in inextricable difficulty and confusion. This was eminently a practical question, and he begged to call the attention of the House to the position of the territory they were now considering. He might lay down the proposition that no country would do wisely in forming colonies which they could not defend, which she could only reach through foreign countries in time of peace, and which were practically cut off from all communication with her in time of war. And such he thought would be the position of any colony formed in the territory in question. It would not be consulting the dignity or the safety of this country to place her in the position of deserting those of her subjects who most needed protection. He asked the House to consider what would be the means of access to this new colony, and in recapitulating them he would rely only upon the evidence given before the Committee by witnesses who were most thoroughly and practically acquainted with the subject. Now, how did the goods of the Hudson's Bay Com-

pany reach the Red River Settlement, and how were the furs and peltries which they bought sent to England? The trade was carried on through Hudson's Bay. Ships had to sail through the stormy waves of the North Atlantic to beyond 60 degrees North latitude, which was a very severe climate. Hudson's Strait, the opening to the Bay, was only open for about two months in the year, and even then was very much encumbered with ice. The goods, after reaching Yorktown, were sent by portage to Lake Winnipeg, and thence to Red River, a distance of 700 miles, in the course of which there were no less than thirty-four different portages—that was the goods were transferred from canoes and conveyed certain distances upon men's backs no less than thirty-four times. Sir John Richardson stated that a canoe with fourteen men, which could carry sixty pieces of goods of 90lbs. each, cost from £300 to £500 for the season. That was the mode of access adopted by the Hudson's Bay Company. There was another way of reaching Red River, starting from Montreal up the valley of the Ottawa, which was almost unexplored, and thence by Lakes Nipissing and Superior, through a country described by Sir John Richardson as a series of hills and valleys, to the Red River. Those were the only practicable routes by which the country could be reached through British territory. The third route, which was through American territory, and would therefore be closed to us by a war, was by the canal Sault St. Marie to the entrance of Lake Superior, and thence to Fort William, between which and the Red River there was a navigation of 700 miles with sixty portages. These were all the routes by which the Red River Settlement could be approached from England without going entirely through American territory. A fourth route, which passed altogether through that territory, but was comparatively easy, was to go from New York to Chicago, from Chicago across to Dubuque, and up the Mississippi to the Falls of St. Anthony; thence to the Red River was a distance of 700 miles, 450 of which were uninhabited; but the road ran over a flat plain, which could in summer time be easily traversed by light waggons. Therefore, in forming a colony upon the Red River, we should be making ourselves responsible for a community which we could not reach in large numbers even in time of peace, without going through four or five States of the American Union, all the imports and exports of which must pass through the United States, and from which a war with that country would entirely cut us off. Therefore, if there were no other objection, he should beg the right hon. Baronet well to consider this subject before he sanctioned a scheme which would, when war broke out, give into the hands of the Americans, bound hand and foot, any number of British subjects who might be foolish enough to go to this colony. He would, however, go further. He maintained that before we established a colony we ought to be satisfied that there was some reasonable prospect of success, and that success could only be secured by its being the interest of a number of persons to go and live there. Now, what possible inducement could there be for a *bonâ fide* colonist to go to the Red River? He must either grow corn, or salt beef; he must produce something for exportation, and expect to live comfortably on the imports. How was he to get those imports except through the United States, stricken with the immense duties of their tariff? And how was he to pay for what he wanted? If he grew wheat, he would have to carry it 700 miles in waggons to the Falls of St. Anthony, there to compete with the wheat of Minnesota, essentially a wheat-producing State, grown upon the spot. How could he live by such a trade as that? But it was said that the climate of the Red River territory was so delightful that it would induce people to settle there. He would not quote the evidence of the Hudson's Bay people, but impartial military men and surveyors said that the ice in Lake Winnipeg did not melt until the 12th of June, and that it gathered again towards the end of October. That was the length of the summer: all the rest of the year was an exceedingly severe winter—it was as cold as the coldest inhabited parts of Siberia. Throughout the greater part of the Hudson's Bay territory the soil was even during the summer frozen to a depth of two to three feet, and the trees were frozen to the hearts, so as to require a particular sort of axe to hew them. This was the sort of country, so accessible, and blessed with such a climate, by opening which to the general resort of mankind we anticipated that we should be doing great things for civilization. Unless we founded a colony, and did not merely announce one—unless we tempted people to resort to it for purposes of colonization, we had much better leave things as they were. Every

one agreed, and this Motion itself did not dispute, that it would be advisable to leave all the districts which could not be used for colonization in the hands of the Hudson's Bay Company, because if you introduced competition into the fur trade it would lead to the introduction of spirits, the demoralization of the Indians, and the indiscriminate slaughter of the fur-bearing animals at all seasons of the year. Therefore, it was quite clear that it would not be desirable to open that trade to competition. He thought that it was equally clear that you would not, in the present state of things, get a *bonâ fide* colony on the Red River. You might induce people to go there, nominally for purposes of legitimate colonization, but really to engage in the fur trade; but that would be all that you could accomplish. The reason why his right hon.Friend (Mr. Labouchere) proposed to annex this territory to Canada was, that if Canada would accept it she could also make a road to it through British territory, carrying forward settlements on each side, and thus making herself a connecting link between this country and the Red River. Canada was accessible from England, and the Red River settlement would be accessible from Canada. Such a colony we might hope to defend; but instead of making it a colony by itself, we had better, if they would be kind enough to take it, hand it over to the United States. A colony English in name, but consisting chiefly of Americans, would be the most fruitful source of differences between the two Governments which could possibly exist. As he had expressed opinions which were probably held by himself alone, he would conclude by thanking the House for the patience with which he had been heard.

Mr. CHRISTY said, the speech of the right hon. Gentleman who had last spoken sounded very much like that of an advocate for the Company, and was founded upon the evidence taken before the Committee of last year, which was most favourable to them, and would have been received with much more favour ten years ago when the public were thoroughly impressed with the barrenness and inhospitable character of the country and the impossibility of raising any valuable produce from it. But it was now known that this was a magnificent territory, which ought no longer to remain shut up. He would beg to remind the right hon. Gentleman that there was already a flourishing colony at the Red River, which was founded by Lord Selkirk, and which had reached a population of 8,000, notwithstanding the difficulties they had had to contend with under the sway of the Hudson's Bay Company. He believed that the access to it was easy—not by the old roundabout route by Hudson's Bay, but by the route annually taken by the Governor himself. The inquiries of the Committee of last year ended in the difficulty of attaining a solution of what has been so much questioned—the legality of the Company's rights. He had himself contended in that Committee that, unless the Hudson's Bay Company made large concessions steps should be taken to ascertain their rights. If the Company had no right in law, and it was so decided, it was a very simple question, and one merely of policy as to what should be done with this vast territory. The circumstance that an *ex parte* statement had been made by the law officers of the Crown, and that the Government had come thence to the conclusion not to try the question, might fairly be set against other opinions, including those of the late Attorney and Solicitor Generals, which had been given against the validity of the Hudson's Bay charter. But be that as it might, that need not prevent the House taking the course of giving over to the Hudson's Bay Company, for a limited period, that portion of the territory not suitable for colonization. Even if it was decided that the charter was not valid, provision might be made to enable them to carry on their traffic in furs in the northern and more inhospitable portions of their territory. The right hon. Member for Coventry (Mr. Ellice) had, before the Committee of last year, stated that even if the fur trade were thrown open the Company could prevent any other person trading with the Indians, on account of their long relations with those tribes and by means of posts now in possession of the Company. He believed that the Company could very much exclude other persons from a share in the fur trade even if this commerce was thrown open. But it was said that if the trade was thrown open it would lead to war, either with the Indians or even with the United States. He did not believe that there was any such danger. He had presented a petition from the Red River Settlement, in which it was stated that the apprehended danger to the Indians, from the abolition of the privileges of the Hudson's Bay Company, was entirely illusory, for that body had never laid down any regulations for their government, and

that there was no reason why commerce should be carried on through the medium of spirits. He saw no reason why the legal rights of the Hudson's Bay Company should not be settled by a friendly suit, the crown paying the costs of both sides. He thought that the intention of the hon. Baronet at the head of the Colonial Department to consider whether it would not be desirable to found a new colony in the Hudson's Bay territory, governed under the mild auspices of the country, instead of under the rigorous rule of the Company, was a very valuable idea, and he hoped the Government would resolve to carry it out.

MR. GILPIN said, that after the very full and satisfactory discussion of the subject which had taken place, he would not have intruded on the attention of the House, but with the object of alluding to a feature of the subject which had not as yet been much alluded to, and yet which he thought one of the most important features of the whole question. He alluded to the interests of the Indian inhabitants of the territories of the Hudson's Bay Company. He had paid great attention to the monopoly of the Hudson's Bay Company long before he had the honour of a seat in that House,—less, he must confess, as affecting the interests of that Company, or even the interests of the English colonist, than as involving the welfare of the natives of the soil, the protection of whom was put forward, somewhat ostentatiously, as one claim of the Company to the consideration of the House. For himself, he might acknowledge that if that claim could be substantiated, if the Hudson's Bay Company were indeed the protectors of the red man, he should find in this fact the strongest reason he had yet heard against the spirit of the Resolutions of the hon. and learned Member for Sheffield, which went to deprive them of their charter. He had intended to allude to the constitution of the Committee, whose Report had been so often quoted that evening to the House, to the fact that such Report had only been carried by six Members to five, showing the amount of difference of opinion existing in the Committee; but at that hour of the evening he would content himself with saying, that he regarded the recommendations of the Committee as wholly opposed to public, imperial, and colonial interests. If he sought for the basis of those recommendations, he found them in the following considerations :—

"1st. The great importance to the more peopled portions of British North America that law and order should, as far as possible, be maintained in these territories, 2nd. The fatal effects which they believe would infalliby result to the Indian population from a system of open competition in the fur trade, and the consequent introduction of spirits in a far greater degree than is the case at present. 3rd. The probability of the indiscriminate destruction of the more valuable fur-bearing animals in the course of a few years."

First, as to "law and order." He believed that law and order would be better promoted by a well-ordered colony of British subjects than under the present system. He now came to the second consideration, which involved the claim of the Hudson's Bay Company to be considered the protectors of the Indians within their territory; and without desiring to import into the discussion any such element, he must say that such assumption savoured of hypocrisy, in the face of facts which could not be controverted, connected with the history of the Company. How had the Company treated the natives? How had they treated them commercially? He would only trouble the House with one extract on this point from a document he held in his hand, issued under the high sanction of Mr. Robertson Gladstone, of Liverpool :—

"The Company's mode of dealing with the native hunters can scarcely be characterized as honest. It always keeps the Indians in debt. All the articles furnished to them are charged at most extortionate rates. Lieutenant Chappel estimates the profits of the Company in some instances as high as 2,000 per cent.—*Voyage to Hudson's Bay*, London, 1817, p. 221.

The Rev. C. G. Nicholay says that—

"A fourpenny comb will barter for a bear's skin worth £2."—*The Oregon Territory*, London, 1846, p. 162.

Dr. King says that—

"A coarse knife, worth, all expenses included, no more than sixpence, is bartered for three marten skins, worth in London five guineas; and that for the skin of the Black sea otter, worth fifty guineas, the natives obtain, in exchange only goods to the value of two shillings."—*King's Narrative*, vol. ii. p. 53.

Where there is competition with the Americans or Canadians, the Indians obtain better value for the spoils of the chase, and are in a far less degraded condition than where the Company bears absolute sway. He would now quote an extract or two which would, he thought, in the judgment of the House, justify, and more than justify the position he had taken as to the humanity of the Company's treatment of the natives. Here is a specimen of atrocity

not exceeded in the annals of the most savage of bucaneers — Spanish or English :—

"In that winter (1836-7) a party of men, led by two clerks, was sent to look for some horses that were grazing at a considerable distance from the post. As they approached the spot they perceived a band of Assineboine Indians, eight in number (if I remember rightly) on an adjacent hill, who immediately joined them, and, delivering up their arms, encamped with them for the night. Next morning a court-martial was held by the two clerks, and some of the men, to determine the punishment due to the Indians for having been found near the Company's horses, with the supposed intention of carrying them off. What was the decision of this mock court-martial? I shudder to relate that the whole band, after having given up their arms, and partaken of their hospitality, were condemned to death, and the sentence carried into execution on the spot: all were butchered in cold blood."—*M'Lean's Notes*, vol. xi. pp. 222—3.

It does not appear that these ruffians were ever brought to justice. Once more, what had the Company done for the Indians?—When the "merchant adventurers" took possession of the red man's land, there were upwards of fifty powerful races of Indians inhabiting their own vast hunting grounds, many of the tribes numbering 10,000 souls each, even at the beginning of the present century. They were free, prosperous, and happy, according to their wants and knowledge; savages and heathens, indeed, and ignorant of all that the white man calls civilization, but also endowed with all the virtues of the savage, and untainted with the white man's vices. Heathens and savages, for the most part, they still remain, but they are also vitiated and degraded slaves, and but a miserable and scattered remnant of what they were. Entire races of them have been swept away by drunkenness, by diseases introduced from Europe, and by sheer starvation. Cannibalism, which was unknown amongst them until they made the white man's acquaintance, has been a thing of common occurrence. Having lost the use of their native weapons, the bow and spear, they are entirely dependant on the Company for those by which they have been superseded. Guns and ammunition are supplied to them at exorbitant rates of profit; and when withheld, as they are when the hunters become old or otherwise unfit for profitable employment, the Indians are reduced to a state of helpless destitution, and often left to perish of want, or to eat each other. This state of things, in a country possessed and ruled by people who pretend to be Christians, seems too horrible for belief; but the fact is stated on unquestionable authority. Dr. King says—

"When they (the Indians) become advanced in life, and no longer able to hunt, they are refused a supply of ammunition, which has become essential to their very existence, and they die consequently from absolute starvation. . . . . They have become cannibals by necessity; and scarcely a month passes but some horrible tale of cannibalism is brought to the different establishments."—*King's Narrative*, vol. ii. p. 52.

As to the light in which Indians are regarded by the Company's servants, the Rev. Mr. Beaver, once the Company's chaplain on the Columbia River, makes this declaration—

"God knows that I speak the conviction of my mind, and may He forgive me if I speak unadvisedly, when I state my belief that the life of an Indian was never yet by a trapper put in competition with a beaver skin"—*Parliamentary Paper*, 227, Sess. 1849, p. 14.

He thought these extracts (which he might have multiplied but for fear of wearying the House) would justify the position he took, that no claims of the Company on the ground of alleged humanity to the natives, of their vast territories, could be successfully pleaded as a reason for the continuance of their charter. As to the anticipated destruction of fur-bearing animals, which seemed to be regarded with such serious apprehensions by hon. and right hon. Gentlemen, he confessed he had small misgivings on the subject: could it be shown that the interests of humanity required the opening of these vast countries to the energies and industry of mankind, he should not regard it as a very serious consequence if ladies had to exchange the skins of fur-bearing animals for the fine woollen manufactures in which our own countrymen excelled. He now came to the question of the charter itself, and without claiming to be a legal authority he thought he could interpret it on the principles of practical common sense. What was the charter? It was granted by Charles II., in 1680, to Prince Rupert and others:

"Never was such a gift as that made by King Charles to Prince Rupert and Co., and to their successors to the end of time. The charter confers upon them 'the sole trade and commerce of all those seas, straits, bays, rivers, lakes, creeks, and sounds, in whatsoever latitude they shall be, that lie within the entrance of the Straits, commonly called Hudson's Straits, together with all the lands and territories, coasts, and confines of the seas, bays, lakes, rivers, creeks, and sounds aforesaid, that are not already actually possessed by or granted to any of our subjects, or possessed by the subjects of any other Christian Prince or State.' This description seems vague and comprehensive enough, especially as its interpretation

appears to have been left to the grantees, though there is one important exception, of which more anon. It did not, however, sufficiently correspond with his Majesty's magnificent spirit of generosity towards these highly favoured men, for in a subsequent part of the charter, the grant is extended to 'all havens, bays, creeks, rivers, lakes, and seas, into which they (the Company) shall find entrance or passage, by water or land, out of the territories, limits, or places aforesaid,' which, taken literally, may mean not only the whole continent of America, but the whole world, or at least, such portions of both as were not 'possessed by the subjects of any other Christian Prince or State.' All the earth was clearly accessible by land or water, from Hudson's Bay. Coupled with the grant, there was the reservation that the territories thus handed over to private individuals, should 'be from henceforth reckoned and reputed as one of our plantations or colonies in America, called Rupert's Land;' but the Governor and Company for the time being, and in all time, were declared to be 'true and absolute lords and proprietors of the same territory,' holding it as of the 'manor of East Greenwich,' and paying for it yearly two elks and two black beavers, whensoever and as often as we, our heirs and successors, shall happen to enter' into the said countries, territories and regions hereby granted."

He disputed altogether the validity of the charter. It was easy to say that this or that high legal authority had expressed an opinion that the charter should not be questioned, but he knew enough of the opinions of legal authorities to require to see the case submitted before he was guided by the opinion. Lord Brougham, Serjeant Spankie, and Sir A. Pigott, have given a most decided and conclusive opinion that the charter was illegal in its origin, and even that, if it had been legal, it had been voided by the violation of all its conditions. The King did not give, and could not give, and did not intend to give, the powers assumed by this Company. These powers were contrary to public policy and the express laws of England. The Company had assumed the power of taxing, of making laws, of imprisoning British subjects, and even of life and death. The inhabitants of those territories which England called her Colonies should be recognized and treated as British subjects, and not handed over to their responsible control and government of a Company like this. He thought that the question of the charter and its validity must be thoroughly investigated in the first instance. If, indeed, the Hudson's Bay Company were really as anxious for simple justice as they were represented to be by the right hon. Gentleman the Member for Kidderminster, the question would be materially simplified. In common, he believed, with every Member of the House, he only asked for justice —justice to the natives, justice to the colonists, and justice to the Company. But when the Company came to speak of compensation, let him quote the case of Vancouver's Island as an illustration of what sort of compensation would be, or ought to be, required. This island was rather larger than Scotland. [The hon. Gentleman here quoted several extracts from the blue-book, showing the climate and fertility of the island, and its suitability for producing all the necessaries of life.] Now, Earl Grey had actually transferred this island to the Hudson's Bay Company, for ten years, for 5*s.* per annum. An island the size of Scotland, with one of the most magnificent harbours in the Pacific. Well, setting aside improvements, let them take this rent at twenty-five or thirty years' purchase, and the strictest economist would scarcely object to the compensation. A petition had been sent ten years since from 1,000 British subjects in the Red River Settlement, containing the gravest charges against the Company—charging it with one continued policy of the grossest injustice and oppression to the British subjects generally, and to the natives. But Earl Grey had decided that there was no ground for requiring a stronger decision. He regarded this question as a question between England and the Colonies on the one hand, and the Company on the other. Europe's teeming millions seek an outlet for their energies, their industry, their subsistence. This Company held the key of a country which would provide food for the hungry and clothing for the naked, but they turn the lock against the world's wants, and a deaf ear to the necessities of millions. He had endeavoured to show that the original grant was illegal, that it was opposed to sound policy and public interest; and he earnestly hoped that the House would take its stand on the ground of simple justice, would abrogate unrighteous assumptions, and by the adoption of these Resolutions of his learned Friend the Member for Sheffield would declare to the world its determination to uphold against all selfish, private, and illegal claims, the interests of commerce, the extension of civilization, and above all, the rights of humanity.

MR. KINNAIRD said, as a Member of the Committee, that if the hon. Gentleman who had just sat down had studied with more attention the evidence given before the Committee, so often referred to, he would have come to quite a different conclusion. There was much force in the

observations of the right hon. Member for Kidderminster (Mr. Lowe). The attempt to foster colonization unnaturally at the expense of the mother country was neither wise nor prudent; and in time of war it was almost impossible for her to defend the settlements thus created. Still he hoped that every facility would be given for the advantages of the Red River settlement, and he argued the best results from the foundation of New Caledonia. The evidence taken before the Committee negatived the charges of cruelty towards the natives which had been made against the Hudson's Bay Company. It was the obvious interest of the Company to promote the well-being of the Indians, on whom the success of their trade in furs so much depended, and the condition of the natives under their jurisdiction would bear favourable comparison with that of the native tribes under the authority of the United States. A number of red Indians had been settled under the auspices of the Hudson's Bay Company, and were carrying on farming operations very successfully. He must, however, express his concurrence in the opinion of the hon. and learned Member for Sheffield that it was most desirable that the question, as to the validity of the Company's charter, should be determined.

MR. CHICHESTER FORTESCUE said, the hon. Gentleman near him (Mr. Gilpin) was evidently the representative of the Aborigines' Protection Society, and he had been astonished at the course which the hon. Gentleman, as the professed friend of the Indian population of North America, had pursued. He must say he thought that course was not very likely to effect the object which the hon. Gentleman was desirous of attaining. It was clear, from the evidence given before the Committee, that, whatever might have been the effect of the Hudson's Bay Company's administration in other respects, they had at least carefully protected the interests of the native population. He did not mean to say that the native population of North America were now in a happier condition than before the white man reached their shores, but he would venture to assert that in no instance had the two races been brought into contact with less injurious results to the inferior and savage race. He thought it was proved to demonstration that not only was it the interest of the Company to promote the welfare of the natives, but, upon the evidence of parties entirely unconnected with the Company, it was shown that the Indians received the most kind and considerate treatment from their servants. The hon. and learned Member for Sheffield had treated the subject as an abstract question, without reference to climate, rivers, or other natural obstacles to civilization, and had maintained that monoply must be as great an evil within the Arctic Circle as it was in other regions. He (Mr. Fortescue) believed it was a most fortunate circumstance that there had existed in the distant and inhospitable territory under the control of the Hudson's Bay Company such a power as they had exercised, and he was satisfied that if their authority were destroyed the country would become absolutely valueless, and that it would be impossible to establish an efficient government in its place. He admitted that the time might arrive when certain portions of that territory might become settled and civilized, but he believed that until more desirable and valuable tracts of land had been occupied such a result could not be anticipated. He (Mr. Fortescue) agreed generally in the views which had been expressed by the noble Lord the Member for the City of London and by the right hon. Gentleman (Mr. Lowe). In his opinion it would be an extremely rash measure on the part of Her Majesty's Government to undertake the establishment of a colony in the Red River district, in default of the action of Canada; for, if such a settlement could be successfully founded, it must certainly be the interest of Canada to undertake the task. He trusted the House would not forget the facts of the case, would not sacrifice the interests of justice, and would not allow themselves to be carried away by the abstract proposition of the hon. and learned Gentleman, which would be committing an act of pedantry instead of an act of statesmanship.

MR. C. W. FITZWILLIAM was understood to say that the Hudson's Bay Company did not manage their territory so well as their Friends asserted, and that the opening up of the district would be a change considerably for the better.

MR. WYLD said, that this discussion had been forced on the House by the circumstances of the times and the state of things which existed in connection with the frontier trade. The fact was that the system of emigration which was now going on to North America would virtually abrogate the exclusive trading rights of the

Hudson's Bay Company over a large portion of its territory, and the few armed men at the disposal of the Company were quite inadequate to enforce proper police regulations. He thought that the right hon. Gentleman the Secretary of State for the Colonies had prepared a satisfactory solution of the question; but he suggested, in the event of the arrangement with the Hudson's Bay Company being carried out, that the right of inland navigation should also be preserved. He believed that the proposed compromise would prove agreeable both to the Canadians and the people of this country.

MR. J. D. FITZGERALD said, that in the few observations which he wished to address to the House he would confine himself to the second Resolution of his hon. and learned Friend—namely,

"That the validity of the exclusive rights claimed by the Hudson's Bay Company under their charter ought at once to be determined by process of law."

The noble Lord the Member for the City of London had impressed upon the House and the Government, not the necessity of obtaining the opinion of the law officers of the Crown upon this point, but of a judicial decision upon the rights of the Hudson's Bay Company. But he (Mr. J. D. Fitz-Gerald) thought it must be obvious that that was the very difficulty which met them on the threshold, and that they could not see their way until those rights had been ascertained. Now, the right hon. Gentleman the Member for Kidderminster (Mr. Lowe) said that he thought it would be infamous and disgraceful if proceedings were instituted by the Government to ascertain what the rights of the Hudson's Bay Company were. In this he entirely differed with the right hon. Gentleman; for, assuming that he and other hon. Members only desired that the Hudson's Bay Company should be treated with justice and liberality, he could not for his own part see how it was possible to proceed to deal with them in that spirit until their rights had been ascertained. Those rights, he contended, had never been properly decided upon, for he regarded the opinions given by the law officers of the Crown upon former occasions on the cases submitted to them as entirely valueless upon this important point. The charter of Charles II. to the Company granted them, in consideration of their endeavouring to find the long-sought passage to the Indian Ocean, exclusive rights of trading over certain large districts, together with territorial dominion of an undefined and enormous extent. But he questioned, in the first place, whether that grant of exclusive rights of trading was not a direct infringement of the statutes previously passed condemning all monopolies; and if that were so, he need hardly add that the length of time during which it had been exercised could not sanction or remove its original invalidity. With regard to the territorial rights, he submitted that the opinion given in 1748 was not given upon a case submitted on the part of the public, but was called forth by the claims of rival adventurers. As regarded the colonizing powers of the Company, he reminded the House that Chief Justice Draper had stated, on evidence before the Committee, that for a period of forty years—from 1812 to 1852—the population of the district under the control of the Company had not increased by one individual, although in a neighbouring district a population of no less than 70,000 souls had been created in that time. He hoped the right hon. Gentleman would feel it necessary, in accordance with the expressed wish of the majority of Members who had spoken, to put the matter in a train for discussion.

MR. ROEBUCK, in reply said, that the interest which had been manifested by the House in the subject under discussion afforded a sufficient justification for his having introduced it to their notice, and he was happy to be able to add that in consequence of the frank and liberal spirit in which his Motion had been met by the right hon. Baronet the Secretary for the Colonies he should not trouble the House by pressing his Motion to a division. His first proposition was, that the privileges which had hitherto been enjoyed by the Hudson's Bay Company, and which were about to expire, ought not to be renewed. By that he intended to signify that they ought not to be renewed over such portions of the territory as were applicable to colonization; and in that proposition, as far as he could judge, the right hon. Baronet concurred. His third proposition was, that all the land which was applicable to colonization ought to be immediately resumed by the Government; and that proposition too received the concurrence of the right hon. Gentleman. But the second proposition he believed the right hon. Gentleman did not quite agree with, which was that the rights of the Company ought to be at once ascertained by legal process. The right hon. Baronet said that he

thought the rights ought to be determined, and that he would apply his mind to the consideration of the best mode of determining them; but he did not say that he would do so by means of a legal process. He came, however, so near to his proposition, that he (Mr. Roebuck) felt that he had better leave the matter in the hands of the right hon. Baronet to be dealt with as he might deem best. He might, however, before he sat down be permitted to advert to the objections which had been raised against the adoption of the course which he proposed. The ball had been led off by the right hon. Gentleman the Member for Kidderminster, in opposition to his Resolutions, who had expressed the fears which he entertained of our being led into a war with America should they be adopted; who also objected to them upon the score that the territory in question was not worth being colonized; and upon the ground that the difficulties of reaching it for want of a road would be very considerable. Now, so far as the first objection was concerned, he would only say that he thought that there was much greater danger that such a calamity would arise from our quarrelling about the population which would cross the boundary from America than if we were to colonize from our own side down to the United States. Neither could he concur in the justice of the objection that the territory was not worth being colonized, and in support of his views upon that point he might refer to the authority of Governor Simpson before he had become Sir George Simpson, and had no interest in not telling the truth. Now he was, he must confess, very much surprised at the right hon. Gentleman's geography. The right hon. Gentleman seemed to think that the only mode of reaching the Red River settlement would be by going up the Ottawa; but he must bear in mind that the line dividing the American from the British territories ran through Lakes Erie, Huron, and Superior, and that we might proceed altogether upon the waters of Great Britain upon the north side of Lake Superior. [Mr. LOWE: No!] The right hon. Gentleman might say "No," but he should answer him by saying "Yes." In reply to the remarks of the right hon. Gentleman the Member for Taunton (Mr. Labouchere) who had made an appeal to the House in favour of the native Indian population, he could only say that, whatever abstract notions of humanity might be involved in the question, it was an undoubted fact that where the white man appeared there the red man faded away. That such was the case was the result of the operation of Nature herself. There was in the Negro a buoyancy of nature which did not render association with the white man intolerable to him; but the red man was a being of a melancholy, a proud, and to a certain degree a noble nature, and it was that very nobility of nature which rendered the mental and physical superiority of the white race unendurable. He therefore disappeared before that superior race, and the only question to be considered was whether it was better for the interests of society and of the world that the red man should be allowed to wander uncontrolled, or that the civilization of the white man should be extended. That was a question with respect to which he thought no difference of opinion could prevail. Having made these observations he should, with the permission of the House, withdraw his Motion.

Motion, by leave, *withdrawn.*

BOTHNIA—CLAIMS OF BRITISH MERCHANTS.

COMMISSION MOVED FOR.

MR. CRAWFORD rose, according to notice, to move that an humble Address be presented to Her Majesty, praying that She would be graciously pleased to appoint a Royal Commission to inquire into the Complaints made by certain of Her Subjects of the destruction of their property by Her Majesty's Forces at Uleaborg, in the Gulf of Bothnia, during the recent war with the Emperor of Russia, as more particularly set forth in Memorials addressed by Messrs. Mathiesen and Ritter, and Messrs. Henry Dresser and Co., to the Lords Commissioners of the Treasury. The hon. Member said he had hoped that the necessity for bringing this case under the notice of the House would have been obviated by the Government recognizing the claims of these parties, but as he had been disappointed in that hope he had no alternative, but to ask the House to express its judgment on the subject. The question was an important one, not only as regarded the commercial interests of the country, but as affecting in some degree the reputation of the country as one of the great belligerent powers of Europe, which, in all proceedings in war, and especially in maritime war, should show an example of humanity to other

nations. He had no personal interest in the matter, for his business did not at all connect him with Russia or the Baltic; but he brought forward the Motion in deference to the wishes of his constituents, and in justice to the parties whose claims were involved. He wished it also to be understood that he imputed no blame to those gallant officers and men by whom the property in question had been destroyed; they had merely obeyed orders:—no doubt every man, from the admiral, to whose conduct he should have more particularly to allude, down to the common seaman, had behaved as gallantly and honourably as if they had been under the guns of Sweaborg or Cronstadt, but he could not approve of their destruction of the property of peaceable, harmless, unprotected people. The circumstances to which he wished to draw their attention were these: From the papers before the House it would be seen that there were three parties in this case—Messrs. Mathiesen and Ritter, and Messrs. Dresser and Co., of London, and Messrs. Lewin of Boston. He had to deal only with the claims of the two first-named firms; Messrs. Lewin, who belonged to Boston, left their case in the able hands of the hon. and learned Member who represented that town (Mr. W. H. Adams). He might, however, mention that the aggregate claims of all those gentlemen only amounted to £5,446, so that hon. Gentlemen need not fear that by agreeing to this Motion they would impose any serious burden upon the tax-payer. It would be sufficient for him to state the circumstances of the case of Messrs. Mathiesen and Ritter, the other being nearly similar. Messrs. Mathiesen and Ritter were largely engaged in the Baltic trade, trading more especially to the Gulf of Bothnia. In 1853 they purchased a quantity of deals and house timber, which, having resold to a party, he believed, at Hull, they chartered two vessels to bring away from Uleaborg. One of these vessels, the *John*, reached Uleaborg before the winter set in, but not in time to clear out before becoming ice-bound, and in the spring shared in the conflagration at that port. The other was more fortunate—she did not reach Uleaborg, and, consequently, escaped the fate of her consort. The war broke out in March, 1854. It would not be necessary to trouble the House with many details; but he must mention this fact—that by Orders in Council, for the first time, the principle was introduced in time of war of the immunity of enemy's property in neutral vessels, always excepting articles contraband of war; and war was waged, not against the property of individuals, but against the public property of the State with which we were engaged in hostilities. Russia presented to a maritime enemy three sea-boards for attack. One, Old Russia in the Baltic; another, the White Sea, including the port of Archangel; and a third, the Black Sea, including Odessa, Kertch, &c. Referring first to the White Sea, it would be found that the Orders in Council for the blockade of that sea stated that in the event of any ports not being blockaded neutral vessels might be allowed to trade. The White Sea was not blockaded, and trade was allowed to be carried on by British ships till the 15th of May, and by neutrals till September, when a proclamation placed the ports of the White Sea in a state of blockade. In the Black Sea the same course was pursued. In so doing he thought our Government had taked a wise and proper course. In the Baltic the blockade was established by the gallant Admiral near him (Sir Charles Napier) on the 28th of March. The Orders in Council regulated the time at which British ships should be allowed to clear out from Russian ports, and it was limited to the 15th of May. At that date in the case of the upper ports of the Baltic the sea was frozen, and there was no opportunity afforded to merchants to take away their goods up to the 15th of May. In one case, that of Messrs. Lewin, of Boston, who had a considerable property in those ports on the breaking out of hostilities, they advised the Government of their property being there, and asked leave to remove it, but were refused. He would show the course adopted by Her Majesty's ships in the various Russian seas. The first hostilities of any consequence took place at Odessa, where, a flag of truce having been fired upon, a partial bombardment of the city took place. Questions were put to the right hon. Gentleman the Member for Carlisle (Sir James Graham), and to Lord Clarendon on the subject, who said that the greatest caution had been used not to injure private property; and the Duke of Newcastle subsequently said that it was the desire of the Government that during the war private property should be spared as much as possible. No doubt those directions were loyally fulfilled by the officers in

command of vessels, and he knew of no case in which they had been disgregarded in the White or Black Seas. The case, however, was different in the Baltic. He must now refer to the operations of the squadron under Admiral Plumridge which had been detached from the fleet of the hon. and gallant Admiral (Sir Charles Napier). This squadron, as soon as the ice allowed, began its operations in the Gulf of Bothnia. It arrived before the Port of Brahestad, situated near the town of Uleaborg, which was the chief town of the province of the same name, and the most northern town in the Gulf. In the Gulf of Bothnia the population had been most friendly towards this country for centuries, and carried on a large trade with us, and we had their sympathies in the war against Russia, until the occasion on which the circumstance occurred which he would now relate. He held in his hand a protest drawn up and signed by six merchants of that locality, which contained a historical narrative of the proceedings of that squadron, by which it appeared that on the 30th May, at three o'clock, a thick smoke was seen rising from Brahestad, and it was found that the squadron under Admiral Plumridge had set fire to the pitch, the yards, and the vessels in the port. The town of Uleaborg, fearing that it would be attacked in turn, sent a flag of truce, demanding what the Admiral meant to do with respect to an unprotected town. In answer to that a proclamation was sent in five languages, to the effect that the English Admiral did not intend to molest or injure private persons or property, that he would only destroy the castles, fortresses, shipping, and property of the Emperor of Russia; that so long as the inhabitants remained in their houses they would be protected, but if they made any attempt at resistance they would be treated as enemies; and the Admiral recommended that all women and children should be sent out of the town. The bearer of the flag stated that there were no Russian imperial property, no Russian troops in the town, nor were there any fortifications. The Admiral said he should examine the ships to ascertain if they contained any articles contraband of war, and that he should destroy the timber in the yard. To this it was replied that the timber was private property, was not fitted or intended to be used for purposes of war, but for export to England; and that much of it belonged to Englishmen who had paid for it. The Admiral said he was sorry for it, but he must fulfil his duty, and if any of the property of his countrymen was destroyed, they must look to their country for compensation. It was in consequence of that declaration that he (Mr. Crawford) now asked for compensation for losses sustained on that occasion. The Admiral went on to say that in ten minutes his operations would begin, that he had plenty of boats, as they would find out in a short time. It was important that the House should understand that the property destroyed was piled up on an island near Uleaborg; none of it was such as, under any circumstances, could be considered contraband of war, but consisted of pine timber which was to be sent to England in the spring. The Admiral sent seventeen boats on shore, and burnt the whole of the property. The question the House had to determine was whether the goods so destroyed were contraband of war, and such as the Admiral was justified in destroying. With respect to articles contraband of war, he held in his hand a convention entered into in 1801 between His Britannic Majesty and the Emperor of Russia, and which still regulated the subject, which was to the effect that in order to avoid misunderstanding as to what was to be considered contraband of war, it was agreed that only such articles as were enumerated, and which would be considered as useful for purposes of war, should be so treated, and a long list of cannons, guns, swords, pistols, &c., was given; amongst those articles timber or wood of any description was not to be found. The clause went on to say that all other articles not mentioned in the list were not to be considered contraband of war. It might be asked if there was any justification for the destruction of this property irrespective of contraband of war? It appeared from this paper, which was printed by Her Majesty's printer, that timber was not an article contraband of war. Moreover, the timber in question had been sold to merchants in Hull for building purposes, and was useless for ship and boat building, and the sellers were obliged to pay compensation to the merchants of Hull for its non-delivery. He was told that there was one ground on which the destruction of this property would be justified by the gallant Admiral (Sir C. Napier), and that was that he had information that at Uleaborg certain gunboats were being constructed by the Russian Government, and that at that place gunboats were constantly built. He (Mr.

Mr. Crawford

Crawford) had before him the despatches of the different officers employed, describing the operations on which they were engaged, in which they state that there had been destroyed in timber, building-yards, and so on, property which the gallant Admiral had in his despatch stated to be of the value of £300,000, but not a single gunboat was mentioned. Some of the inhabitants of Uleaborg declared on oath that there had not been any gunboats or vessels built there for the Russian Government, that the Russian Government had no troops in the town, that there was no Government property there, and that all the property that was destroyed had been sold to Englishmen, and actually paid for; and with regard to gunboats it was especially declared that none had been built there for forty years. It would be seen so far that there was no justification for the attack on Uleaborg. He was unable to comprehend on what grounds any justification of this barbarous proceeding could be based. It could not be said that it had been done to impress the Russians with an idea of our prowess, as it was simply the destruction of undefended property, and it was impossible to have conveyed any part of the stores in question to the Russian fleet, neither could the Russian Government suffer any damage or inconvenience by this disgraceful proceeding. We had only destroyed the property of our fellow subjects, and the effect was to raise the price of the produce in question in this country. This question might be treated on broad and general grounds. In the year subsequent to this occurrence Finland was visited by a famine. He did not mean to connect it with these operations, but he could only say that in Uleaborg not only was merchandise and timber burnt, but a great quantity of salt fish and other provisions. A subscription was raised for the relief of the Finlanders in this country, and £10,000 was conveyed thither by a deputation of gentlemen, members of the Society of Friends, and they stated that instead of the friendship which had existed towards this country on the part of the Fins, there was now an intense feeling of animosity, which was caused wholly by these operations. His (Mr. Crawford's) object in making this Motion was not so much to arrest the sympathy of the House in favour of the inhabitants of Uleaborg as to show that there existed on the part of the owners of the property destroyed a claim on the House of Commons. That property was destroyed without justification, in the teeth of the proclamation of Admiral Plumridge himself; it was not contraband of war; its destruction did no good to us and no damage to the Russian Government. It was a wanton action, which he trusted would not be allowed to pass without reparation. The aggregate amount of the claims was £5,446; having, stated the grounds on which he considered the parties entitled to compensation, he would conclude with his Motion.

Motion made and Question proposed,—

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to appoint a Royal Commission to inquire into the complaints made by certain of Her subjects of the destruction of their property by Her Majesty's Forces at Uleaborg, in the Gulf of Bothnia, during the recent War with the Emperor of Russia, as more particularly set forth in Memorials addressed by Messrs. Matthiesen and Ritter, and Messrs. Henry Dresser and Co., to the Lords Commissioners of the Treasury."

MR. ADAMS, in seconding the Motion, expressed his regret that Her Majesty's Government had decided on opposing it. He could not help thinking that both the late and the present Government laboured under some misapprehension of the facts of the case. Last Session the noble Lord the Member for Tiverton (Viscount Palmerston) in answer to a question which he put to him, likened the case to that of a bombardment, and said the destruction of the property might be justified on the ground that it was property lying in an enemy's country, and he had compared the case to the bombardment of Grey Town. He hoped to be able to satisfy the House that this general proposition was not a correct one, but must be taken with very considerable qualification. During a bombardment it was impossible to discriminate; all property must suffer alike, and therefore neither neutrals nor our own countrymen could make claim to compensation; but that was not an accurate description of what took place in the instance before them. The defence of the proceedings at Uleaborg, founded on the circumstance that the timber lay in an enemy's country, and therefore might be destroyed, was a fallacy which pervaded the whole of the correspondence of the Government, being laid down as a broad principle without any qualification. The timber trade was a peculiar one. The payment for timber to be imported into this country was made by British merchants long before the

timber was shipped—sometimes two or three years, for it was allowed to lie till a ship could be chartered and sent out for it—in fact, nearly the whole of the timber trade of the Gulf of Finland was carried on with British capital; and therefore it was that this property had remained on the wharves after it had been purchased and paid for. The timber being the property of British subjects, if it had been the interest of any parties to destroy it the Russians might have done so, because it belonged to an enemy; they, however, suffered it to remain. He was better acquainted with the case of Messrs. Lewin, who were his constituents, than with those of the other parties, and a letter from those gentlemen which he now held in his hand, and the reply of the Government, would show that it was no after-thought to represent this property as English property. It was written by Messrs. Lewin as soon as they heard that Admiral Plumridge was about to visit the Gulf of Bothnia, and was dated the 18th May, 1854. In it Messrs. Lewin say:—

"Having in the year 1852 purchased two cargoes of timber lying at Uleaborg, in Russia, and for which, in 1853, I could not obtain vessels to bring the same from there to here, but was in the usual course of business compelled to pay for the same, I shall feel obliged by your informing me if I charter neutral vessels for these cargoes—if such cargoes are allowed to be shipped from Finland—whether such vessels and cargoes will be allowed to be brought here without detention by the Fleet or Government."

The reply they received was that the Lords of the Council, having considered their application, had sent them copies of the Orders in Council, notifications of blockades, and Her Majesty's Proclamation of war, and had to acquaint them that they must be guided by the opinion of their legal adviser. This was all the information and assistance they were able to obtain from the Government of their own country. It was well known that Uleaborg was shut up by ice during a great part of the year; so that even if the Proclamation of war had been known then it would have been impossible to take out a cargo within the time specified. Archangel, Odessa, and other ports were more favoured than Uleaborg, for there cargoes were allowed to be removed till September, while the destruction of property at Uleaborg took place as early as June. It was a great misapprehension to suppose that gunboats or contraband of war lay at Uleaborg. There was nothing of the kind. There were the declarations of the merchants of the place, which they were desirous of verifying before a commission, that the supposition was totally unfounded. Had there been either gunboats or contraband of war, he would admit that they might have been very properly destroyed; but that would have been no justification for destroying timber belonging to British subjects, and adapted only for domestic uses. Supposing, as he believed was the case, there were no gunboats at the place, nor anything contraband of war, then there was the additional circumstance that Uleaborg was a completely defenceless place. In order to justify the proceedings of the Admiral it must be shown that the property destroyed was either the property of the Emperor of Russia or contraband of war. The international law upon the subject was clearly laid down by all the most eminent authorities, as he would prove by quotations from their works. He had of course the highest respect for the opinions of the law officers of the Crown, and should not for a moment presume to set up his opinion in opposition to theirs; but when, on such a question as that under discussion, he found the law officers of the Crown on the one side, and all the great writers on international law, including Grotius, Vattel, Heineccius, and Wildman on the other, he had no difficulty as to the conclusion at which, as a lawyer, he ought to arrive.

Vattel laid down the rule as follows;—

"All damage done to the enemy unnecessarily, every act of hostility which does not tend to procure victory and bring the war to a conclusion, is a licentiousness condemned by the law of nature."—VATTEL, Book 3, chap. ix., sec. 171.

Wildman, a great authority on such subjects, and whose valuable work on International Law was by far the best treatise on that subject which had appeared in modern days, said:—

"By the usage of nations, whether derived from civil or from international law, certain persons and property in the offending state are exempt from reprisals: for example, the property of persons whose residence is merely transitory. The same exemption attaches to property which is under the protection of the public faith."

The Emperor of Russia had certainly recognized that exemption, for the property of British subjects at Uleaborg had not been injured by his acts or those of his subjects. Vattel added,

"And with respect to things, the case is the same as with respect to persons:—things belonging to the enemy continue such wherever they are. But we are not else to conclude, any more than in

the case of persons, that we everywhere possess a right to treat those things as things belonging to the enemy. Since it is not the place where a thing is, but the character of the person to whom it belongs—things belonging to neutral persons, which happen to be in an enemy's country, or on board an enemy's ships—are to be distinguished from those which belong to the enemy. But it is the owner's business to adduce evident proof that they are his property; for, in default of such proof, a thing is naturally presumed to belong to the nation in whose possession it is found."—VATTEL, chap. 5, sec. 73.

In the case which he (Mr. Adams) mentioned, the agent of the owners had offered to prove the ownership of the property, but in vain. Grotius, too, took the same view of the rights of innocent parties. He said,

"This is also plain, that before the right of war can entitle us to anything taken, it is requisite that our enemy had first the true propriety of it; for what things may be within the enemy's towns, or other places whereof he is master, the owners thereof being neither subjects to our enemy, nor animated with the same spirit as he against us, cannot be acquired by the right of war. Indeed, there is no reason that authorises us to take the goods of those who are not of our enemy's party, under the pretence that they are found in his country."—GROTIUS, Book 3, chap. 6, sec. 5.

And altogether the opinions of the writers upon the law of nations were strongly in favour of those who now asked for an opportunity of proving their statements. He ventured to think that in this case the parties who were asking for satisfaction at the hands of the Crown and the Government had made out a case as far as a statement could go, and if they had not supported that statement by evidence, it was no fault of theirs, because no tribunal had been offered to them for the purpose.

SIR JOHN PAKINGTON said, he was extremely sorry that he was unable to fulfil the expectation which the hon. Member said he entertained of the support of the Government to the Motion. Without occupying the House for any length of time, he hoped he should be able to show that there were two sides of the question. He admitted the perfect fairness with which the hon. Member opposite and the hon. and learned Member behind him had stated the case, and he hoped that the House would agree that the Government had met the question with equal fairness. The hon. Gentleman had complained of delay, but he hoped that the hon. Gentleman was aware that the delay was not the fault of the Government. He thought the hon. Gentleman would admit that the Government might fairly rest its opposition to the claims of these merchants for compensation on the fact that within the last two years no less than four applications had been made to the Government on the subject—two to the Treasury, two to the Admiralty, and, he believed, one also to the Foreign Office. In all these cases the answer was, that the property destroyed was property open to destruction by the law of war, being found in an enemy's country, and that consequently no claim for compensation could exist. Government might have rested their opposition upon their answer; but, looking to the interests involved in the question, they desired to meet the case as fairly as possible. They had accordingly referred the question to the law officers of the Crown, and it was his duty to inform the House that they had given a decided opinion against the claim of these parties. As to the facts of the case there was no dispute. On the 1st of June, 1854, Admiral Plumridge sailed up the Gulf of Bothnia, and sent boats on shore at Ulcaborg, and destroyed by fire a large quantity of pitch, tar, timber of various kinds, and other articles used for the purposes of ship building. The merchants represented by his hon. and learned friend (Mr. Adams), said this was British property, that it ought not to have been destroyed, and therefore that they had a claim on the British Parliament for compensation. The first ground on which they rested their claim was, that this property was altogether of a private nature, and therefore ought to have been respected. His (Sir J. Pakington's) answer was, that the property was not of a private nature; that, on the contrary, it was property contraband of war; and he joined issue with his hon. and learned Friend (Mr. Adams) and would tell him that the quotations he had read to the House did not apply to the case under consideration. His hon. and learned Friend used the expression that this was property solely used for domestic purposes. The description given of the timber in question proved that it was fit for domestic purposes, no doubt, but fit also for the planking and decking of vessels. Admiral Plumridge stated, that three-inch deals were most applicable for the decks and bulwarks of gun-boats. The hon. and learned Gentleman had quoted *Vattel;* and he (Sir J. Pakington) would appeal to the same authority, and would tell him that *Vattel* included timber and naval stores among the articles which were particularly useful for purposes of war, and therefore were liable to be seized as contraband of war. Having shown what the

law of nations was as adopted in England, he would now show what the law of nations was as adopted in France. By a treaty of commerce concluded between Denmark and France in 1842, pitch and tar were also declared to be contraband, together with resin, sailcloth, hemp, cordage, masts, and timber. According to Wheaton's work on the *Elements of International Law* —according to Kent, whose authority was adopted in America—the same proposition was distinctly laid down; and it was also declared that in a naval war, ships and materials for ships, became contraband. Nobody would deny that the materials destroyed were materials for ships. With regard to the gunboats, it seemed to be disputed that there were any; but, according to Admiral Plumridge, it appeared that the timber was available for building the next batch of gunboats; that twelve gunboats had been built at Uleaborg, and that they were built of materials precisely similar in character to the material that was destroyed. Not only did he (Sir J. Pakington) find among the papers at the Foreign Office that gunboats were built, but he also found, from a letter from Mr. Grey, our *chargé d'affaires* at Stockholm, what had become of them. Mr. Grey, in a letter to Admiral Plumridge, stated that he had received intelligence from a source on which they could rely that twelve gunboats were launched at Uleaborg in May, shortly before the approach of Her Majesty's squadron. They were afterwards removed inland up the river, and sunk in shallow water for concealment. They were then got up again and fully armed; so that at the very time that Admiral Plumridge approached Uleaborg and destroyed this timber, these very gunboats were sunk in the river for the purposes of concealment; they were then raised again and fully armed for the purpose of carrying on war with England. This, he trusted, would dispel the idea that this timber was not fit for the construction of vessels of war, and was not in any sense contraband of war. Then came the question was there anything in the language of Admiral Plumridge to make an exception to the rule, and to render it improper on his part to destroy these materials. Now, the Royal Proclamation, it appeared to him, justified what Admiral Plumridge did. Stress had been laid on the words not to molest private persons, or the property of private persons, but only the property of the Emperor of Russia. A deputation of the inhabitants of Uleaborg came out to the Admiral, and in reply to the appeal made to him that this property might be spared, told them that it was his intention to destroy all articles that by the law of nations were contraband of war. Again, it was said that the Admiral ought to have respected the property as being that of English merchants; but he (Sir J. Pakington) maintained that the Admiral had no proof whatever of that, and the passage quoted from *Vattel* on that subject told equally well in favour of the other view of the question. What proof had Admiral Plumridge that it was the property of English merchants? There was no representative of their firms at Uleaborg. [Mr. CRAWFORD: Mathiesen and Ritter had an agent on the spot.] That was not stated. They never made that known to Her Majesty's Government. It did not appear in the papers; it only appeared that a deputation came out and said so and so, and Admiral Plumridge had a right to assume it was an artifice. There was a mass of property there, all of which was contraband of war, and it was impossible to draw a distinction between property on one side of the yard belonging to English merchants, and property on the other side that did not. The opinion of the law officers of the Crown distinctly stated that this property was strictly contraband of war, and thus completely destroyed the case sought to be set up by the memorialists; and however sorry Her Majesty's Government might be for the loss these gentlemen had sustained, and however reluctant they might be to resist the Motion, he could not see that either on the ground of the law of nations, or upon the just view of the case, Her Majesty's Government could come to the conclusion that these gentlemen had either a legal or equitable claim upon Parliament in the shape of compensation for the loss they had sustained.

MR. MILNER GIBSON said, he had made many inquiries into the subject, but had never heard that the twelve gunboats were built in May, 1854, sunk in the ice, and afterwards fished up and used in the war by the Russians. He did not believe this story; on the contrary, he fancied there had been a great mistake in the matter; for he could not conceive it possible that a British subject living in Russia would be guilty of such a fabrication. Nor did he think that if it had been true these British

merchants would have denied it. He did not wish to say a word on the subject of international law, or to contend that these gentlemen had a legal claim; but he thought they had a strong moral claim. When we made war with Russia we proclaimed that Englishmen and neutrals should be at liberty to remove their goods and merchandise from any of the Baltic ports at the opening of the ice. The 15th of May was fixed as the day on which ships could leave the ports of the Baltic. That date was fixed because it was supposed that at that time the ice would have broken up. As it turned out that was too early a date—the ice at Uleaborg did not break up so early: and that was the sole reason why this property was not removed. If Admiral Plumridge had destroyed property at Uleaborg a day or two earlier than the 15th of May, the British Government must have made good the loss. Why, then, should they not make compensation when the merchants of Uleaborg were unable to remove their goods by reason of the ice not breaking up so soon as was expected? Moreover, the merchants in the White Sea had their property protected as late as August and September, and why should not the same indulgence have been given to merchants at Uleaborg? He contended that this was a pure question of equity, and that it was in the last degree unfair too meet the case by old musty pleas based upon international law. The whole course of proceedings in this matter showed that the property of Russian subjects had been more respected than that of Englishmen. Had the British merchants of Uleaborg known that Admiral Plumridge was coming to destroy their property, they would either have removed it themselves, or placed it under the care of the Russian Government, who could have protected it. It was singular that property placed under the protection of the Russian Government had been reclaimed and recovered at the conclusion of the war; and thus the only enemies from whom the British merchants suffered were their own countrymen. He did not wish to find fault with Admiral Plumridge or Sir Charles Napier; but those officers were like other men, not infallible, and were therefore liable, like other persons, to make mistakes. The whole thing, in fact, was a mistake, and as he believed the property of these British merchants had been destroyed in mistake, he considered the owners were entitled to compensation. He should therefore give his cordial assent to the Motion of the hon. Gentleman the Member for London.

SIR CHARLES NAPIER said, he did not intend to enter into the question whether or not the Government ought to give reparation to these merchants; but he maintained that Admiral Plumridge, having received from Mr. Grey, Her Majesty's Minister at Stockholm, a letter, stating that twelve gunboats had been built at Uleaborg, sunk, and afterwards recovered and fitted out, would not have discharged his duty if he had not taken the step which he did. Until the commencement of the last war he never heard the doctrine that pitch, tar, planking, and timber, were not contraband of war, and no British officer would ever have hesitated to destroy such stores. If you did not do that, how could you distress your enemy and bring him to make peace? If Admiral Plumridge had not destroyed the stores at Uleaborg, he (Sir Charles Napier) would have brought him to a court martial. It was not correct to say that the blockade was declared on the 24th of March. It was declared on the 15th of May; but time was allowed for vessels to escape, and not a single ship was touched till after that period. The British Government was not asked to pay for the property destroyed at Beyrout in the Syrian war, and he did not think that a better claim for compensation could be advanced in the present instance. He denied that any salt fish was destroyed at Uleaborg; Admiral Plumridge touched nothing but what was contraband of war. That was "according to Hoyle." The Admiralty had expressed their entire approval of his conduct, and it was too bad, after the lapse of four or five years, to attempt to question the propriety of his proceedings. Let the present Motion be adopted, and there was no saying what serious charge would be brought against Admiral Dundas for firing shells into Sweaborg. Admiral Plumridge was one of the most gallant officers in the naval service, and the accusation which the hon. Member for London had brought against him was entirely destitute of foundation.

MR. WEGUELIN said, that no charge had been brought against Admiral Plumridge. The question at issue turned upon whether the articles destroyed at Uleaborg were contraband of war. That was a fair subject for inquiry, and the hon. Member for London asked no more than that a Commission should be issued to investigate the whole case. It had been said that the

property destroyed consisted of timber and scantling which might be employed in the construction of vessels of war. That was denied in the most emphatic manner, and, for his own part, he did not believe—he suspected that the Government themselves did not believe—that any portion of the property in question was intended for warlike purposes. With reference to what had been said about gunboats, he was convinced that no gunboats had ever been built at Uleaborg. A fairer claim for compensation had never been made out; and, considering that there were plenty of precedents for the course suggested by the hon. Member for London—as, for example, in the case of the bombardment of Copenhagen, as well as in that of Antwerp, when the noble Lord (Viscount Palmerston), who was then Foreign Secretary, and afterwards the Earl of Aberdeen, pressed the claim on the Dutch Government, and after fourteen or fifteen years obtained the compensation required—he trusted that the Motion would be agreed to. He thought that fair ground had been made out for the issue of a Royal Commission to inquire into the circumstances of the case.

THE SOLICITOR GENERAL said, he must contend that the various grounds on which the claim for compensation had been sought to be founded entirely failed, Messrs. Mathiesen never made a claim until April, 1856; the first trace of an application from Messrs. Lewin was in November, 1856, and no application was made from Messrs. Dresser until June in the present year, being four years after the transactions took place. Would it be right, then, or convenient, to entertain applications on the subject of compensation made so long after the occurrence took place, and at a time when, if inquiry were granted it would be impossible satisfactorily to arrive at the truth. The Proclamation stated that any Russian vessel which, prior to the 15th May, 1854, sailed from any port of Russia, situated either in or upon the shores or coast of the Black Sea or of the White Sea, bound for any port or place in Her Majesty's dominions, should be permitted to enter such port and dischargo her cargo. That was a great ralaxation of the rules of war; and as these applicants did not come within the terms of the Proclamation, they had no right to appeal to Parliament for compensation, The words used by Admiral Plumridge to the deputation of Finland merchants, who told him that the merchandise in the port was private property, and in great measure belonged to English merchants, had been referred to. Now, all that Admiral Plumridge said was that his instructions were to spare private property, but to destroy all materials of war, and, if British merchants suffered from it, they would have to ask their Government for compensation. Admiral Plumridge did not say they would get it, but that, if they wanted compensation, they must apply to the Government. Yet these Gentlemen remained quiescent for two and four years, and now the difficulty must be intense to trace out the real facts of the case. He did not impute any design to them, but it was incumbent on them to apply at the earliest moment, when the matter could have been properly investigated, and it was not competent for them to make these allegations now, when the matter could not be properly inquired into. The Admiralty considered the claim in 1856, and refused to entertain it. The Treasury afterwards was obliged to refuse it, and then the parties applied to Lord Clarendon, who, acting upon the advice of the Queen's advocate, also refused the application. Another point was whether the articles destroyed were contraband of war or not, but he thought after the discussion which had taken place that point must be abandoned by the advocates of the Motion; for there could be no doubt that they were contraband of war, and were not entitled to protection under the head of private property. He believed the Government were in every respect in the right, and he trusted the House would adhere to the determination come to, after grave deliberation, by the late Government.

MR. CLAY said, the delay in bringing forward these claims was in great measure attributable to him; the subject having been brought under his notice early in 1855, but he advised that the claim should not be pressed until the war was over; first on account of the difficulty of obtaining evidence on the spot, and, secondly, because whilst the war continued there would be an unwillingness to do anything to damp the ardour of the naval officers. It was for the House to judge how far his advice was correct, but he hoped the claimants would not be prejudiced by having followed it. He contended that there was no necessity whatever for Admiral Plumridge to have been so precipitate in destroying this property. He insisted that it was private property, and that it was impossible that it

could have been used for the construction of gunboats. He thought Mr. Grey had been deceived by a cock-and-bull story.

MR. MALINS said, that the Solicitor General had stated that a strong circumstance against listening to this claim was that it was not made till 1856 ; but he had a long correspondence in his hand asking for compensation, beginning in June, 1854, one month after the destruction of the articles. That correspondence continued during the whole of 1854, and the gentlemen with whom it originated were requested to state the particulars of their claims in order that they might be submitted to the Government. This correspondence disposed of the argument against this claim, founded on the alleged delay which had occurred in bringing it forward. The claimants were British merchants who were carrying on their lawful calling when they suddenly found that their Government had declared war against the country with which they were conducting their transactions. Under those circumstances they were surely entitled to every protection from their Government. It was admitted that on Admiral Plumridge going to Uleaborg the representatives of the merchants came out and assured him that there was nothing but private property there which was not contraband of war, and that they also claimed his protection for this property. No doubt that gallant Admiral had done nothing but his duty ; but as the parties were perfectly innocent, and their property had been destroyed for the public good, compensation could not now in fairness be refused to them. He could hardly believe that the Solicitor General was in earnest in laying down the extraordinary proposition that if they conceded this demand on the part of British subjects they must be prepared to act on the same principle towards the subjects of Russia and every other foreign Power. To that proposition of his hon. and learned Friend he could not at all assent—there was a broad distinction between enemy's property and English property which had been destroyed for the benefit of England. He appealed to Her Majesty's Government to consider whether, following the example of the late Administration, they had not taken too strict and technical a view of this subject ? The question was whether, on the broad principles of justice which the British Government was bound to act upon with reference to its subjects, the memorialists had not a clear and intelligible claim to ample compensation for the destruction of their property.

MR. PRICE assured the First Lord of the Admiralty that the timber in respect of which compensation was claimed could not be regarded by any practical man as ship-building timber. It was, in fact, essentially house-building timber, and was scarcely ever used for ship-building. At the time of the war representations were made to the right hon. Member for Carlisle (Sir J. Graham), who was then First Lord of the Admiralty, and to Lord Clarendon, in consequence of which instructions were sent out to the naval commanders to protect British property at Riga, St. Petersburgh, Cronstadt, and other ports, and not a particle of British property was destroyed at any of those places ; and as, by some misconception on the part of Admiral Plumridge, the property of British subjects had been destroyed at Uleaborg, he thought the Government ought to regard themselves as responsible for the acts of their officers. In his opinion this was a case in which the memorialists were fairly entitled to compensation, and he appealed to Her Majesty's Government to reconsider their decision, and to grant a Committee.

MR. CRAWFORD, in reply, with reference to an observation of the hon. and gallant Member for Southwark (Sir C. Napier), denied that he had used any language which could be construed as imputing to Admiral Plumridge that he had conducted himself in a brutal manner.

Question put.

The House *divided*—Ayes 65; Noes 105: Majority 40.

CONSOLIDATED FUND (APPROPRIATION) BILL.

SECOND READING.

Order for Second Reading read.

SIR HENRY WILLOUGHBY said, that if the present system of appropriating without the sanction of Parliament the balances of Votes for particular objects to totally different purposes were pursued, the power of the House over the distribution of the public income would be frittered away. No less than £516,000 of the £4,977,000 granted by the House for the transport of troops to the Crimea had been added, without the sanction of Parliament, to the Vote of £3,900,000 for naval stores for the year 1856-7. With the view of a remedy, he suggested that a clause should be inserted in this Bill requiring a supplementary Estimate to be laid before Parliament of the

mode in which the Government intended to appropriate the balances, or within one month after its meeting, if Parliament were not then sitting.

THE CHANCELLOR OF THE EXCHEQUER hoped to be able to show the hon. Baronet, when the Bill went into Committee, that there was nothing unconstitutional in the present practice, and that there had been no abuse of the powers intrusted to the Government.

Bill read 2°, and *committed* for *Thursday* at Twelve o'clock.

CHELSEA BRIDGE ACT AMENDMENT BILL.

COMMITTEE.

Order for Third Reading read, and *discharged.*

Order for re-committal read.

House in Committee.

MAJOR SIBTHORP moved, that the bridge should be free to foot passengers on Easter Monday and Whit Monday, as well as on Sundays.

MR. INGHAM moved, that Christmas Day should also be a toll-free day.

LORD JOHN MANNERS said, that he had no objection, although he was not aware that Christmas Day was much devoted to out-of-door amusement.

Motion *agreed to.*

House resumed.

Bill *reported,* as amended, *considered,* read 3°, and *passed.*

JEWS' BILL.

THIRD READING.

Order for Third Reading read.

LORD JOHN RUSSELL moved the third reading of the Bill.

Motion made and Question proposed, "That the Bill be now read the third time."

MR. NEWDEGATE moved the adjournment of the debate, on the ground that there had been an understanding that the Bill would not be brought on at so late an hour, owing to which many Members had gone away.

LORD JOHN RUSSELL said, he should be glad to postpone the third reading, if it were put down first on the Orders for to-morrow.

THE CHANCELLOR OF THE EXCHEQUER said, that the first Order for to-morrow was the Freedom from Arrest Bill, and, as there were great objections to the Bill, and it had very little chance of passing this Session, probably the hon. Member for Northamptonshire might be induced to withdraw it, when the Jews Bill might be taken first.

LORD ALFRED CHURCHILL did not think it at all likely that the hon. Member for Northamptonshire would withdraw his Bill.

Motion made and Question put, "That the Debate be now adjourned."

The House *divided:*—Ayes 38; Noes 86: Majority 48.

Question again proposed, "That the Bill be now read the third time."

COLONEL NORTH moved the adjournment of the House.

MR. WARREN again appealed to the noble Lord the Member for London to postpone the Bill.

MR. MILNER GIBSON said, he saw no reason why the hon. and learned Member for Midhurst should not, if he were anxious to do so, proceed to address the House. Though the hour was late (a quarter to two o'clock), hon. Members must be prepared to submit, at the present period of the Session, to the inconvenience of sitting somewhat beyond the usual hour.

LORD JOHN RUSSELL said, he saw no reason why the House should not at once be favoured with the additional enlightenment which the hon. and learned Member for Midhurst might be prepared to throw upon the question.

MR. SPOONER protested against proceeding with the Bill, on the ground that many hon. Members had left the House under the belief that the third reading would not be pressed forward at so late an hour.

MR. WALPOLE did not think that much was to be gained by persevering in such Motions as that for the adjournment of the debate and of the House. For his own part he could not vote for the Motion for the adjournment of the House, as he was anxious that the other Orders on the paper should be proceeded with.

MR. NEWDEGATE contended that it was unfair to press on the Bill under the circumstances.

Motion made and Question put, "That this House do now adjourn."

The House *divided:*—Ayes 22; Noes 99: Majority 77.

Question again proposed, "That the Bill be now read the third time."

MR. W. N. HODGSON moved the adjournment of the debate.

MR. BERESFORD HOPE thought, that as there was a large number of hon.

Sir Henry Willoughby

Members who were opposed to the Bill, and as there was no absolute necessity for proceeding with it at once, it would be but doing an act of courtesy to afford those hon. Members an opportunity of expressing their opinions with respect to the measure.

LORD JOHN RUSSELL, not wishing to inconvenience the House, consented to postpone the Bill until this day, although the sense of the House had been shown by the last division.

Debate adjourned till *To-morrow.*

House adjourned at a quarter after Two o'clock.

HOUSE OF LORDS,

Wednesday, July 21, 1858.

MINUTES.] PUBLIC BILLS.—1ª Government of New Caledonia; Cornwall Submarine Mines; Chelsea Bridge Act Amendment; Returns to Secretary of State; Detached Parts of Counties.

2ª Inclosure of Lands; Legitimacy Declaration; Sheep, &c., Contagious Diseases Prevention; Turnpike Acts Continuance; Public Health; Vaccination (Ireland).

LEGITIMACY DECLARATION BILL.

SECOND READING.

LORD LYNDHURST moved the second reading of this Bill, which was founded on a great omission in the law of this country. There was no such defect in the law of Scotland. By that law a man could obtain a declaration as to the legitimacy of a marriage and of the issue. This Bill had been introduced to remedy the defect in the law of England, and it had met with the support of the most eminent lawyers in the other House of Parliament. He hoped under these circumstances that their Lordships would be of opinion that it should be read a second time. It was proposed that the matters dealt with by the Bill should be taken before the Court for Divorce and Matrimonal causes, which was presided over by that eminent Judge, Sir Cresswell Cresswell. The Court would have power to cite parties and to hear them, and no person was to be bound by the decision, except those who had been cited or had appeared. Every guard had been adopted to prevent injurious consequences from arising.

Bill read 2ª (according to Order), and *committed* to a Committee of the whole House *To-morrow.*

PUBLIC HEALTH BILL.

SECOND READING.

On Motion,

LORD WYNFORD said, it would be useless to purify the Thames unless they stopped those noxious trades that were carried on on the south side of the river. At present there was a most unfortunate defect in the law with regard to those noxious trades, for the Act did not affect those which were established when it passed, though as to grave yards already existing there was power given to suppress them. He suggested to the Government to consider whether they should not put in a clause giving power to inspectors to visit these places, so that either with or without compensation such horrible nuisances might be suppressed.

LORD HARDWICKE had no doubt that many of the places referred to were a great nuisance to the surrounding neighbourhoods, though originally they had probably been constructed in the suburbs of the city, and the city had afterwards closed around them. This Bill did not, it was true, go so far as his noble Friend required, yet it gave the Privy Council power to inquire into any such matters as those referred to.

LORD WYNFORD said, it did not give them the power of suppression.

Bill read 2ª and *committed* to a Committee of the whole House *To-morrow.*

JEWS BILL.

Returned from the Commons *agreed to.*

OATHS BILL.

Returned from the Commons with a Message, that they do *not insist* upon this disagreement to the Amendment made by the Lords upon which the Lords insist.

House adjourned at Five o'Clock, till To-morrow, half-past Ten o'Clock.

HOUSE OF COMMONS,

Wednesday, July 21, 1858.

MINUTES.] NEW MEMBER SWORN—for Stamford, Sir Stafford Henry Northcote.

PUBLIC BILLS.—3° Cornwall Submarine Mines; Detached Parts of Counties; Jews'; Marriages (Moscow, Tahiti, and Ningpo); County Court Districts.

OPENING OF THE NATIONAL GALLERY ON SATURDAYS.

OBSERVATION.

MR. T. DUNCOMBE said, he wished to call attention to the fact that the National Gallery was shut on Saturdays, while by a recent resolution of the trading community upwards of 50,000 persons in the metropolis now enjoyed a half-day holiday on that day. He wished to know from the right hon. Gentleman the Chancellor of the Exchequer whether it was not possible that arrangements could be made to give that vast number of persons the opportunity of visiting the Gallery during the hours of their half-holiday? He thought the case might be met by opening the Gallery from one to six o'clock on Saturdays.

THE CHANCELLOR OF THE EXCHEQUER said, he thought that some arrangement such as that indicated by the hon. Member would be very desirable, and that the regulations of the National Gallery should be made to harmonize with that beneficial change in the national manners which gave the working classes a half-holiday on Saturday. He should most certainly give his attention to the subject.

TRANSPORT OF TROOPS TO INDIA.

PERSONAL EXPLANATION.

VISCOUNT GODERICH claimed the indulgence of the House while he brought before it a question of a personal character, which he regretted to say involved a reflection upon some proceedings of the hon. and gallant General the Member for Westminster (Sir De Lacy Evans), for whom he entertained, on account of his public services, the highest esteem. Had those proceedings concerned himself alone he should not have been inclined to trespass upon the attention of the House; but they concerned other Members of the Committee upon the Transport of Troops to India, and it was at their request that he brought this subject before the House. Another reason for his doing so was that he had been told by the highest authorities that the proceedings of the hon. and gallant General were altogether unprecedented, and if they did not constitute a breach of the rules of the House, were so gravely irregular that they ought to be submitted to the House, in order that they might not be drawn into a precedent. In the month of February last a Committee was appointed, on the Motion of the hon. and gallant General, to inquire into the mode in which reinforcements had been, and ought in future to be, sent from this country to India. That Committee originally consisted of Sir De Lacy Evans, Viscount Goderich, Lord Stanley, Sir John Pakington, Mr. Horsman, Sir Edward Colebrooke, Sir James Elphinstone, Mr. Adderley, Sir Charles Napier, Mr. Bernal Osborne, Captain Vivian, Mr. Byng, Mr. Willoughby, Mr. Crawford, and Mr. Danby Seymour. Shortly afterwards, owing to the change of Government, Lord Stanley and Sir John Pakington retired, and, upon the Motion of the hon. and gallant General, Mr. Sclater-Booth and Lord John Hay succeeded them. Mr. Adderley was reappointed. That Committee took evidence, and at the commencement of the month of June the gallant General, as Chairman, presented to it a draught Report, with the conclusions of which several Members felt that they could not concur. In consequence he (Viscount Goderich) put in circulation certain Resolutions, and when the gallant General moved the second reading of his Report the hon. Member for the City of London (Mr. Crawford) moved, as an Amendment, that before considering any Report it was desirable to ascertain by Resolutions the opinion of the Committee on the principal points involved in the matters referred to it. That Amendment was carried by a majority of one, and certain resolutions were adopted, which, with the evidence, had been reported to the House. That Report having been made, he did not contemplate that the personal conduct of any of the Members of the Committee would be called in question. The hon. and gallant General, however, entertained a different view of the course to be pursued, and had circulated a document in which he appeared to insinuate that some Members of the Committee were actuated by motives unworthy of their position, and of the trust which was reposed in them by that House. If the hon. and gallant General entertained this opinion, he might either have expressed it in the Committee or in that House, when those whom he accused would have met him face to face. The latter course the House knew that he had not pursued, and so far was he from adopting the former, that on the last occasion on which the Committee sat he (Viscount Goderich) publicly assured the gallant General that it had been with the greatest regret that he had opposed the acceptance of his Report. The hon. and

gallant General replied to him courteously, and he left the Committee without supposing that the hon. and gallant General entertained the slightest suspicion that he had been actuated by any other than public motives. Instead, however, of adopting either of these two courses, the hon. and gallant General put in circulation the document to which he was about to call the attention of the House. Before noting the contents of that document, however, he must refer to the mode in which it was circulated. It was printed with the outward appearance of a Parliamentary paper, and circulated under a covering having the heading "Parliamentary Proceedings;" consequently it bore the appearance of having received some Parliamentary sanction. To whom was it sent? It was circulated, he believed, among the other Members of the House, but it was not sent to himself, to the hon. and gallant Member for Bodmin (Captain Vivian), to the hon. Member for Dover (Mr. B. Osborne), or to his noble and gallant Friend the Member for Belfast (Lord John Hay); and yet it was upon their conduct that it reflected. The first intimation which he received was from his hon. Friend the Member for Middlesex (Mr. Byng), who was one of the Members who voted for taking the draught report into consideration; but when his hon. Friend applied for a copy for him, he was told that his (Viscount Goderich's) name was not upon the list, and he could not receive one. He never had received a copy, and that which he held in his hand he had only obtained by the kindness of a friend. The hon. Member for Bodmin also applied for a copy, and was refused. Therefore, if he had a right to complain of the contents of this paper, he had still more right to complain of the manner in which it had been circulated. It did appear to him that in withholding from those whose conduct was criticised in it copies of this document the gallant General was guilty of a want, he would not say of courtesy or generosity, but of the fairness which one man might be expected to extend to another. The paper consisted of the draught report of the gallant General, which had been printed *in extenso* in the published Report of the proceedings of the Committee, of extracts from the appendices to the Report not yet in print, and of a preface written by the hon. and gallant General, and for the sake of circulating which it must have been that this document was issued. It was to this preface that he especially wished to draw the attention of the House. This preface contained severe criticisms on the conduct of those who differed from the hon, and gallant General, and the charge insinuated was that the seven Members of the Committee who voted against taking the Report into consideration were actuated, not by a sense of public duty, not by the result of the evidence and their own thought, but by a desire to screen the Members of the late Administration from the censure which they deserved. The hon. and gallant General said in this preface—

"The task of drawing up a draught Report devolved upon the Chairman, who deemed it his duty and for the public advantage to mark without favour or affection, and in direct terms, the serious official mistakes alluded to. This, however, seemed displeasing to several of his colleagues. The draught Report was read a first time on the 8th of June. On the 18th the Committee met again, when a Motion was made to consider Resolutions before taking into consideration any draught Report. There were present during this Vote—Sir De Lacy Evans, in the chair, who voted for considering the Report; Sir C. Napier, Sir J. Elphinstone, Mr. Horsman, Mr. Byng, Mr. Sclater-Booth, and Mr. Willoughby, who voted for proceeding by Resolution before considering any draught Report; Lord John Hay, Mr. D. Seymour, Sir E. Colebrooke, Mr. Osborne, Captain Vivian, Lord Goderich, and Mr. Crawford."

The hon. and gallant General then went on to say—

"A technical majority of seven of these were apparently anxious to obtain for their political friends, as far as practicable, the usual amiable verdict, 'Nobody is to blame.' As a censure of the late Administration was involved in the result, an impartial judgment by the Committee could only have been expected from a fair balance of parties in the Members, but that balance did not eventually exist, because the unexpected change of Government during its proceedings deprived it of the valuable assistance of the present President of the India Board, the First Lord of the Admiralty, and the President of the Board of Health. It had also the effect of depriving the Chairman of the right of voting."

That sentence he did not quite understand, because the gallant General had the same rights as any other Chairman of the Committee.

"Thenceforward the seven Members of the Committee abovenamed, some of whom had held office under the late Government, or had been supporters of it, were enabled, though not in a numerical majority, to carry any Motion agreeable to their wishes."

That the hon. and gallant General should say that the majority were quite wrong in their conclusion did not surprise him, but what they had a right to complain of was,

that in a document privately circulated he accused them of having been actuated by wrong motives, not by a sense of public duty, but by a desire to screen the Members of the late Administration from a censure which they deserved. To that assertion on his own part, and on the part of those who acted with him, he gave the most distinct and emphatic denial. He was most especially surprised that the gallant General should have made such a charge against the hon. Member for London (Mr. Crawford), who, as the representative of the first constituency in the kingdom, might have been considered above any such suspicion, and who, on the very last day of the sitting of the Committee, moved the insertion in the last Resolution limiting the praise there given to the East India Company, and most remarkably excluding Her Majesty's late Government from all share in it. He should also have thought that the character of his hon. and gallant Friend the Member for Bodmin (Captain Vivian) and the manner in which he had criticised the conduct of the military departments with reference to the war in India, would have saved him from such an accusation. For himself he would say nothing. He would content himself with giving a distinct denial to the charge made by the gallant General, and would leave his character to the judgment of the House. He must, however, call attention to the manner in which the gallant General had criticized the proceedings of the Committee. Having stated that the Chairman could not vote in favour of his own report —as, of course, according to the rules of the House, he could not—he went on to say that Mr. Adderley, though entertaining opinions entirely in unison with those of the Chairman, did not feel at liberty to vote in this division for reasons apart from the merits of the question. He called upon the gallant General to prove that the right hon. Gentleman referred to did approve his draught report, or had even read it. He believed the fact was, that his right hon. Friend concurred in his opinion as to the conduct of Sir George Grey at the Cape, but he doubted whether there was any further concurrence between them. He agreed with the gallant General in regretting the retirement from the Committee of the President of the India Board and the First Lord of the Admiralty; but as the draught report said that there was reason to fear that the present Government were committing the same mistake as their predecessors in sending troops round by the Cape, it was doubtful whether that document would have received the support of the noble Lord and the right hon. Baronet. The hon. and gallant General then went on to criticise the language and grammar of the Resolutions. With regard to that matter, however, he would not trespass upon the House. What he was anxious to do was, to give to the charge of the hon. and gallant Officer, impugning the motives of those who sat with him on the Committee, a most distinct denial. The course taken by the hon. and gallant Officer was entirely without precedent, and if followed upon other occasions would materially alter the character of Select Committees. Members of Committees stood towards each other in friendly and, to a certain extent, confidential relations. They deliberated with closed doors; other Members of the House were excluded, the object, doubtless, being to enable the Committee to consult with the utmost freedom. It was obvious that that object would not be attained if members of a Committee were to be subjected to a criticism of their conduct and motives in coming to a particular Resolution. As far as his own character and feelings were concerned, he should not have thought it necessary to bring this subject before the House, but having taken a rather prominent part in the Committee, and having been requested by his Colleagues to vindicate their proceedings, he had considered himself bound not to shrink from a painful duty. He would be glad to accept an assurance from the hon. and gallant Officer that he did not intend to impugn the motives of those whose names he had mentioned in his pamphlet; but if the hon. and gallant Officer persisted in his assertions, then all he could say was, that he should feel he had discharged a duty he owed to his friends, leaving his own character to the impartial judgment of the House of Commons. With the view of giving Sir De Lacy Evans an opportunity of making a statement, he would formally move the adjournment of the House.

SIR DE LACY EVANS, who was imperfectly heard, was understood to say that he was not surprised, nor did he regret, that the noble Lord had brought forward this subject, although he thought that due notice had not been given. He himself had arranged with three or four Members of the Committee to call attention to the question of the transport of troops to India

on Friday next, because he believed that a full and ample discussion of the whole matter was required by the public interests at the present moment. He could assure the noble Lord that, on personal grounds, he regretted having felt himself obliged to cause the publication which occasioned the noble Lord's present remarks; and he certainly should not have done so, had not the noble Lord and his friends so inadequately appreciated the great national importance of the matter. The noble Lord urged that, if he (Sir De L. Evans) had any complaint to make of the Committee, he should have urged it in the Committee; but the fact was that he had done so, and, he was sorry to add, not in the most polite terms. When the few sentences termed Resolutions were brought forward as the result of three months' labour, concluding in the effect with the statement that no department of the Government was to blame, and that "considering the sudden emergency, and the distance which the troops had to be sent, the Committee were of opinion that credit was due to those on whom the sending of the troops devolved," he (Sir De L. Evans) exclaimed that such Resolution was neither more nor less than a full exoneration of the late Government. If that was not objecting, he did not know what was. It was not correct to say, therefore, that he abstained from stating his objections in the Committee. The noble Lord had spoken of the impropriety of circulating privately criticisms upon the conduct of a Select Committee. How could a document be called private which had been sent to all the principal Members of the House of Commons, including, if his memory served him rightly, the noble Lord himself, and the apparent official publicity of which the noble Lord, in the early part of his speech, had compared to a Parliamentary paper? He had asked the printer of the House for 100 copies of the draft Report, and, setting down 100 names from recollection, requested him also to forward them through the post; and as soon as he heard that the hon. Member for Dover had been inquiring for a copy, he ordered one to be sent to him at the Reform Club. [Mr. OSBORNE: I never got it.] The noble Lord considered that he (Sir De L. Evans) had made grave imputations as to motives against certain Members of the Committee, but really all he attributed to them was an amiable desire to favour their political friends. He was astonished to find this represented as a grave charge. It was merely a laudable attempt to obtain the usual amiable verdict, "Nobody to blame." It was said, also, that he had violated the forms of the House. He was ready to express his regret if he had done so; but there were some things which, in his judgment, were more important than forms, and those were the great interests of the people. At the same time, he much regretted having fallen into any irregularity, and begged to state, frankly and explicitly, that he had no intention to wound the feelings or impugn the motives of the noble Lord and his friends. When he first moved for the appointment of this Committee, the present Chancellor of the Exchequer told him that he came upon the House "like a thief in the night"—such were the very words used; but he did not think it necessary to call upon the House to protect his character against such an imputation; on the contrary, he laughed at it, and he saw no reason why the noble Lord and his friends should pursue a different course on the present occasion. But, on the subject of party, had not they recently heard from the right hon. Gentleman the Chancellor of the Exchequer, and from the noble Lord the Member for London also, time after time, homilies on the importance of party in a constitutional Government, and the importance of upholding party ties? He had heard over and over again, from the right hon. Gentleman and the noble Lord, that the only true way to conduct the affairs of this House was by maintaining party organization and respecting the ties of party. Such high authorities he was bound to suppose were right; and was there, therefore, anything wrong in his (Sir De L. Evans) saying that the majority of this Committee were good friends of their party? He never should have thought of this criticism on the proceedings of the Committee—which, he admitted, was singular—but for the importance of keeping attention directed to the subject, seeing that the Session was drawing rapidly to a close, and the crisis in India did not yet show symptoms of being brought to a speedy termination. The Report, as it appeared to him, indicated a magnificent contempt for facts, and for the evidence on which it proceeded. He (Sir De L. Evans) stated last Session, when the tidings of the mutiny were first received, that it would be practicable to send troops by the overland route. At the same time, he urged that steamers should

be employed as well as sailing ships, and expressed his regret that orders had not been at once sent to the various Colonies to expedite the forwarding of whatever military resources they could spare to meet the emergency. He also recommended that some of our great war steamers should be brought into requisition for sending out troops. There was another reason for calling attention to the matter, in the fact that, though the Resolutions of the Committee had been published, the evidence had not been yet circulated. But what in fact was the real state of the case? The evidence completely bore out the statements made on moving for the Committee. Admiral Leeke stated that two or three war steamers, sent at once from this country with troops, would have had a great moral effect. The senior member of the Council of Bombay gave similar testimony. Captain Harris, the naval assistant, who had been sixty-eight times across the Red Sea, and over the route he (Sir De L. Evans) recommended, declared that there was no single objection to it; and the Quartermaster General in Egypt in his Report, and Colonel Fraser, who had conducted the transfer over Egypt, of the dragoon regiments from India to the Crimea, had both borne testimony to its practicability. After such evidence, he thought the House and the country would be surprised at the conclusion to which the Committee came. He contended that the overland route was proved to be perfectly safe; and it was important, therefore, that the country should be made aware of the serious mistakes made by the late Government on this subject, in order to provide, as far as possible, against a repetition of them. These were his objects in the course he had taken.

THE CHANCELLOR OF THE EXCHEQUER: I rise to order, Sir. I understand that the House, in consequence of a personal charge having been made against some of our Members, agreed to grant an opportunity for a vindication of the character of the Members of the Committee, and also to afford an opportunity to the hon. and gallant General to substantiate his charge, or to give such explanations as he might think necessary. With that view we have consented to the postponement of business of great importance, as I am sure that on all occasions, when the personal conduct and the personal character of any hon. Member is concerned, there is no sacrifice which we will not be ready to make; but I put it to the hon. and gallant General whether the opportunity thus afforded by the House should be made use of to go into a discussion of the whole question which was the subject of the Committee's investigations? Such a discussion would lead to a debate of great length, and therefore, I would put it to the hon. and gallant General whether it would not be more in consonance with the understanding on which the House permitted this matter to be brought forward to confine himself on this occasion to the personal considerations, without going into the general question?

SIR DE LACY EVANS: This matter is before us.

THE CHANCELLOR OF THE EXCHEQUER: The evidence taken by the Committee is not before us.

SIR DE LACY EVANS said, he should be sorry to trespass upon the indulgence of the House, but he certainly thought himself free, on the Motion of adjournment, to make some remarks upon the evidence taken before the Committee. As he stated orginally, it was on public grounds, and not from any personal considerations, that he wished the subject to be inquired into. But as the right hon. Gentleman did not wish the discussion to be prolonged, he would but refer to one statement of the Committee, which he thought demanded some comment. They stated that, though the overland route might be advantageously resorted to in an emergency, it would not be advisable to rely upon it for the transport of troops to India. Now, he had only adverted to the case of an emergency ("Question!"). If this is not the question, I have nothing more to say.

THE CHANCELLOR OF THE EXCHEQUER: Sir, in all these cases, in which the conduct of a Member of this House, and especially a Member who, on so many grounds, is entitled to our respect as the hon. and gallant Member for Westminster, is impugned, there are generally details of a painful character which it is desirable that a fair opportunity should be afforded of discussing. But in this case I think it proper that the House should take an early opportunity of expressing its opinion. It does appear to me, after having listened, not only to the noble Lord (Viscount Goderich), but to the gallant General himself, that he (General Sir De L. Evans) has committed a very irregular act. That Act, the irregularity of which he himself admits, is, I think, not free from con-

siderable impropriety also. I do not understand how the business of our Select Committees is to be carried on in a manner to give satisfaction to this House and to the country if, when the proceedings of a Select Committee are concluded, any hon. Member of that Committee who has not succeeded in having his opinions adopted, is not only to play the critic but to circulate a document which impugns not merely the judgment but the motives of his colleagues who were in the majority against him. Suppose this proceeding of the hon. and gallant General was accepted as a precedent, and that after a Committee had come to a decision and made its report, an hon. Member, who may be in the minority on that Committee, should publish a pamphlet imputing motives to the majority, and circulate it amongst Members of this House? I think the inconvenience to the public business as well as the injury to the private feelings of hon. Members would be so great that it is not necessary to make it the subject of comment. The hon. and gallant General has alluded to me—I am sure in no unfriendly spirit—in regard to some observations I made when this Committee was first proposed. Those remarks were made, not certainly in my character of leader of the House, but in a character of far less responsibility. However, I am sure the hon. and gallant General will not for a moment put in the same class observations made openly, in the full heat of public debate, and which can be immediately noticed and answered, with a document written and printed and circulated certainly in a manner and under conditions which, whether intended or not, succeeded in preventing the parties most interested from being acquainted with their contents. Sir, the gallant General will not on reflection put under the same head that freedom of debate which always is indulged in during our discussions in this House, and which is necessary to a frank and satisfactory criticism of public affairs, with the course which he has thought proper to adopt. Now the hon. and gallant General has, I am sorry to say, directed most of his observations in vindicating the course which he took, and which I think all Members of the House must regret that he did take. At the same time the hon. and gallant General has frankly expressed his regret if he has not pursued the usual course. He has expressed, in a manner more marked and emphatic than any other part of his observations, his regret that he should have hurt the feelings of any hon. Member who served on that Committee or should have violated the usual order of proceeding in this House. I trust, therefore, that that will be considered sufficient, and that this conversation may now end. The noble Lord has fairly and completely vindicated the conduct of himself and his colleagues whom he represents in this matter, before both the House and the country. The gallant officer has shown to the House—what indeed was not necessary—that in all he has done he has been animated solely by that high sense of public duty which always actuates him. I hope, therefore, we shall not be drawn into debate on this matter; especially as the matter is not formally before us, and the House is not asked to give any opinion on the subject. The object of this conversation has been, I apprehend, not, on the part of the noble Lord, that the House should express any censure on the conduct of a hon. and gallant General, whom we all very much respect and honour, but rather that he should place the conduct of himself and his colleagues in a right position, and also that the general rules regarding the conduct of business by Select Committees should not be changed, or in any way departed from without some notice to this House, conceived in such a spirit and expressed in such a manner as that the violation of our rules should not be drawn into what I think would be a very dangerous precedent. The object of the noble Lord being entirely gained, I think this Motion should end without any feeling on the part either of the noble Lord or of the gallant General, which would disturb that accord which I hope will always characterize our debates, and which tends so much to maintain the dignity of our privileges.

VISCOUNT GODERICH said, that he had not the slightest wish that this debate should be continued after the regret which he understood the hon. and gallant General had expressed for having impugned the motives of the majority of the Committee. He most cordially agreed with what had fallen from the right hon. Gentleman the Chancellor of the Exchequer, and hoped that the hon. and gallant Gentleman would not permit anything that had passed to interrupt that courtesy and good feeling amongst the Members of the House, which he (Lord Goderich) concurred with the right hon. Gentleman in thinking were so necessary to be continued. He thanked

the right hon. Gentleman for the handsome manner in which he had done him justice; and would now ask leave to withdraw his Motion.

Motion by leave *withdrawn.*

JEWS' BILL.—THIRD READING.

ADJOURNED DEBATE.

Order read for resuming adjourned debate on Question [20th July] "That the Bill be now read the third time."

Question again proposed.

MR. WARREN: Sir, I purpose to intrude for a few minutes only upon the indulgence of the House while I state the grounds of my unconquerable repugnance to the provisions of this Bill. I have to thank the noble Lord the Member for London for the ready courtesy and kindness with which he met my application to him last night, that he would not proceed with the Bill at a late hour; but I was taken by surprise when at an early hour this morning I found that, by what appeared to me, I own, something like a little management in a quarter not far from me, the intentions of the noble Lord were nearly frustrated, and might have been so, had not a number of hon. Members on this side the House resolved that the matter should not be huddled up in a corner, and the Bill passed in so discreditable a manner. Sir, nothing that I have ever heard since I had the honour of a seat in this House, has satisfied me that the fundamental principle of this Bill is one to which a Member of a Christian Legislature can possibly give his assent. This Bill which has been sent down from the House of Lords, comes to us under circumstances so extraordinary and so utterly unprecedented that everybody must have been taken by surprise. It is a conclusion in which nothing is concluded. It is a concession in which nothing is conceded. It is a settlement in which nothing is settled. And I do believe in my conscience that every Member of this House, on both sides, whatever his views on the great question before us, really entertains that opinion. The noble Lord the Member for London is deservedly a great constitutional authority, and has much experience as a Member of the Legislature; but he has not one syllable to say in favour of this extraordinary production of the wisdom of the upper House,—of which I desire to speak with unfeigned respect and deference,—except that he receives it simply because he cannot get anything better, and that at all events it is, in his view, a step in what he considers the right direction. We have several of the occupants of the front bench on this side of the House in favour of the Bill, yet we have had no explanation from any of them of the nature of its precious provisions; whilst there seems to be on the part of the House generally a sullen acquiescence in the passing of the Bill. It is considered as bad a Bill as can be; but, as the hon. Member for Northampton (Mr. Gilpin) said the other night, bad as it was, it would be accepted by him, because he saw at present no chance of getting anything better. If this Bill does involve a great principle, and the country believe it does, is it, I ask, consistent with the dignity of this House to pass it in the manner — the furtive manner, in which it was attempted to be passed at an early hour this morning? not, certainly, by the noble Lord the Member for London, to whom I again tender my thanks for the readiness with which he consented to give us the opportunity of deliberately expressing our opinions. In the name of those friends with whom I am acting, I would also thank hon. Gentlemen opposite for the promptness with which they responded to the appeal addressed to them on the same occasion by the hon. Member for Maidstone (Mr. Hope). Sir, I know it is utterly in vain for me to move, as I am moving, an Amendment that the Bill be read a third time this day three months. I have no doubt that within twenty minutes or three quarters of an hour from the time at which I am speaking, the Bill will have received the formal and final sanction of this House; but that is no reason why the Members should not listen with patience for a few minutes to one of those who have often taken part in this great contest, especially as the present is the last occasion upon which I shall open my lips upon the subject. For that very reason, then, I ask the House to favour me with their indulgence, whilst as a Member of this Christian Legislature I protest against the passing of the Bill. The other branch of the Legislature very recently, within a few weeks, appeared to justify the confidence of the country that it was firm in its determination to uphold the Christian character of Parliament. The Bill which was sent up to their Lordships by the House of Commons they rejected by an overwhelming majority; but at length, in the very hour

of triumph, as we thought, a scheme was propounded by a noble Earl which resulted in the Bill now before us, and placed us in a totally different position with regard to this important and harassing question. The Bill provides that one co-ordinate branch of the Legislature may receive as an element—as one of its Members—a person whom the other co-ordinate branch of the Legislature solemnly pronounces to be morally unfit to legislate for a Christian country. Now I think that that is a wholly unprecedented course—a course which is calculated to lower the Legislature in the estimation of the country; and that those who have been parties to this so-called compromise, will find that it turns out to be nothing but a sham, or in the words of my right hon. Friend the Member for the University of Cambridge, a piece of patchwork legislation. And here I beg to thank my right hon. Friend, for the noble part he took the other night, in coming forward and unhesitatingly committing himself to that view of the question. I follow humbly and at a distance in his steps, and I say that if it were possible for anything to raise him in the estimation of the country, in the estimation of the educated, the thinking, the religious classes of the community, and the great and distinguished constituency which have done themselves the honour to elect him as their representative, it would be the fearless conduct of my right hon. Friend in differing from so many of his colleagues on that occasion. But, bear in mind that it is by no means all smooth sailing in respect to this Bill; for I find, upon looking at the division list, that on the Motion for the second reading, not fewer than twelve Members of Her Majesty's Government in this House went into the lobby with the opponents of the Bill, of whom four were Cabinet Ministers. And I do entirely concur with my right hon. Friend, that, if this important step is to be taken, of admitting the Jews to seats in this House; if the great principle, in opposition to which we on this side have so long, so anxiously, and consistently laboured, is to be established, it ought to be done in a direct and straightforward manner, in a manner worthy of the dignity and character of the British Legislature. Let both branches of the Legislature concur in submitting to Her Majesty a Bill which she shall have the satisfaction of knowing is the production of the united efforts of the two Houses with a view to future united action upon it. But, with reference to this Bill, nothing of the kind has taken place. I repeat that the Bill is presented to us under false colours. It is not a compromise; for the case is not one for a compromise in the opinion of the conscientious Members of the Legislature. It is not a concession; for it is a case in which no concession can be made, except by those who unhesitatingly range themselves under the banner of expediency, as opposed to that of principle; and I shall never be tired of enunciating the truth, which I so deeply feel, that that which is morally wrong can never be really expedient, however it may appear so to shallow, short-sighted, and selfish politicians. About a century ago another Jew Bill was submitted to the Legislature. In the year 1753 a Bill was brought forward in the other House of Parliament, and sent down to this, and passed, after much opposition, for the purpose of enabling Jews to be naturalized without first partaking of the Sacrament of the Lord's Supper. I am alluding to the Act 26 *Geo.* II., cap. 26, and it recites—and the recital is particularly significant in reference to the present case — the Act of the 7th *James* I., which required that every person, before being naturalized, should have taken the Sacrament of the Lord's Supper one month before the Bill for naturalization was presented to the Houses of Parliament. It then goes on to say, that "Thereby many persons *of considerable substance,* professing the Jewish religion, are prevented from being naturalized." On that ground the Legislature was prevailed upon hastily to pass that Act—the 26th *Geo.* II.—and so "certain persons of considerable substance, professing the Jewish religion," were entitled to be naturalized as such, without receiving the Sacrament, or giving evidence of their being members of the Established religion of the country. But what became of that Act? Why, it was repealed in the very next year—the year 1754—because of the strong indignation which it had excited throughout the length and breadth of the land; and on that occasion an ancestor of a noble Friend of mine in "another place" particularly distinguished himself by the spirit and power with which he contributed to that result. The Earl of Egmont said, that if the Act of 1753 were a proper measure it ought not to have passed into law until the coun-

try had had an opportunity given it of pronouncing an opinion on the measure; and he declared in his place in Parliament that if on the general election then pending, any Member of the House should be found supporting it before the people of these realms, he would be there to oppose him in order to mark the sense he entertained of the surrender of principle involved in the acceptance of the Bill. Now, I cannot help thinking that much of what was then said is especially applicable to the present case. Rather more than a century has since elapsed. That Act of 1753 was repealed in 1754; and it was not until the year 1830 that the question of the admission of the Jews into the British Legislature was brought forward by certainly an excellent person (Sir Robert Grant). Ever since that time the struggle has been maintained to the present moment, and only a few weeks ago the country, as I have already said, supposed that the matter had been set at rest, at least for another year, by what had just taken place in the other House of Parliament, when, to their and our astonishment, a sudden change of opinion was announced on the part of that House. Sir, I say I cannot help thinking that the measure we have now before us ought not to be passed into law until the country shall have had an opportunity given them of answering a specific and direct appeal as to whether the admission of Jews, as such, to seats in this House is consistent with their sense of duty as a Christian community; and if an affirmative answer were returned, everybody must give way to the public opinion of the country so expressed. Whilst I still retained my own conscientious convictions and opinions upon the subject, I should, nevertheless, say, that the Legislature was bound to give effect to that public opinion, as it has already done on several memorable occasions. But if we this day set our seal to the extraordinary Bill before us, we are at once declaring that in this House we are ready to receive a person whom the other House declares to be morally unfit for entrance into either House; that although their Lordships will not receive such a person there, we may, if we choose, receive him here. I hold that that is a position of things derogatory alike to the character and dignity of this House—nay, to the whole Parliament—and equally offensive to the feelings of members of the Jewish persuasion, whom the Bill vouchsafes to give us an opportunity of seating in the House if we think fit. In whatever light I regard the measure, I protest I see nothing but irresistible reasons for persevering in my opposition to the principle on which it is founded. And I ask the House why they should give it a third reading, when there is not a single Member of the House who will rise in his place and say that it has his cordial approval? Is that a fitting position for the House to occupy before this great country? Shall we be conciliating the respect of that country, by passing a Bill effecting an organic change in the constitution of Parliament, of such vast moment in the opinion of three-fourths or four-fifths of the most enlightened and pious members of the community, in the way in which we are challenged to pass this? Sir, I am not one of those who regard the assertion of Christian principle, or the maintenance of Christian supremacy in a Christian legislature, as a mere counter with which heartless politicians may play the selfish game of politics. I believe Christianity to be the vital source, the very mainspring of the welfare and prosperity of the country, and that it is only by submitting ourselves to its injunctions, obeying its principles and practising its precepts, that we can promote the happiness of our species, advance the interests of this mighty empire, and commend ourselves to the blessing and favour of Almighty God. I know that there are French philosophers, so called, in the present day who speak of Christianity as a decaying superstition, a form of religion nearly effete, though still useful to statesmen and politicians to further the ends they think expedient, so long as any considerable number of persons are found believing in an expiring faith. But, if they were to be the last words I have to utter in this House, I would with indignation and horror repudiate all such doctrines. I would say that, as members of a Christian Legislature, we are bound to assert the supremacy of Christianity in principle, in practice, in our public, and in our individual capacity; and that he is a traitor to Christianity, he is false to his own convictions, and lost to a sense of his duty, as a member of a Christian Legislature, who is, for an instant lukewarm or backward in expressing his opinions upon a matter of such unspeakable moment as that involved in the present discussion. If a flagrant dereliction of principle is involved in the Bill introduced, but

in a straightforward manner by the noble Lord the Member for London, the present Bill varies from his only by its greater departure from principle, and the unsatisfactory and discreditable grounds upon which it is based. The noble Lord the Member for London occupies a worthy place in the history of his country; and I tell him here to his face that I know he is really ashamed to have his name connected with the passing of such a Bill as this through the House of Commons. It is true that the noble Lord, who has been throughout his career the sincere, the dignified, the temperate, the conciliatory, the constitutional promoter of the great but, in my view, unhappy change now impending over us, may say that he accepts this wretched Bill as an instalment—that he regards it as a step in the right direction, and in a guarded and stern spirit, not acknowledging it to have any good in itself, except so far as it gets in the thin end of the wedge, and will enable him to secure the final triumph of the principle for which he has so long contended. But has the House well considered the statement which a very few years ago fell from the lips of my right hon. Friend the Member for the University of Oxford, himself one of the most brilliant and successful defenders of the measure against which we contend? He, nevertheless, was obliged to admit that if a Bill for admitting Jews to Parliament should become the law of the land, it would undoubtedly tend directly to the separation of Church and State. I ask the House, is it prepared to sanction a change of that description—a change, moreover, presented to us, at last, in so anomalous and discreditable a form as it is by the Bill upon the table? Sir, I belong, and have always belonged, to a party which is called Conservative; and if the principle upon which we have from the first resisted the admission of Jews to Parliament, and which as I have shown involves as many other momentous changes, is sacrificed, I, as a Member of the Conservative party, do not see what there is really left that is worth fighting about. The next thing to be surrendered is that exponent of the union between Church and State, which is to be found in the maintenance of church rates. The enemies of the Established Church—all who contend for the unqualified and unconditional abolition of church rates—will find their hands strengthened, and the path before them cleared, by the enactment of the Bill now under consideration. For many of the occupants of the front bench below me, Sir, I entertain feelings of the warmest regard and personal and political confidence, and especially for the noble Earl at the head of the Government, at whose hands, unsolicited, I have received a great and proud academical distinction. I will not attempt, therefore, to disguise with what pain and reluctance I feel it my imperative duty to stand up in my place and protest against any Bill sent down to us with the noble Earl's sanction. I should hardly have ventured to take the part I now do if I did not believe that, in yielding reluctantly to a pressure of circumstances constituting an exquisite—I may say an excruciating embarrassment which all must appreciate—the noble Earl is really acting contrary to his better judgment. Nay, I go further and say, that to pass this Bill with the sanction of Her Majesty's Government, will inflict a very deep wound upon that great Conservative party, the Members of which constitute the most attached and faithful supporters of the noble Earl and of those Members of the Government, not few, thank God! in number, who have shown themselves entitled to the confidence of the Conservative party in the country. That party is greatly shocked and deeply hurt by the step which has been now taken. It is not a noisy, it is not an agitating party; but I shall be very much surprised, indeed, if unlooked-for results do not follow the adoption of this measure. It may even lead, for aught I know, to new political combinations, and effect not only temporary but permanent changes in the relations of parties, which are not contemplated by those who have so unexpectedly sanctioned the introduction of this Bill to the House. Dr. Paley has some admirable remarks in his Chapter on Government, one of which is this. He says, that in politics the most important and permanent effects have for the most part been incidental and unforeseen, a proposition, he continues, inculcated for the caution which teaches that changes ought not to be adventured upon, without a comprehensive discernment of the consequences, without a knowledge as well of the remote tendency as of the immediate design. He gives various striking instances which are familiar, I have no doubt, to many Members of this House. But I follow this matter no further.

As for the structure of this Bill, brief as it is, I think I may challenge the acutest intellects in the House to say that they can make sense, especially of one of the sections. But I pass on. The House of Lords have not only sent us down this Bill, but returned that which a majority of this House had sent up to them, and have accompanied that latter Bill with their Reasons for not agreeing to it; and I must take leave to say that in all the records of our constitutional history and of our Parliamentary annals I do not know of any thing approaching, in inconsistency, and, if one must speak out, in utter absurdity—the course of procedure which is now forced upon us. I appeal not only to those friends with whom it is my pride and pleasure to act on all occasions, not only to the friends and adherents of the great Conservative party in this House; but I fearlessly appeal to hon. Gentlemen opposite, whether in their opinion also we are not called upon to enact a derogatory legislative absurdity. But I have now done. Sir, the members of the House of Lords are privileged to exercise a function which we are not. Peers who dissent from the majority, may place upon the journals of that House their reasons, in the form of a protest, and some of these protests contain the loftiest sentiments and noblest expressions of wisdom and patriotism that the annals of mankind can furnish. We have no such privilege entrusted to us by the Constitution. We speak only by our votes, and by those discussions which precede and govern our votes; by those debates which instantly find their way to every quarter of the country—of the world indeed—and by which the nation, so vitally affected by our proceedings, acquires an opportunity of knowing what were the premises from which its representatives deduced the inferences eventuating in the contents of our statute-book. But, with the leave of the House, I will sum up these remarks, some of which I have made with no small pain and reluctance, by reading the grounds upon which I protest, to the last, against this, or any Bill admitting Jews into either House of Parliament. Several of those reasons, I am sure, must commend themselves to the judgment of even hon. Gentlemen opposite, who are so near the hour of triumph that they may well—as I am sure they will—be forbearing and patient. I Protest, then, against the passing of this Bill, because—1. In language used in "another place," a Jew, demanding admission, as such into the Legislature of this Christian country—and that for such purpose the profession of Christianity required from other members of the Legislature be dispensed with—is a man repudiating HIM, who is the central point of the whole Christian Revelation, and declaring HIM to be an impostor. The Jew must, therefore, in the whole tone of his thoughts, and in the whole series of his principles, be so at variance with the principles and tone of thought of a Christian community, that he cannot safely be trusted with the discretionary power of making laws for that Christian community. 2. That it is reasonable and just that none but Christians should be Members of the Legislature of a Christian country, whose laws are, and have for ages been, professedly Christian. 3. That the object specified in the summons to Parliament being to consult "for the state and defence of this kingdom, and the Church," it is a mockery to summon a Jew to take part in such deliberations. 4. That a Jew cannot, as such, join in the prayers with which both Houses of Parliament have from time immemorial commenced their daily deliberations, one of such prayers concluding with a supplication that "the result of all our counsels may be the uniting and knitting together of the hearts of all persons and estates within the realm, in true Christian love and charity one towards another, through Jesus Christ our Lord and Saviour." Such prayers a Jew must treat with derision, or recoil from them with horror. 5. That the greatness or smallness of the number of Jews who may be admitted into this hitherto Christian Legislature, is immaterial, the principle contended for by the opponents of the Bill being finally and completely surrendered by the admission of a single Jew, as such, and of right. 6. That the fundamental principle of the Bill is one which, when formally adopted and promulgated by the Legislature, will tend directly to lower the influence of Christianity upon public opinion, and promote indifference to Christianity and unbelief. 7. That the formal and deliberate surrender of the exclusively Christian character of the Legislature, is fearfully inauspicious at the moment of inaugurating a new system of Government for India; and is calculated to entail disastrous consequences on legislative and executive action when made known to the many millions of the Queen's subjects in

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India. 8. That the admission of Jews into the Legislature is opposed to public opinion and the wishes of the people, which ought to be distinctly ascertained by means of a general election before taking a step so seriously affecting the constitution of the Legislature.—And here I beg leave to pause for one instant, to point out that I have found the signatures to petitions presented during this Session against the Jewish claims to be 14,500 in number, and those in favour of them only between 300 and 400. 9. That the Bill now before the House empowers one of two co-ordinate branches of the Legislature to admit into its number those whom the other has solemnly declared to it that they are "in a state of moral unfitness to take part in the legislation of a professedly Christian country;" and from such an anomalous and incongruous organization, no safe or advantageous legislation for the highest interests of the country can proceed. 10. That the Bill before the House is, in the above and other respects, without precedent in our legislation; opposed to the genius and spirit of the Constitution; offensive to the Jew; derogatory to the dignity of this House; provocative of disunion and collision between the two Houses; and violates equally the principles of both parties to this unhappy contest. Lastly. That the admission or rejection of the Jew as a member of the Legislature is either morally right or morally wrong; and, as such, cannot legitimately form the subject of concession or compromise.

I most sincerely and respectfully thank the House for having listened with such patience to one who, upon this question, may be said to be *in extremis*. Henceforth my lips are sealed, so far as this matter is concerned. When this Bill has passed into a law, no doubt a Resolution will be submitted to the House for the practical carrying into effect the objects of the Bill. That Resolution will doubtless be agreed to with acclamations by the majority; the usual organs will announce to the country and the world at large that the result was received with vehement cheering; but from that moment I believe will date the decline of the moral and religious influence of the House of Commons. Sir, I have no quarrel whatever with any Member of the Jewish persuasion. With regard to the particular gentleman whom the City of London has returned as its Member, who takes his place so frequently under that gallery, and is so soon—it would seem—to find himself on the floor of the House, and sit on its benches, I have only to say that I cannot anticipate, without emotion, the moment when he will stand at that table;—when a new volume will be presented to him for the first time in the annals of the House; when he will put on his hat, and take an oath which is utterly different to, and irreconcilable with, the oath which all other Members of the House have taken, and must take before they can occupy a seat in this House. Well, Sir, if such be the will and pleasure of the House, then there is of course nothing left for the minority but to submit; but to submit with a solemn protest against the entire proceeding. I now beg to move the Amendment, of which I have given notice, that the Bill be read a third time this day three months.

Amendment proposed to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

MR. HOPWOOD, in seconding the Amendment said, that it was a bold assertion to make; but if the Bill passed in its present shape, he believed they must of necessity exclude the Jew from Parliament. By the first clause any Member professing the Jewish religion, and coming to this House to be sworn was not compelled to use the words "on the true faith of a Christian;" but, according to the second clause, it was provided that, "in all other cases, except for a seat in Parliament, the words "I make this declaration on the true faith of a Christian" should be omitted. He really should like to have an explanation of that. He had pointed out the seeming discrepancy to his hon. and learned Friend (Mr. Adderley) who had addressed the House, the Vice President of the Committee of Council on Education, and a great supporter of the Bill opposite, the hon. Member for Sandwich (Mr. Hugessen), and none of them was able to give a satisfactory explanation of the matter; in fact, they could not understand it. What, then, he wished to know, was the use of passing a Bill which few cared for, everybody despised, and nobody could understand? He thought the clauses were contradictory in the extreme; for whilst the first admitted the Jew, the second excluded him; and he believed that if, after the passing of the Bill, a Jew were to present himself and take the oath, omitting the words "on the true faith of a Christian," any hon. Mem-

ber could move that the Act had not been complied with. He would take the liberty, therefore, of suggesting to the noble Lord the Member for London, that his better course would be to withdraw the Bill, and next Session introduce a measure that should be a little more intelligible and consistent with itself.

MR. ROEBUCK observed that Dogberry, in a fit of virtuous indignation, wished that somebody would write him down an ass; but the House of Lords, unlike Dogberry, without calling for extraneous aid, had done that piece of business for themselves. A more remarkable proceeding never occurred in the annals of Parliament, for the Lords, after stating that a Jew was morally unfit to sit in Parliament, sent down a Bill by which the Jews might be admitted to Parliament. He accepted the Bill, but his opinion of the wisdom of the Lords was not increased. But it was not surprising, as the House of Lords was always doing the same thing. He recollected that the measure to do away with the Test and Corporation Act was described by the Lords as the destruction of the constitution; but they passed it nevertheless. Then, again, it was said by the Lords, that Catholic emancipation would destroy the Protestant constitution of the country, but the Lords passed that also. Then came the measure for amending the representation of the people, and the Lords nearly drove the country into revolution by opposition to that Bill; but, in spite of their strong feeling that the British constitution was about to be destroyed, they assented to that Bill likewise. Then the English and Irish Municipal Corporations Acts were both destructions of the constitution, according to the Lords, but the Lords passed them both. At last came that measure, which was to destroy, not the English constitution alone, but the English people—namely, the abolition of the Corn Laws. The Lords were in fits about that matter, and thought ruin was coming on the country headlong. Well, the Lords passed that measure, and now the hon. and learned Gentleman (Mr. Warren) was thoroughly astounded at what the Lords had just done. The truth was, they had done a good thing in a foolish manner. If the Lords had passed the Bill of the noble Lord the Member for London, they would then have done in a straightforward and candid way what they had now done, for the sake of saving their dignity, as they fancied, in a paltry, pitiful, and disgraceful way. The House of Lords had cut a remarkable antic on this occasion. It had attempted to maintain its own dignity, and, in so doing, it had covered itself with dirt. He congratulated the House of Lords upon its feat, and he congratulated the country upon having obtained a right, even from the folly of the House of Lords.

MR. SPOONER said, he felt greatly honoured that the vote he had given on the last occasion had been thought worthy of the remarks which had been made, not only in that House, but in those public organs to which they were indebted generally for very accurate accounts of their proceedings; with reference, however, to that vote, he wished to set himself right with the House and with the public. It had been stated that his vote was given under a mistake. Now he wished to say that it was given under no mistake at all. It was given advisedly, and with a full conviction that it was a right vote. His vote on that occasion had nothing whatever to do with the merits or demerits of the Bill. If the question had been that the House should resolve itself into Committee on that day three months, he would have unhesitatingly supported such a Motion; but what was the fact? Every hon. Member who had spoken against the Bill in the course of the debate, recommended that no division should take place on that occasion, and he concurred in that opinion. A division was, however, suddenly challenged by some two or three hon. Gentlemen who sat behind him, and who did not assign any reason for the course they adopted. The effect of negativing the Motion before the House would simply have been to occasion great inconvenience to hon. Members, because the Speaker could not have left the chair, and the only result would have been the loss of a day, and at such an advanced period of the Session, he for one was not prepared to make such a sacrifice. He wished it to be understood, therefore, that he had neither given his vote by mistake nor had he changed his opinions. He had acted advisedly; and if his opinions with reference to the Jew question had undergone any change, he would have frankly stated the fact. He would not have followed the example of many others in proclaiming that he retained his opinions while he reversed his vote. He hoped this explanation would satisfy those who were under the impression that he had given his vote either by

mistake or in consequence of a change of opinion. He had been informed that the noble Lord the Member for London had charged certain members of the Conservative party in that House with want of respect towards the noble Earl at the head of the Government. Now, he begged to tell the noble Lord that he entertained very great respect for the Earl of Derby; he also felt great respect for the noble Lord himself; but, however deep that respect, nothing should restrain him, so long as he had the honour of a seat in that House, from exercising that freedom of speech which the right hon. Gentleman in the Chair always claimed for the House at the opening of every Parliament, or muzzle him in the expression of his views upon any measure which came before the House, no matter the quarter in which it might have originated. With regard to the Bill itself, he agreed with the hon. and learned Member for Midhurst (Mr. Warren) that the ingenuity of man could not have devised a measure more calculated to degrade the House of Lords, to drive the House of Commons into the commission of an absurdity, and to insult the very persons to whom the Bill professed to afford relief —for any person of the Jewish persuasion taking his seat under the provisions of that Bill, took it also under the ban contained in the "Reasons" sent down from the other House for being morally unfit to legislate in a Christian house and for a Christian community. He believed this measure would by no means settle the question, and he would give his vote for the Amendment.

MR. T. DUNCOMBE said, that it was not for him to defend any inconsistencies of the House of Lords, or to palliate any absurdities of the present Prime Minister; but when he heard it asserted by hon. Gentlemen opposite that this Bill was an absurd measure, which every one despised and nobody could understand, he would venture to state that, in his opinion, the Bill would effect the purpose for which it had been proposed, and that it would not hereafter prove a despicable measure, although it had come from the House of Lords. Indeed, he had no right to cavil at the Bill, for the fact was that the measure was simply the Resolution of which he gave notice in December last, wrapped up in the form of a Bill. When the noble Member for the City of London introduced his Bill on this subject in December, he (Mr. Duncombe) had said of it that it seemed as if it was framed for the purpose of tempting the pruning-knife with regard to one of its clauses, and that had been the case; for when it was sent back by the House of Lords on the 30th of April, the clauses relating to the Jews were omitted. On the 11th of May the House placed a Jewish member upon a Select Committee, and sent him to confer with the Lords as to their reasons for rejecting the clauses relating to the Jews. That step placed the House of Lords and the Prime Minister in a new position. It was very well known that in the House of Lords a great deal of bigotry, prejudice, and intolerance existed on this question, but the noble Lord at the Head of the Government was rescued from his difficulties by the intervention of the Earl of Lucan, who brought forward the Bill now under consideration. Lord Brougham truly stated at the time of these occurrences, that the moment the House of Commons placed a Jewish member, who had not taken the oaths, upon a Select Committee, and sent him to a conference with their Lordships, the contest as to the admission of Jews into the House of Commons was at an end. It was said that a compromise had been made on this question, but there had been no compromise so far as that House was concerned. The fact was that the House of Lords had made a concession, because they found such concession was necessary. He only wished the concession had been made in a more noble and generous spirit by assenting to the Bill of the noble Lord (Lord J. Russell), with the restitution of the clauses which had been struck out in the House of Lords. The noble Earl who brought in this Bill had stated that he was aware that by the Resolution of the House of Commons a Jewish Member had been placed upon the Select Committee, and he expressed his hope that that hon. Gentleman did not attend the conference because it would have been an insult to their Lordships. The noble Lord might, however, easily have ascertained from Lord Eversley, or the Bishop of Carlisle, or any other member of the conference, that Baron Rothschild attended and voted upon the Committee, and that he was also present at the conference. He (Mr. Duncombe was convinced that by such a proceeding, neither that House nor Baron Rothschild intended to offer any insult to the House of Lords, and he did not believe that any of the Peers who conducted the conference felt themselves insulted by the

presence of a Jewish member. Baron Rothschild asked his (Mr. Duncombe's) advice as to whether he should attend the Committee and the conference, and he told him by all means to do so, as then was the moment to prove himself the champion of a great principle. That step did much to settle this question. He saw at that moment an hon. Gentleman, a member of the Jewish persuasion, who had been returned to that House by the city of London on five different occasions, sitting, as it were, by favour, among strangers below the bar, while he ought by right to be seated within the precincts of the House. [The hon. gentleman referred to Baron Rothschild, who was sitting on the benches allotted to Peers beneath the Speaker's gallery.] It was disgraceful and discreditable to a reformed Parliament of the 19th century that any man should be excluded from that House on account of his religious opinions, but he rejoiced that this exclusion would speedily be removed by the present Bill, which he did not regard, therefore, as so despicable a measure as it had been represented to be. It had been said that the feeling of the country was opposed to the admission of Jews to Parliament, but he thought that statement was unjustifiable, for a member of the Jewish religion had been repeatedly returned to that House by large majorities, and year after year they had seen the representatives of important constituencies voting in favour of the object which would be accomplished by the Bill before the House. The struggle upon the question of the admission of the Jews to Parliament, which was now about to terminate, was not likely to be soon forgotten, but he trusted that the acrimonious language which had been used in the course of the discussion would ; and that without reference to the religious opinions of any party or sect whatever they would hereafter meet only for the purpose of consulting for and promoting the rights, welfare, and the happiness of all classes of Her Majesty's subjects.

MR. NEWDEGATE: Sir, the hon. Member for Finsbury has appeared in the character of the apologist general, for the measure before the House. He has apologized for the House of Lords ; he has apologized for Lord Derby; he has apologized for the nature of the measure itself. He has endeavoured to reconcile this House to this measure, which I humbly contend is most vicious in principle. Very different was the tone of the hon. Member for Sheffield: he declared that the House of Lords has written itself down an ass, because that House has declared its reluctance to having this measure forced upon it. He says also that their Lordships have at different times, of late years, unwillingly passed measures which they considered dangerous to the constitution of the country, and condemns the House of Lords for having entertained these scruples. Now, I wish the hon. Member would some day state to the House what he understands to be the constitution of the country. I have been in the House with the hon. Member for some years, and I have heard him support changes of many kinds as being consistent with the constitution of the country. I should be glad therefore to know what is his impression, not only of what the constitution is, but what it ought to be. It appears to me that the hon. Member, and those who think with him, accept every concession to their demands with contumely, and are for ever assailing the House of Lords for not yielding implicit obedience in a spirit of sufficient humility. I deeply lament this Bill. I understand it as a concession wrung from the House of Lords contrary to their own opinion against the admission of Jews to Parliament. I do not defend the House of Lords in the course which they have taken, because if this is a measure contrary to their judgment they ought to have rejected it. I do not defend the conduct of Lord Derby, who has agreed to a measure contrary to his principles, because I think he ought to have appealed to the country. I see, in the form of this measure, that it is the intention of its framers to give this House time to reflect, which, in reality, is a recognition of the fact that the country ought to have been appealed to. I cannot say anything in condemnation of the principle of this Bill, and of its tendency to destroy the Christian character of this House, that I have not already ventured to state ; but when the conduct of Lord Derby is assailed, I cannot hear all the imputations which are heaped upon him, without calling attention to the difficulties of his position. Now, who has been the main promoter of this infraction of the Christian character of Parliament on this side of the House ? Why, the Chancellor of the Exchequer. We know that the Chancellor of the Exchequer—himself of Jewish extraction—fosters towards the Jewish race feelings

which one can trace in almost every work of fiction which he has written. Especially do we find that feeling honestly and frankly declared in the chapter which he has interpolated in his biography of Lord George Bentinck. He claims as the right of the Jewish race the government of the other races of mankind, and claims for them this supremacy, whilst they remain in the present state of rebellion against their own true King. He endeavourd favourably to contrast Judaism with Christianity, and he tells us plainly that our blessed Lord came to expiate, not to teach. Perverting the fact that the doctrines of the New Testament are substantially the same as those of the Old Testament, he arrives at the false assumption that Judaism is the religion of the Old Testament, and, consistently with that false assumption, justifies the crucifixion. When, therefore, I see sitting on these benches, and taking a leading part among the members of this party, one holding these opinions, who has declared them, and uses his influence to carry them into effect, I will not hear Lord Derby's difficulties underrated in regard to this question. I have seen several leading Members of the Conservative party brought over to his opinions by the Chancellor of the Exchequer. And when the noble Lord at the head of the India Board seceded from his noble father's opinions on this question, and joined the Chancellor of the Exchequer, I felt that Lord Derby's position, sooner or later, might become intolerable, and that there was great danger that by degrees he would be forced from the high position which he has held for many years, as leader of the great party whose pride it still is to be the defenders of the Christian character of Parliament and of the State. In my anger I will have justice—I will not hear Lord Derby's difficulties undervalued; and although I lament that he has succumbed, I see in this a manifestation of a weakness, which is natural, however much it is to be deplored. The House knows that I am sincere on this subject. I thank the House for the patience with which they have heard me upon this, as well as upon former occasions. I trust that liberal Members opposite will pardon me if, when I see them urged forward in a course of which this measure is only one of the steps, I venture to address to them a few words of warning against the danger of the course upon which they are entering. There are many hon. Members opposite who value as highly as I do the Protestant Christianity of this country, who value the freedom of our constitution, who would not willingly retrograde from the great principles upon which the Revolution of 1688 was based —who are, in short, still Whigs at heart, and attached to the great principles upon which that party was formed. I beg them to consider this—they are exposed to the machinations of an enemy who is now powerful throughout almost the whole of continental Europe, who is making constant advances, and whose power is felt more and more, until it threatens the constitutional freedom of these islands. I mean the Jesuit confederation, which is now all-powerful at Rome. It was only a year or two since in Holland, our nearest Protestant neighbour, when the Roman Catholic bishops in that country had forced upon them the dogma of the immaculate conception, that these Dutch Roman Catholic Bishops protested emphatically against the reception of that doctrine, and attributed the enunciation of it to the Jesuits, whom they declared to be all-powerful at Rome. I allude to this circumstance, because so strange are the machinations of that order that they have persuaded many actually to ignore their existence as an order, and thus to favour the secrecy of their operations. Now, Sir, I warn the Liberal party in this House and out of it that the Jesuits use them for the objects of their order. The Jesuit knows how to profess himself a Liberal. I do not ask you to believe this on my statement, but I refer you to the works of the fautors of the Jesuits, to those who proclaim and desire the accomplishment of their objects—to the works of Lammenais, of De Maistre, of Montalembert. The latter writer shows in his work, *The Political Future of England*, that this system of using Liberalism for their own purposes was first put into operation by the Jesuits in England 200 years ago. The first instance was what Count Montalembert cites in 1632, when this system was tested in the constitution of Maryland, then one of the dependencies of the British Crown; but I will be content with referring you to the Proclamation of James II., in 1687, which was based upon the principles on which the Liberal party are now acting. That Proclamation was identical in principle with the measure before the House, and for refusing to read that Proclamation in the churches of this country seven Bishops of the Church of Eng-

land were sent to the Tower; their imprisonment was the culminating point of the policy which led to the Revolution of 1688, and the termination of the Stuart dynasty. The Proclamation upon which the Bishops of the Church of England refused to act was drawn in precisely the spirit in which you are now legislating; it virtually abolished every religious test, and declared practically that religion has nothing to do with either civil or political administration; that Proclamation was issued at the instigation of Jesuit councillors. Trace the operation of the Jesuits in every free country, and you will find that its tendency is almost invariably to turn liberty into license, and to break every safeguard of freedom, whether it be civil or whether it be religious, for the Jesuits know that they are bound together by a most wonderful organization, by means of which they operate against freedom, and, wherever freedom is undefended by adequate institutions, with every prospect of succeeding in its overthrow. I do not ask the House to accept these statements on my mere assertion, but to look to the works of those writers who are the supporters of the Jesuits, who boast of the success of their system, and who, like the Count de Montalembert, show how they make use of Liberals and Liberalism, for the establishment of their own tyranny, who laud the policy by which the Jesuits strive in every free State to create a legislative equality as to religion, with a view to establish their own ascendancy. Hon. Members opposite proclaim that every safeguard for the preservation of the constitution is an absurdity. I beg them to read the history of their own country and of the Jesuit Confederation, and not obstinately to ignore the effects of the iron hand of this wonderful confederation abroad. The persons to whom I refer boast of the success of the Jesuits in this country, and consider the late Mr. D. O'Connell their most efficient minister. Mr. O'Connell went to Rome and died, and who pronounced his funeral oration? [*A laugh.*] The circumstance may seem trivial, but I think it an incident worth recording, that it was a Jesuit who pronounced the funeral oration over the remains of O'Connell, and that this was done by the Jesuit Ventura, the very man who first appears to have fostered the Republic of Rome, and afterwards to have betrayed the city to his master, at Gaeta.

Mr. Newdegate

It is my firm belief that in this fatal measure you are taking the first step in a course that the Jesuits will most heartily rejoice to see you pursue, which they seem almost to dictate to you. By adopting this course, you are in reality playing the game of the Jesuits against the freedom of England, and are introducing into the constitution and government of this country the very principles which were effectually resisted by our ancestors in the Revolution of 1688. I shall not detain the House any longer. I thank them for having allowed me to attract their attention to these circumstances. I am firmly convinced, that every step you take in this course of pseudo Liberalism is injurious to the constitution of this country, and that by adopting such a course you are doing the work of the Jesuits, and sacrificing that freedom which deservedly you value so highly, but which you imperil by exaggerating the liberty which you enjoy.

MR. LEFROY said, it was from no feeling of indifference that he had not hitherto taken any part in the debate on this all-important subject, because, looking to its consequences, both religious and political, he was of opinion that the dangers which were likely to result from it, had not, and could not, be exaggerated; but as these dangers had been so ably and fully urged upon the House by other hon. Members with great ability, he preferred sparing the time of the House, and recording his agreement in the reasons thus given by his vote. However, as the debate had been so protracted, he desired not so much on his own account, as from a feeling of what was due to those whom he represented, and who were conscientiously opposed to this measure, to say that in a relative point of view he regarded it with great sorrow and apprehension. He could not agree with those hon. Members who defended the course which had been pursued by the House of Lords, as he believed it was most inconsistent and unfortunate to send down to this House a proposition accompanied with, perhaps, the strongest reasons that had anywhere been urged against its morality and propriety; and yet, on the other hand, he did not think it was his duty to join with those who expressed themselves with great bitterness against the course pursued by that House. Upon the Lords must rest the discredit, whatever it was, of sending to this House those Reasons under such circumstances. With respect to the observations of the

hon. Member for Finsbury as to the results to be expected, and the acerbity which he had said had been shown by some hon. Members who had spoken, he (Mr. Lefroy) might add that he had not rendered himself liable to such a charge, nor would he, looking back to the history of the Jews with solemnity and pain, and forward to the future destinies of that people with hope, after this measure had passed, view with any jealousy a Jew taking his seat in this House, or apprehend that, as an individual, he would attempt to injure the Church or constitution; but he would now rather indulge the hope that as those who with him had conscientiously opposed this great change in our constitution had been defeated, their failure might be overruled for good.

MR. COLLINS said, that believing that the House of Commons ought to have the power of modifying the oaths, he rejoiced that the House of Lords had passed this Bill, and trusted that it was a prelude to the establishment of one oath for all its Members.

MR. GRIFFITH said, it might be difficult to defend the conduct of the Lords on the ground of consistency, but he did not consider the rejection of the Oaths Bill at all unfortunate. He infinitely preferred the present measure to the one passed by this House, and should have no objection to see a difference in the proceedings and practice of the two branches of the Legislature on the subject. Indeed, he believed the deliberate opinion of the House had always been limited to the admission of Jews into the House of Commons, and that they had never desired to interfere with the proceedings in that respect of the other House.

ADMIRAL WALCOTT: Sir, in reference to the Bill on the table of the House, I will endeavour (seeing that the debate has been exhausted), to condense my observations into the smallest possible compass. I cannot admit the principle of the Bill, and I regard with a deep-rooted objection its ultimate consequences. If passed, that form of oath which gives us the assurance of Christianity will be abolished. Now, the Jew, in whose favour this Bill is principally introduced, is not degraded by his exclusion from this House. He is simply regarded as a foreigner, and so is debarred from certain privileges. For the sake of a few thousand persons it is proposed to set aside what had hitherto been a fundamental law of our constitution, and thus wound the consciences of millions. For a slender benefit to individuals—virtually aliens in religious habits and wishes—we are desired to slight that sacred claim upon this country which a religion professed for centuries had inculcated—a faith which is the foundation of our monarchy, our laws, our social happiness, and the ground of our hope hereafter. I cannot be a party to any such proposition.

Question put "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 129; Noes 55: Majority 74.

Main Question put, and *agreed to.*

Bill read 3° and *passed.*

OATHS BILL—LORDS' AMENDMENTS.

LORD JOHN RUSSELL said, the course he proposed to take with regard to this Bill was somewhat unusual, but it arose from the position in which the House was placed on this subject by the conduct of the House of Lords, which was certainly very peculiar. The Lords had sent down the general Reasons which moved them to exclude the Jews from Parliament in any case whatever, but had accompanied those Reasons by another Bill which provided for the admission of Jews. Of course, that being so, it was unnecessary for this House to resist the Lords' Amendments, because their Lordships had departed from their own Reasons. The only way in which the dignity of this House could be saved was not, he thought, by sending a message back to the Lords, or by entering into any further controversy with them on the subject; but, in order to show that the majority of the House receded in no degree from the position which they had hitherto held, he had given notice of the following Resolution:—

"That this House does not consider it necessary to examine the Reasons offered by the Lords for insisting upon the exclusion of Jews from Parliament, as by a Bill of the present Session, entituled 'An Act to provide for the relief of Her Majesty's subjects professing the Jewish religion,' their Lordships have provided for the admission of persons professing the Jewish religion to seats in the Legislature."

The House was aware that the Oath referred to in the Bill just passed, was the Oath contained in the Bill as originally sent up to the Lords, so that the two would form one measure. He now begged to move the Resolution.

Motion made and Question proposed,—

"That this House does not consider it necessary to examine the Reasons offered by the Lords for insisting upon the exclusion of Jews from Parliament, as by a Bill of the present Session, entituled 'An Act to provide for the Relief of Her Majesty's Subjects professing the Jewish Religion,' their Lordships have provided for the admission of persons professing the Jewish Religion to Seats in the Legislature."

MR. SPOONER said, he quite agreed that the House was placed in a peculiar position, and he thought their own sense of dignity required them to say something more. He should move the following addition to the Resolutions of the noble Lord:—

"The said Bill being in direct contravention of the clear and cogent reasons assigned by their Lordships against the admission of Jews to Parliament."

Amendment *negatived.*

MR. T. DUNCOMBE said, he agreed with the noble Lord that some Resolution was due to the dignity of the House, but he thought it would be more advisable to place on the Journals the exact state of the case. In the Lords' Reasons they stated, that they had left out Clauses 5 and 8, and he would suggest the propriety of altering the Resolution, and making it read in this way:—

"That this House does not consider it necessary to examine the reasons offered by the Lords for insisting on their Amendment to leave out Clauses 5 and 8, as by a subsequent Bill, entitled 'An Act to provide for the relief of Her Majesty's subjects professing the Jewish religion,' their Lordships have provided for the admission of persons professing the Jewish religion to seats in the Legislature."

He considered that a more correct statement of the facts than the statement in the noble Lord's Resolution, and by such an alteration in the terms, the two Houses would avoid bandying charges of inconsistency.

Amendment proposed,—

To leave out the words "the exclusion of Jews from Parliament," in order to insert the words "their Amendments to leave out Clauses five and eight," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

LORD JOHN RUSSELL said, he did not see any material alteration or improvement in the proposal. It was certainly true that the Lords left out Clauses 5 and 8, but the whole of their Reasons pointed to the exclusion of the Jews from Parliament, and he thought it much better to render the subject at once clear upon the Journals than to make a reference which would oblige persons to go back and examine the Bill as originally passed, in order to see what Clauses 5 and 8 were.

MR. T. DUNCOMBE said, he thought the Resolution as it stood would only appear like the exhibition of pique and temper on the part of this House. He did not wish, however, to press his Amendment.

Amendment, by leave, *withdrawn.*

MR. HENLEY said, he doubted whether the Resolution did not exactly express the fact as it really existed. The Bill did not enable either House of Parliament to admit the Jews, but enabled the Houses by Resolution to do so, and probably the noble Lord would not object to an alteration in the last line of his Resolution.

LORD JOHN RUSSELL said, the words "provided for the admission" which appeared in the Resolution, met the objection of the right hon. Gentleman.

MR. WALPOLE said, the Bill did not provide for the admission of the Jews; it only enabled either House to make such provision.

MR. WARREN pointed out that the terms of the Resolution were in accordance with the title of the Bill.

MR. A. MILLS said, he thought the Resolution proposed by the noble Lord quite sufficient. The position in which the House was placed afforded an illustration of the evil consequences of statesmen attempting to carry out a policy against which their whole lives had been a protest.

LORD JOHN MANNERS: Suppose neither House should admit the Jews. In that case, how would people read the Resolution? The House would have stated that their Lordships had provided for the admission of persons who were still excluded from the Legislature. Thus the Resolution would not accurately express what had really been done.

SIR JAMES GRAHAM said, he was satisfied with the Resolution, but to meet the difficulty raised he would suggest the insertion of the word "means" after "provided," which would, he thought, meet the difficulty.

LORD JOHN RUSSELL said, he would accept this Amendment.

MR. SPOONER said, he did not think the noble Lord went far enough in his Resolution. The dignity of the House required that they should say something more, and he would

therefore propose to add to the Resolution the words he had previously mentioned.

Amendment proposed,—

To add at the end of the Question the words, "the said Bill being in direct contravention to the clear and cogent reasons assigned by their Lordships against the enactments of such Bill."

LORD JOHN RUSSELL said, he would have no objection whatever to the Amendment, if instead of "the clear and cogent reasons" the hon. Gentleman would substitute "the clear but very insufficient reasons."

MR. LABOUCHERE said, it would be absurd to begin the Resolution by declaring that they had not examined the Lords' Reasons, and yet end it by praising or condemning them.

MR. KNIGHTLEY said, he would express a hope that the hon. Member for North Warwickshire would not press his Amendment, and he did not think that in assenting to it the House would be pursuing a dignified course.

Question, "That those words be there added," "put and *negatived.*

Main Question, as amended, put and *agreed to.*

LORD JOHN RUSSELL said, he would then move a Resolution, to the effect "that the House do not insist upon their disagreement with the Lords in their Amendments upon the said Bill."

MR. J. D. FITZGERALD said, he could not permit the Resolution to pass without calling the attention of the House to the fact that when the Bill which had just received the assent of the House of Commons had passed into a law, Members of that House professing the doctrines of the Roman Catholic religion would be placed in a worse position than that which the members of any other persuasion would occupy. He had not brought the question forward during the progress of the Bill as he did not wish to endanger its passing; but under present circumstances he begged leave to give notice that he should, early next Session, move that the provisions of the Bill be so extended as to include Roman Catholics within its scope.

Resolved, That this House does not consider it necessary to examine the Reasons offered by the Lords for insisting upon the exclusion of Jews from Parliament, as by a Bill of the present Session, intituled "An Act to provide for the Relief of Her Majesty's Subjects professing the Jewish Religion," their Lordships have provided means for the admission of persons professing the Jewish Religion to Seats in the Legislature.

Resolved, That this House doth not insist upon its disagreement with the Lords in their Amendments to the said Bill.

THE DEAD BODY AT SHEERNESS.

QUESTION.

MR. STAPLETON asked the Secretary of State for the Home Department whether his attention had been called to a statement in the public papers, to the effect that a corpse had been for several days moored to a stake in the water, in the immediate neighbourhood of Sheerness, and whether he intended to take any steps to compel the proper local authorities to put an end to the scandal.

MR. WALPOLE said, that he had received no official information with respect to the dead body which had lately been found exposed at Sheerness. He had merely seen an account of the circumstance in the newspapers, and had learnt that it was owing to some conflict of opinion between the local authorities. He should, however, make further inquiry upon the matter.

House adjourned at Four o'clock.

HOUSE OF LORDS,

Thursday, July 22, 1858.

MINUTES.] *Took the Oaths.*—The Lord Gifford.

2ª Art Unions Act Amendment; County Property Conveyance; Chelsea Bridge Act Amendment; Returns to Secretary of State; Detached Parts of Counties.

3ª Ecclesiastical Jurisdiction Continuance; Charitable Trusts Acts Continuance; Copyhold and Inclosure Commissions, &c.; Indemnity; Administration of Oaths by Committees; Army Service; Universities (Scotland); Stipendiary Magistrates; Turnpike Trusts Arrangements.

GOVERNMENT OF INDIA BILL.

OBSERVATIONS.

THE DUKE OF NEWCASTLE said, that he wished to draw the attention of the noble Earl (the Earl of Derby) to the fact, that certain alterations agreed to in Committee on the Government of India Bill had not been inserted in the measure as now printed. By the 28th clause of the Bill it was proposed that the Secretary of State, without the intervention of his Council, and not the Secret Committee, should in future be the organ of communication with the Governor General. The noble Earl at the head of the Government, in consequence of some remarks made on both sides of the House while the Bill was in Committee,

consented to alter the clause so as to provide that the Secretary of State should be assisted in such matters by the Vice President of the Council and one of the Members of his Council to be nominated by himself. He had looked at the Bill, and found that no such alteration was made on the bringing up of the Report. There was another trifling inaccuracy, in the 52nd clause, which, as well as that in the 28th clause, would, he hoped, be rectified before the third reading was moved. The noble Earl would recollect that the 52nd clause, as it originally stood, provided that, when an order for the commencement of actual hostilities was sent to India, notice thereof should be given to Parliament within one month after the issuing of such order, or, if Parliament were not then sitting, within one month after it met. The noble Earl, after considerable discussion, agreed that three months, instead of one, should be inserted. But, as the clause now stood, the order need not be produced till within one month after the meeting of Parliament, if Parliament were not sitting when the order was issued; so that, although three months might have expired from the time it was issued before Parliament met, another month must expire before the Government could be called upon to produce it.

THE EARL OF DERBY said, he had been occupied for some time in going through the Bill carefully, together with the Gentleman who drew the Bill, in order that the alterations that were to be made in it should be duly inserted. He did not make any alterations on the bringing up of the Report, but proposed to make them before he moved the third reading. With regard to the first point to which the noble Duke had called his attention, he had to state that the 28th clause, as it would stand when the third reading was moved, would provide that with reference to communications with the Governor General the Secretary of State should be assisted by the Vice President of the Council and such Member of the Council as he might from time to time nominate. With regard to the other point, the noble Duke seemed to misunderstand the clause. The clause was quite correct. It provided, that if an order should be sent authorizing the commencement of hostilities, notice thereof should be given within three months if Parliament were then sitting — that was to say, at the expiration of three months —but if Parliament were not then sitting, then within one month after it met.

The Duke of Newcastle

CHELSEA BRIDGE ACT AMENDMENT BILL.—SECOND READING.

On Motion that this Bill be now read 2ª,

THE DUKE OF NEWCASTLE said, that it ought to be made clear that the £17,000, which had accumulated as interest, was to be repaid, as well as the £80,000—capital sum—borrowed from the Exchequer Bill Loan Commissioners, before the opening of the bridge toll-free to foot passengers. This did not appear to be distinctly provided in the Bill, which only mentioned the sum of £80,000 with interest; but the interest already accrued raised the sum to £97,000. He was extremely glad that both the present and the late Governments had resisted the applications which had been so strenuously made to them for the abandonment of the whole of this sum, because, if they had yielded, it would have been a gross breach of faith, and might have led to the introduction of a very inconvenient and objectionable precedent. So far as the public interests were concerned, there was no argument in favour of opening this bridge free of toll which did not apply in a greater degree to all the metropolitan toll bridges.

THE EARL OF DERBY said, that it was the intention of the Government to provide by the Bill for the payment of the interest as well as the principal, and if that were not made sufficiently clear at present, the clause should be altered so as to leave no doubt upon the subject.

Bill read 2ª (according to Order) and *committed* to a Committee of the whole House on *Monday* next.

COOKING APPARATUS FOR THE ARMY.

ADDRESS FOR PAPERS.

EARL FORTESCUE moved an Address for Copy of Proceedings of Two Committees assembled at Woolwich on the 6th March and 26th April, to report on Captain Grant's Cooking Apparatus; and, Copy of Correspondence between the Quarter Master General and Captain Grant, respecting the Erection of a Cooking Apparatus at Shorncliffe. The noble Earl also asked the Under Secretary for War, whether after the three years' experience that has been had of Captain Grant's Cooking Apparatus, there appears any reason to doubt its superiority over every other previously in use; and, if not, whether any or what steps were being taken to extend its adoption generally throughout the army?

VISCOUNT HARDINGE said, there was no objection to the production of the papers

moved for by the noble Earl. The last meeting of the Woolwich Committee took place on the 20th of April, and the evidence laid before the Secretary of War had induced him to come to the conclusion that Captain Grant's cooking apparatus—the great saving of fuel and other *desideratæ* being most satisfactorily proved—was the best that ever had been submitted to him. The report, however, recommended that before the general adoption of the apparatus in the army, Captain Grant should be desired to superintend the erection of a model kitchen on his principle for 500 men at some station or other—to verify his estimate of prime cost and test its capabilities; and hence it was that the further trial at Shorncliffe had been determined on. If the report of that experiment should be as satisfactory as the other reports had been, the Secretary for War, he believed, would take steps for the general adoption of the cooking apparatus in the service. The delay of three years mentioned in the noble Earl's question had not occasioned any great inconvenience, but it had certainly been productive of great improvement in the apparatus, for every time a new one had been erected, some additional improvement had been effected. The last submitted to trial was very different from that originally erected at Aldershot.

Motion *agreed to.*

House adjourned at a Quarter to Eight o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, July 22, 1858.

MINUTE.] PUBLIC BILL.—3° Clerk of Petty Sessions (Ireland).

CONSOLIDATED FUND APPROPRIATION BILL.—COMMITTEE.

Order for Committee read.

SIR GEORGE LEWIS: Sir, before you leave the Chair, I am anxious to call the attention of the House to a consideration of the figures which appear on the face of this Bill. The Chancellor of the Exchequer, in making his financial statement, estimated the revenue for this year at £63,900,000; and he calculated the charges upon that revenue at such an amount as to show to the Committee, according to his estimate, a surplus of revenue over the expenditure. The debt and Consolidated Fund charges he took at £30,300,000. The Army Estimates were £11,750,000; the Navy Estimates, £9,860,000; the Civil Service Estimates, £7,000,000; and the charge for the Collection of the revenue at £4,700,000—making the total of the Estimates £33,310,000; which, added to the Debt and Consolidated Fund Charges, gave a grand total of £63,610,000, to be compared with a revenue of £63,900,000, showing a surplus of about £300,000. Such was the Estimate of Revenue and Expenditure in the financial statement. We now see from the Appropriation Bill the result of the Votes of the Session; and from what took place in Committee of Supply we may gather what other charges may be anticipated in addition to those which appear in the Appropriation Bill. In this Bill the Debt and Consolidated Fund charges stand at the amount estimated, £30,300,000; the Army Estimates at £12,010,000; the Navy Estimates at £9,839,000—somewhat less than that at which the right hon. Gentleman took them in his Budget; the Civil Service Estimates, 7,240,000; the Collection of Revenue, £4,730,000—nearly the same as the Estimate—making the total amount of Supplies voted £33,819,000. In looking at these figures, however, it must be borne in mind that there must be added to some of the Votes for the Civil Service the amount of balances of previous Votes, which, although they are intended to be defrayed during the year, were not included in the Estimates. There is a difference between balances unexpended and balances unappropriated which it is difficult for some hon. Gentlemen to understand. Balances in the Exchequer are real balances of money, similar to the balance of a private individual at his bankers; but the unappropriated balance of a Vote does not represent money, it is merely an authority to incur expense; and therefore, when the Government diminish the Civil Service Estimates by the unappropriated balances of Votes, they do not provide any Ways and Means, unless they fall back upon the balances in the Exchequer. Therefore, inasmuch as they have, contrary to the usual custom, as was explained in the Committee of Supply, diminished certain Votes by employing the unappropriated Votes of former years, it is necessary to add these amounts to

the Votes of the year, in order to ascertain what will be the real charge upon the Exchequer during the present year. On going through the Votes I cannot ascertain that the amount to be so added will be less than £326,000; making the total estimated expenditure of the year, as appears from the Appropriation Bill and the explanations in Committee of Supply, £64,445,000, against an estimated revenue of £63,900,000. Therefore, instead of there being an estimated surplus there is an estimated deficiency in the Ways and Means of the year of £545,000, and an estimated excess of expenditure over the expenditure estimated by the Chancellor of the Exchequer of £835,000. The only way in which the Chancellor of the Exchequer can supply that deficiency is either by showing that the produce of the revenue will be greater than his estimate in his financial statement, or by diminishing the balances in the Exchequer, which he is entitled to do if circumstances required it, and if he can show that the balances left at the end of the year will be sufficient. The point to which I wish to call the attention of the House, however, before we go into Committee upon this Bill, is, that as the matter now stands there is an excess of £835,000 over the right hon. Gentleman's Estimate of Expenditure, and that, therefore, instead of there being an estimated surplus of £300,000, there is an estimated deficiency of £545,000. Some Members of the Government have, on certain public occasions, called attention to the state in which the finances were left by the late Government, and have repeatedly asserted that they were in a disorderly and discreditable state. I must reiterate the statement which I have made on former occasions, that the financial difficulty which is alleged to have existed was purely imaginary, unless the present Government had been prepared to fulfil the obligations for the liquidation of debt which had been created in former years. If they had provided Ways and Means to pay off the £2,000,000 of Exchequer bills, and £1,500,000 due to the Sinking Fund, undoubtedly their difficulties would have been considerable; but those difficulties they have avoided by postponing these obligations, and, as a result, they were actually able to propose a diminution of taxation for the year. That is to say, the plan which the right hon. Gentleman proposed to the Committee was, that £2,000,000 of income tax should be ultimately abandoned, and that £1,000,000 should be given up in the present year. At the same time he proposed to impose taxes which would produce £800,000. Therefore, according to his scheme, the taxes for the year were reduced by £200,000. Now, it is quite clear that if the right hon. Gentleman has been able to propose a reduction of taxation, and at the same time to propose estimates in excess of the estimates of the preceding year, there could have been no real financial difficulty. Had he proposed any financial plan which would ultimately have diminished the annual burdens of the country by liquidating a portion of the debt this year, he might with justice have affirmed that he had a great financial difficulty to deal with; but the obligations for the repayment of debt being postponed, that difficulty was purely imaginary and unreal. The result to which we come, then, is this—that, according to the apparent state of the finances, the right hon. Gentleman has not an estimated surplus, but an estimated deficiency. The deficiency, I admit, is not large, but, nevertheless, it is a deficiency. I must also call the attention of the House to the fact that the Government have brought in Bills enabling them to embody the militia, and to send regiments of that force abroad; but they have provided no Ways and Means to defray the probable expense of carrying out those Acts. I trust that they may not be called upon to exercise to any great extent the powers which they seek, and that the amount voted for the army may furnish them with the means of meeting that extraordinary expense. Still, this is a power which cannot be exercised without incurring expense, and we have not yet heard by what means it is intended that that expense should be defrayed. There is only one other point to which I wish to call the attention of the House. On one occasion the right hon. Gentleman said—I do not know whether or not he meant it as a deliberate statement—that every day proved to him more and more the lavishness and profuseness with which the late Government had conducted its expenditure. He gave no example, and I do not know that there is any better mode of testing the truth of the charge than by comparing the Estimates of the late Government, presented last year, with those which the present Government have submitted to the House in the present

one, both of which Estimates have received the assent of the House. The remark of the right hon. Gentleman, as I understood it, applied particularly to the Civil Service Estimates. Those Estimates last year were £7,400,000; for the present year they are £7,240,000. To that sum, however, we must add undisposed-of balances £326,000, making the real amount this year £7,566,000, which shows an increase of £166,000 over the Estimates of last year. Therefore, notwithstanding the statement of the right hon. Gentleman as to the great profuseness of the late Government, particularly in regard to the Civil Service, it appears that their Estimates for that service exceed those of last year by more than £160,000; and, under these circumstances, I think that he will find it difficult to substantiate his charge. I thought it important that the House should not pass this Bill without its attention being called to the comparison which I have laid before it, and I trust that upon examination it will be found that the details of that comparison are fully borne out by the figures to which I have referred.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I am not surprised that the right hon. Gentleman opposite should have taken so legitimate and proper an occasion to call the attention of the House to the general state of our finances. I do not think, however, that the House will expect me at this moment to enter into a rival criticism of the two systems of finance which have been recently brought under our consideration. I am, however, prepared to give, if the House should require it, an authentic statement of the real position of the revenue and expenditure of the country. The right hon. Gentleman stated that I had failed to prove that the revenue exceeded the expenditure of the country, as I had alleged, when I made my financial statement to the House. Now, I believe that the right hon. Gentleman will find it difficult to bring forward any single instance in which, after the expiration of a quarter of a year or more, the estimated expenditure of the country has been found to be precisely the amount at which it was fixed when the financial statement was made. Estimates at all times are very difficult results to ascertain, and there is no doubt that as matters now stand there is an excess of expenditure over the estimate I offered to the House in the course of my financial statement. At the same time, I trust I may be allowed to say, that the revenue has considerably exceeded the estimate I then offered. If I had to make the financial statement now, and to estimate the revenue for the current year, I should place it at a much higher figure than when I made my first financial proposition to the House. We have now before us the experience of one quarter of the financial year, and more than a fortnight of the second quarter. In making the financial statement I recognized the fact that the two first quarters of the financial year were really those in which the present Government would find the greatest difficulty. The country was recovering but very gradually recovering from a state of great commercial pressure and even convulsion; and in the first quarter of the financial year we were compelled to meet circumstances certainly of a not very encouraging character. It was hoped in the second quarter that the state of affairs would improve. It appears that our expectations then were not too sanguine. We have now experience of the first quarter of the financial year, in which some hon. Members were disposed to anticipate the most gloomy results. The result, however, is that our surplus of income over expenditure for the first quarter in the present year is £223,944. Therefore, in the first quarter, when our expectations were thus differently directed, we have obtained a not very inconsiderable surplus of income over expenditure, and that increase may be observed by this analysis:—The Customs produced in the first quarter £5,879,000, being £30,000 in excess of the amount at which in the course of my financial statement I estimated the revenue derived from this source, and that too at a time when, I need not remind the House, the trade of the country was peculiarly depressed. Well, the Excise I estimated at £4,307,600, which was considered at the time too high. There has been an excess over that estimate in the last quarter of nearly £70,000. This augmentation took place, notwithstanding the steps which were taken by the distillers to anticipate the contemplated increase of duty, which naturally produced an injurious effect upon the revenue. The stamps produced in the last quarter, in round numbers, £2,084,000; the proportion, according to my estimate, was £1,962,000. Therefore there was in the receipt of stamps an excess of £122,000. The income tax produced, in that quarter, £1,200,000, being consider-

ably more than I calculated upon. The receipts of the Post Office and the Crown lands I need not now comment upon. But under the head of miscellaneous, I calculated the amount for the year to be £1,200,000. There was, however, received in that quarter upwards of £355,000. Thus in the first quarter of the financial year there is an excess under this head of £55,000 over the estimate I made. So much for that question, in respect to which some hon. Members took the most gloomy view. As the state of our revenue has been especially called under the attention of the House, I trust I shall be allowed to mention the following further gratifying facts which I have obtained from the most authentic information. I wish to show the House the state of the revenue with regard to a portion of the present quarter, namely, from the 1st July to the 19th of the same month. I will leave the House to draw their own conclusion from the facts I am now about to state. These are the last Returns I have had. Now, in 1857, during those same eighteen days, the Customs produced £867,000—that being a time, it will be recollected, before commercial convulsion, and when the prospects of our commerce and the activity of our trade were apparently encouraging. Well, during that same period in the present year, 1858, the Customs produced £1,063,000, leaving a surplus of £196,000. The Excise during the same favourable period of 1857 produced £623,000. The Excise during the same period of the current year was £728,000, being a surplus of about £105,000. The stamps during those eighteen days in the last year amounted to £297,000. In the present year they produced for the same period £340,000, being a surplus of £43,000. The Post Office department during this busy time in 1857 produced £30,000, and my estimate on this head was said to be greatly exaggerated. Now, in the eighteen days of the present year, being a comparatively depressed time, it has produced £50,000, being a surplus of £20,000. The aggregate of the income in those four great branches shows more than anything else the real condition of the country. Well, that aggregate increase in the receipt for the eighteen days of this year over the same period in the last year is £364,000. Now, I think that this statement will enable you all to go to your respective constituents with no very gloomy view of the financial affairs of the country in the present year at all events. And when I am told that instead of a surplus I have left the country exposed to all the inconveniences of a deficiency, I appeal with confidence to those figures and congratulate the House upon the encouraging condition of our revenue. Although, Sir, the House gave us the power of raising £2,000,000 in order to pay off the Exchequer bonds, we have only availed ourselves of that power to the extent of £1,000,000, and we have every hope and expectation that we shall not find it necessary to exceed that amount. So that if affairs proceed as they promise to do now there is no doubt we shall be able to reduce our debt to the amount of £1,000,000 this year. After the statement I have just made, I trust that the House will consider that I have given a sufficient answer to the criticism of the right hon. Gentleman. There are, however, one or two points to which the right hon. Gentleman referred which I feel I must notice. The one is with reference to the possible expenditure to be incurred in respect to the Militia Bills which I have introduced. One of those Bills is for the embodiment of the militia; the other is to enable the Government to employ the militia force in foreign countries. On that subject I can only say that the expenditure under those heads is contingent. It does not at all follow that although we have thought it prudent to ask for them, we shall recommend to Her Majesty to avail herself of the powers granted under those Bills, or that those powers will ever be put in operation. I believe, Sir, it is quite unusual, and indeed unnecessary, for the Chancellor of the Exchequer to anticipate an expenditure under such circumstances. The right hon. Gentleman also observed that I had charged the late Government with profuse expenditure in the administration of the public revenues, and he appeals to a comparison of the Estimates of the two Governments to prove the fallacy of that charge which, he further remarks, was applied especially to the Civil Service Estimates. Now, Sir, I believe that no charge of the kind was ever made by me against the late Government, namely, that they left the finances of the country in disorder, or in a dangerous position. No such words have ever escaped my lips. So far from entertaining such an opinion, I can bear witness to the wise and prudent administration of the office I now have the honour to hold by the right hon.

The Chancellor of the Exchequer

Gentleman opposite. The observations I made involved a charge generally against the late Government and was not applicable to the right hon. Gentleman individually. That was a charge of profuse expenditure generally, and did not apply to the Civil Service Estimates, but rather to those greater branches of the expenditure which are brought before us for our consideration. I said—and this is my answer to the right hon. Gentleman when he tries to prove that there has not been a profuse expenditure by comparing the almost similar amounts of the estimates of the late and present Government—I say that you cannot have reduction in a moment. I say now what I impressed upon the House when I made the observation which is complained of—that expenditure depends in a great measure upon policy. When I said that I was not thinking at all of the Civil Service Estimates, I was thinking rather that it was the policy of the late Government which had brought the public affairs of the country into such a state, as to render it necessary to keep up large armaments in a time of peace. I trust, Sir, that by following a different policy, we shall be able to reduce those armaments, and consequently to lessen considerably the burdens of the country. Therefore, the observations of the right hon. Gentleman, founded on the similarity of the Estimates, and apparently attributing to me a want of candour, when brought to the test of truth, fall pointlessly to the ground. I think, Sir, I have now answered the principal observations of the right hon. Gentleman. From the statements I have made, I am fully justified in congratulating the country upon the improved state of our finances. It appears to me that the prospects before us are highly favourable. Through the gloomiest quarter, as anticipated by some hon. Members, of the financial year we have obtained a surplus of income over our expenditure to the amount of £239,000. During a period of less than three weeks in the present month there has been a gradual, but at the same time considerable, augmentation in our revenue, amounting in the whole to £364,000. And those principal heads show, more than any other, the social prosperity and commercial condition of the country. Our prospects for the continuance of this quarter and for the next half year give us, therefore, no reason whatever to assume that they will be of a gloomier character. Quite the reverse. By the blessing of Providence we have before us the prospect of an abundant harvest, and the influence of that fact upon the revenue of the country is too well known to every Member of this House for me to dwell upon. What are the other prospects before us? The prospect of peace at this moment—without any offence to hon. Gentlemen opposite—is far more satisfactory than it was a year or six months ago. No one can deny, whether we appeal to the continent of Europe or to the other side of the Atlantic, that everything wears a most encouraging aspect to those who believe that by a conciliatory, though firm policy, this state of things may be secured and maintained. The only source of anxiety and trouble that the House and the country have at present is, no doubt, the present condition of India. But the condition of India is one which, we consider, must not only be met with energy, but at the same time with a policy of conciliation. Sir, I not only hope, but believe, that under such a policy our affairs in India will assume a very different, and far more favourable character than they have heretofore been. Without indulging in any language of exaggeration, without colouring our position in too favourable a light, I think it is one upon which I may very fairly congratulate the country; and, so far as the finances of the country are concerned, it appears to me that they were never in a more healthy condition than at present; and the prospect before us, too, is one which I think ought to give satisfaction to every lover of his country.

MR. WILSON said, he did not rise to throw any doubt upon the statements made by the right hon. Gentleman. It must be doubly gratifying to the House to hear that the finances were in a better state than appeared from the public accounts, and to learn that, as was shown by the increase of revenue from the sources to which the right hon. Gentleman referred, trade was really reviving. He must, however, remind the House that it was somewhat unusual to estimate the revenue of the whole year from that of a portion of the year. Those who were acquainted with commerce must know that when trade began to revive after a period of depression, the retail dealers made large purchases, and it was from these purchases, and the consequent clearances at the Custom-houses, rather than from the actual consumption of the moment, that the increase of revenue was derived. He

did not wish to throw any doubt upon the anticipations of the right hon. Gentleman; he sincerely hoped that they would be realized, and that the thorough revival of trade might bring into the Exchequer those large sums upon which he had calculated. He must remind the House that his right hon. Friend the Member for Radnor (Sir G. C. Lewis), by no means questioned the present state of the finances. All that he desired to do was to call the attention of the House to the miscalculations which were made by the right hon. Gentleman in his budget, and which seemed to throw some blame upon the late Government. Because when the right hon. Gentleman made his financial statement he proposed to reduce the Estimates by £800,000; 400,000, on the Army and Navy, and £400,000 on the Civil Service Estimates. Experience had since proved that instead of there being a decrease in the Civil Service Estimates there was an increase of upwards of £100,000; instead of there being a decrease in the Army Estimates there was an increase of nearly £200,000, and in the Navy Estimates there was a decrease of only about £30,000. The result of all the financial operations since the budget was, that instead of there being a surplus of £300,000, there was a deficiency of £535,000. At the same time the right hon. Gentleman was quite right in saying that the increased expenditure had been met by an increase of revenue, and therefore it might lead to no financial embarrassment. In the present excited and depressed state of the financial world out of doors he would drop no word which might lead any one to believe that there were any grave apprehensions of financial difficulties in the coming year. To one point he would refer, in the hope that that of which he complained might not occur again. It was altogether contrary to the practice of that House to present Estimates which did not represent the exact expenditure of the year, and thereby inferentially mislead the House. He did not mean to blame his hon. Friend the Secretary of the Treasury; but, in regard to the Civil Service Estimates, this irregularity had been committed. Under six heads of expenditure they had Estimates amounting to £1,013,000, showing a decrease of not less than £398,000, upon those of last year; and any one who looked at the Vote would think that a saving to that amount had been effected. Such, however, was not the case. The actual expenditure during the year would be not less than £1,340,000, or £326,000 more than the sum voted. The Vote for Government prisons, convict establishments, &c. last year was, in round numbers, £653,000; this year it was only £544,000, showing an apparent saving of £120,756. The fact was, that the actual expenditure during the year would be £665,000, or £12,000 more than the estimate of last year. He could not but express a hope that in future the Estimates would be prepared so as to show the probable expenditure within the year, and not, by depending upon the unappropriated balances, show an apparent reduction when there was a real excess. Some time ago the House was told that it was quite wrong to provide Ways and Means for a Sinking Fund, that they ought to rely upon the natural excess of income over expenditure. If such an excess was provided, well and good. His right hon. Friend had, however, shown that, according to the frame of the budget for the present year, instead of a surplus there was a deficiency of £500,000; and it was worse than idle to talk of reducing the national debt by means of the excess of income over expenditure, if no such excess was provided. Between the years 1816 and 1828 the Sinking Fund paid off £54,000,000 of debt, while during the twenty-five years after the abolition of that fund only £21,000,000 was paid off; and now, instead of the debt being less than it was in 1828, it exceeded it by £6,000,000. Despite the flattering account which the right hon. Gentleman had given of the revenue, he had never seen a time at which for so long a period there had been such gloom and despondency in the money-market as had existed lately; and he hoped that the statement of the right hon. Gentleman would produce a more cheerful state of things. Our Estimates, both for the naval, military, and civil services, had lately seriously and steadily increased, and unless we could take some step which would lead to their diminution, we must be prepared to submit to an increase of taxation in some form or other.

MR. G. A. HAMILTON said, he could assure the House that there had been no material departure from the ordinary mode of framing the Estimates. His own opinion was however, that that matter was susceptible of great improvement, and it was the intention of the Government to carry out as far as practicable the suggestions of the Committee on Public Moneys.

The hon. Member for Devonport (Mr. Wilson) had stated that something had been done in the present year with regard to the Estimates which had not taken place upon former occasions, alluding to the fact that there were six items in which reference was made to the unexpended balances of previous years. In the Estimates for 1857-8 there were just the same number of items in which the same observations were contained. The hon. Gentleman knew as well as any one the mode in which the Estimates were prepared. The object of every department was to ascertain the amount requisite to be put in the Estimates for the purpose of defraying the expenses of the current year, and he did not think that any department allowed itself to be actuated by any consideration except a honest desire to do its duty. In the present instance the Government had not sought to reduce the amount of the Estimates by a reference to existing balances. The practice in question was not a good one, and it would be far better that the amount likely to be required for the current year should be voted by the House, unexpended balances being paid as surplus into the Exchequer.

MR. CRAWFORD said, he wished to ask whether the Chancellor of the Exchequer could state what portion of the increase that had taken place in stamps and taxes during the greater portion of July was due to the penny stamp upon bankers' cheques?

THE CHANCELLOR OF THE EXCHEQUER said, that he could not give the information which the hon. Gentleman required at the present moment, nor did he think it was necessary to do so. He might state generally that the impost upon drafts had quite realized the Estimate made in April.

SIR HENRY WILLOUGHBY observed, that he viewed with some degree of alarm the silent but gradual growth of the public expenditure. The people of England paid in the shape of compensation and superannuation alone as much as would maintain the whole civil establishments of any other kingdom on the face of the earth. Upon that one item the repeal of a single clause in an Act of Parliament had cost the country something like £80,000 a year. This item, which he might call the dead weight, was gradually increasing every year, and demanded the special attention of the Government with the view to its better control and reduction. It was gratifying, no doubt, to hear from the Chancellor of the Exchequer of the buoyant state of the public revenue; but it should not be forgotten that they were doing nothing whatever towards the extinction of the National Debt, to which £40,000,000 had been added within the last few years. He was glad to hear from the Secretary of the Treasury that the Government were likely to have the recommendations of the Committee on Public Money carried into effect. He was of opinion that they should take measures to check the expenditure of the country.

MR. W. WILLIAMS stated that the expenditure for the army and navy last year was just double the amount of the Estimates for those services when the Duke of Wellington and Sir Robert Peel were in office. The present Government had, much to their credit, made a considerable reduction, and he hoped they would continue to pursue the same course.

House in Committee.

Clauses 1 to 24 were *agreed to*.

Clause 25.

SIR HENRY WILLOUGHBY said, he would move to insert the following proviso:—

"Provided always, that whenever, in consequence of an exigency of the Public Service, the Commissioners of Her Majesty's Treasury shall authorise an appropriation of the Public Money, in addition to the aggregate sum voted for any Service in any Department, every such appropriation shall be presented in a Supplementary Estimate to be approved and sanctioned by the House of Commons, if Parliament is sitting, and, if Parliament is not sitting, then within one month after the meeting of Parliament."

The object which he had in view was simply to impose a check upon the expenditure of money by providing that the purposes for which the House voted sums of money should be strictly observed, and that there should be no departure in the appropriation of the public money, except an application were made to Parliament on the subject, and the House should assent to the proposed diversion of the public money. Last year a considerable sum was spent in the Naval Department in excess of the authorized Estimate—a proceeding which he regarded as utterly destructive of the power and control of Parliament, and which ought to be prevented in future. It was a fact, that the supervision exercised by the Controller of the Exchequer was not adequate to effect the object for which it was intended.

SIR GEORGE LEWIS said, that this

was the revival of a suggestion which had been laid before the Committee on Public Moneys last Session, and would probably form matter for consideration next Session. If the Report of the Committee should be acted upon by the Government proposing a measure founded upon it, all cause of complaint might be removed. The practice adopted recently by the Government was, that no money voted for special purposes could be otherwise dealt with than by leave of the Treasury. It was absolutely necessary that the Government should be armed with discretionary powers in those matters; and although no Government liked to be armed with large discretionary powers as they entailed a proportionate increase of responsibility, nevertheless he submitted it was for the convenience of Parliament that the Government should be allowed, in cases of emergency, to make transfers from one branch of a department to another. If such discretionary powers were not intrusted to them, they might be compelled to call Parliament together in October or December to give its sanction to the transfer or expenditure of the comparatively trifling sum of £100,000. He was opposed to the Amendment, believing that it would not only create a great inconvenience in the conduct of the financial affairs of the country, but that it would be in effect repealing the former part of the clause. He thought that the hon. Gentleman should, in the first instance, have proposed to expunge the clause altogether.

MR. W. WILLIAMS said, he thought some such provision as that proposed by the hon. Baronet was required. Sums in excess might be so voted that a Vote of an unpopular character might be made up out of the surplus of a popular Vote. They were not informed of the disposal of the money until long after it had been expended.

MR. G. A. HAMILTON confessed he felt considerable difficulty in understanding what the hon. Gentleman meant by his proviso. The provisions of the Bill were sufficiently stringent for all practical purposes, and he thought that the adoption of the proviso would have the effect of tying up the hands of the Government in cases of great emergency, and would therefore fetter that discretion which it was found necessary to give them. The Government had only power, upon leave of the Treasury, to transfer, in cases of need, the power granted under the head of a particular department to another head of that same department. They had no power to divert the money voted from any one department to another.

MR. WILSON stated that the object which the hon. Baronet had in view was already practically attained. This question had been raised two years ago, and a provision was then made that when Parliament met it should be put in possession of the mode of disposal of these sums. He thought it was desirable the correspondence should be laid before the House, as well as the statement of expenditure.

SIR HENRY WILLOUGHBY said, he was not bigotedly attached to the phraseology of the proviso, but he wished the House to have the fullest control over such expenditure by means of express communication from Government to the House.

Question put, "That those words be there added."

The Committee *divided*:—Ayes 41; Noes 89: Majority 48.

House *resumed*.

Bill *reported*; as amended, to be considered *To-morrow*.

METROPOLIS LOCAL MANAGEMENT ACT AMENDMENT BILL.

COMMITTEE.

Order for Committee read.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. BUTLER said, he thought they were legislating too hastily, and, as it appeared to him, very unfairly on this matter. He would call attention to the fact that the Thames received not only the sewage of London, but that of every town and village on this side of the Cotswold hills, and that, therefore, the whole cost of purifying the river ought not to be cast upon the ratepayers of the metropolis. Further than this, there was a large amount of Government property within the metropolis, such as the Royal Palace, Dock Yards, Government Offices, and other public buildings, which would not contribute to the cost of this improvement, although it contributed to the nuisance. Unless, therefore, the noble Lord having charge of the Bill would give the House an assurance that he would reconsider the question as to the area of rating, he should move that the House resolve itself into Committee on this Bill this day three months.

Amendment proposed,—

To leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee," instead thereof.

SIR CHARLES NAPIER said, that he also considered that those who contributed toward the evil complained of should be called upon to contribute towards its removal. An enormous quantity of dirt was brought up the river by the shipping, and he wished to know why the shipping interest were not to contribute towards the works in question?

LORD JOHN MANNERS said, he hoped that the House would not now be drawn into a discussion of the principle of the Bill then before the Committee, and he would remind the gallant Admiral that a few days ago two persons were fined for throwing dirt into the St. Katharine's Docks, and that the representative of the dock company then undertook that such practices should be discontinued in future.

VISCOUNT EBRINGTON said, he thought that some discussion upon the principle of this measure, the provisions of which were reconcilable with no sound opinion, would be exceedingly useful. He, for one, would not have assented to its second reading had he not anticipated that it would leave that House in a shape very different from that in which it was introduced. He had yet to learn that a body of forty-three gentlemen was the fittest for carrying this work through in the best and most economical manner. It was easy to make speeches on the question, but the difficulties of the question were best appreciated by those who possessed engineering experience. He, therefore, doubted whether the Government had acted wisely in handing over this great work to the Metropolitan Board of Works, in whom, and in their engineer, he had not implicit confidence. If the matter was to be handed over to them, however, why was it not handed to them without any restrictions. He thought there was much exaggeration abroad respecting the existing evils, and that therefore there was no necessity for haste in passing the present measure. At the same time he hoped that what hon. Members had experienced would have the effect of causing them in some degree to realize what sort of atmosphere was breathed by many families in this kingdom during the hours both of work and sleep. He hoped that Her Majesty's Government would consent so to amend the measure as to remove the limitations as to outfalls, &c., which were contained in it.

SIR DE LACY EVANS said, he thought a little discussion would be by no means amiss. He hoped that an assurance would be given by the noble Lord at the head of the Board of Works, that he would consider the suggestions made by the hon. Member for the Tower Hamlets (Mr. Butler). He had more confidence in the Metropolitan Board of Works than seemed to be entertained by the noble Lord the Member for Marylebone (Viscount Ebrington), and did not doubt their competency to perform the work entrusted to them by this Bill. The Government had exercised a wise discretion in not undertaking this task itself, but in committing its performance to the representatives of the metropolitan ratepayers, who had exerted themselves most honestly and fairly, and had devoted the greater portion of their time to the discharge of their duties as members of this Board.

THE CHANCELLOR OF THE EXCHEQUER said, that the Government was quite willing that all the points involved in this Bill should be fully considered and discussed, but they thought that the best time to take that discussion would be when the Bill was in Committee. They had not proposed this measure because they shrunk from responsibility, but because they knew that the House would never give to them unlimited power to expend any sum of money they pleased upon the drainage of the metropolis. Under these circumstances they were obliged to use the machinery already in existence, and had availed themselves of a body which was constituted for the very purpose of undertaking the work. They had heard much of late of the benefits of local administration and of the value of having the right man in the right place, and from what he had seen of Mr. Thwaites he thought that it was fortunate that they could obtain the assistance of so sensible and practical a man, one who was an honour to his class, and fairly represented all the virtues of which Englishmen were proud. It was quite possible that Amendments might be made in this Bill, but that could only be done in Committee, and therefore he hoped that Mr. Speaker would now be allowed to leave the Chair.

MR. HEADLAM said, he wished to know whether the Government could say that the Metropolitan Board of Works was fully open to consider this question, and was not by Resolution committed to the

plan which went by its name. If that Board was so committed, the House would, in fact, by passing this Bill be adopting that plan, to which he had such an objection that rather than sanction it he should certainly vote against this Bill.

Mr. CONINGHAM said, that if the hon. Member for the Tower Hamlets (Mr. Butler), divided the House, he should certainly vote with him, because he saw with alarm the intention of the Government to commit the performance of this great work, the execution of which was estimated to cost £3,000,000, to a Board which had yet done nothing to merit the confidence of the public. If the system recommended by that Board was adopted the drainage of the metropolis would cost, not £3,000,000 but £30,000,000. No reliance could be placed on the reports of Mr. Bazalgette, which, in his opinion, were contrary to fact, whereas everything bore testimony to the superiority of the scheme proposed by Mr. Ward, whose calculations and statements had never been confuted. He thought that some further investigation should take place, because he believed that no scheme could prove successful which did not utilize the sewage and separate it from the rainfall.

Sir J. SHELLEY said, he did not think his hon. Friend (Mr. Conningham), had dealt quite fairly with the engineer of the Board of Works. He begged to inform the hon. Gentleman that the present Board of Works was not responsible for the operations carried on in the Victoria sewer. He hoped that the House would be allowed to go into Committee, with the view of rendering the measure as unobjectionable as possible. The House had not as yet given the Board of Works the opportunity of displaying their skill and efficiency, and he trusted that that opportunity would now be given them by throwing the whole responsibility of those works upon them.

Mr. COX said, the people put no faith in the Executive Government carrying out works economically. As an instance he might mention the Estimate of £750,000 for Westminster Palace, but which had cost upwards of two millions. If the Metropolitan Board of Works had to carry out the drainage of the metropolis, he thought they would carry it out within a reasonable sum. At the same time he must express his regret that the public offices were not to contribute towards the expense, and he would ask the Chancellor of the Exchequer if he was prepared to introduce a clause rating them towards it.

General CODRINGTON said, he wished to ask whether it was to be made a condition by the Government that the intercepting plan — that was to say, a succession of tunnel sewers down to Barking Creek—should be adopted.

Mr. WALPOLE said, that the question of the hon. and gallant General, as well as others which had been put to the Government in the course of discussion, could better be answered in Committee.

Mr. JOHN LOCKE said, he differed from the right hon. Gentleman, as he thought the House should not proceed further without hearing from the Government what plan they proposed to adopt. In Committee it was very often difficult to get these matters explained.

Mr. CLAY said, the Bill did not give to Government the power of adopting any plan. It gave the power of doing so to the Metropolitan Board of Works, and he had the authority of the Chairman to say that they did not consider themselves pledged to any particular plan.

Mr. JOSEPH LOCKE urged the Government to answer at once the question of the hon. and gallant Member for Greenwich.

Sir WILLIAM DUNBAR said, he must protest against the proposal to assist the main drainage of the metropolis by a grant from the public purse.

The CHANCELLOR of the EXCHEQUER said, his right hon. Friend the President of the Board of Trade stated clearly the other night that the Government were not bound to any scheme whatever by the measure they proposed. He did not know how they could give a clearer assurance to the House. He would, however, repeat that the Government were not connected with any particular scheme whatever in connection with the drainage of the metropolis. All the Government professed to do by the present measure was, to place the Metropolitan Board of Works in that condition which would enable them to carry into effect any plan they thought best calculated to attain the desired result. The Government did not interfere at all with their discretion.

Mr. STUART WORTLEY said, that whatever might be the intention of the Government, the Bill clearly pointed to a particular plan. The very first clause directed the Metropolitan Board of Works to intercept the drainage, for example.

MR. H. B. SHERIDAN said, he must again urge that the public offices should contribute towards the proposed expense.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided :*—Ayes 133 ; Noes 11 : Majority 122.

Main Question put, and *agreed to.*

House in Committee.

Clause 1,

MR. HEADLAM said, he wished to move, in line 14, after the word "speed,' to leave out to the end of the clause, and to insert "such works as may be necessary for purifying the Thames and improving the drainage of the Metropolis." His object was to throw upon the Board of Works the whole responsibility of devising the particular scheme that was to be adopted for the drainage of the metropolis. If his Amendment were adopted, the Bill would not express either directly or indirectly any opinion in favour of any plan.

Amendment proposed,—

In Clause 1, line 14, after "speed," to leave out to the end of the Clause, and insert "such works as may be necessary for purifying the Thames and improving the drainage of the Metropolis."

Question proposed,—

"That the words 'according to such plan as to them may seem proper,' stand part of the Clause."

MR. AYRTON said, he thought that the Amendment would place the House of Commons in a great difficulty, inasmuch as it would in effect be committing the House of Commons to the purification of the Thames. What was "purifying" the Thames? Were the Metropolitan Board to be compelled to convert the Thames into pure drinking water at London-bridge? All they could do was to prevent the river being injured by sewage. He apprehended that the Amendment in its present form could not be acceded to.

MR. CONINGHAM said, he would support the Amendment, with the addition of the words he would propose to prevent the sewage of the metropolis going into the Thames.

MR. STUART WORTLEY said, he was clearly of opinion that the clause, as framed, provided for intercepting the sewage, and preventing it going into the Thames. He thought that the Amendment would be made much more objectionable by striking out the word "preventing."

LORD JOHN MANNERS said, that the Bill was one to provide for the main drainage of the metropolis. The clause had been very carefully considered, and was, he believed most intelligibly framed to carry out the objects in view. He trusted, therefore, that the Committee would not consider it necessary to adopt the Amendment.

SIR BENJAMIN HALL said, he thought that words might be inserted to meet the views of all parties, and such as would secure, not only the main drainage of the metropolis, but also the purification of the Thames.

MR. HENLEY said, the object of the Bill was to enable the Board to get rid of the sewage of the metropolis in a manner that would not be injurious to the health of the metropolis, but it did not empower them to apply money to the making of a sewer, for example, through Oxford-street.

It being four o'clock, Mr. SPEAKER resumed the Chair.

ALLEGED PROTRACTED CONFINEMENT IN A LUNATIC ASYLUM—QUESTION.

MR. FITZROY said, he wished to ask the Secretary of State for the Home Department whether it is true, as stated in a daily paper, that at a recent Visitation the Commissioners in Lunacy discovered in a private provincial Lunatic Asylum a concealed cell, in which a man, who is stated to be in full possession of his faculties, had been for many years confined.

MR. WALPOLE said that, after making inquiry, he could not find that the Commissioners of Lunacy had made any such discovery.

CREDITORS ON THE STATE OF OUDE. QUESTION.

MR. DILLWYN said, he would beg to ask the President of the Board of Control what has been done with regard to the Creditors on the State of Oude since Mr. Otway called for a Return of their names and respective claims on the 9th of May, 1857 ; and whether a Commission has been appointed in India to investigate the merits of those claims.

LORD STANLEY stated, that on the 17th of June in last year the Court of Directors instructed the Governor General to cause, with as little delay as possible, all *bona fide* claims against the Government of Oude to be investigated and reported on either by the Finance Commissioner at Oude or by some Officer

appointed for the purpose. On the 22nd of August the Government of India replied that the instructions would be carried into effect as soon as the state of public affairs in Oude would permit, and he apprehended, therefore, that any delay in carrying them into effect had been due to the disturbed state of the country.

THE HOUSE OF COMMONS.—QUESTION.

MR. HUME said, he would beg to ask the First Commissioner of Public Works whether there are any grounds for the rumours that serious decay has taken place in the foundation stone of this House, causing the structure to give way in several places.

LORD JOHN MANNERS replied, that he had called the attention of Sir Charles Barry and of the gentlemen in the Office of Works having charge of that Department to the subject, and their Report did not confirm the accuracy of the rumours in question. Sir Charles Barry reported that there was not any ground for the rumours, and that though the stones of the building, like all stones in London subject to atmospheric influence, had suffered decomposition on the surface to some degree, yet the stability of the structure was not affected, and there was no real ground for apprehension. The Report of the other gentleman was to the same effect.

THE PROBATE ACT AND THE DIVORCE ACT—QUESTION.

MR. HADFIELD said, he rose to ask the Secretary of State for the Home Department whether it is intended to proceed with the Probate Act Amendment Bill and the Divorce Act Amendment Bill, or either of them this Session; and, if it is, when it is intended to proceed.

MR. WALPOLE said, that what the Government at present proposed to do was to try to pass such clauses of those Acts as were absolutely necessary, in order to amend certain defects which interfered with the administration of justice, and to take out those clauses which were not so immediately essential, and which were likely to give rise to discussion. The particulars of the arrangement would be stated when the Bills came before the House on the following evening.

THE OUTRAGE AT JEDDAH.—QUESTION.

SIR JAMES ELPHINSTONE said, he would beg to ask the Under Secretary of State for Foreign Affairs, what communications have passed between Her Majesty's Government and the Government of Turkey on the subject of the recent outrages at Jeddah; whether Her Majesty's Government have insisted on the summary punishment of the offenders; and whether they are in possession of any information whether it is possible for ships of war to take up such a position in the Harbour of Jeddah, as to enable them to give effectual protection to the Christian population in the event of any future disturbance?

MR. SEYMOUR FITZGERALD in reply said, that on a former occasion he had stated that the *Cyclops* had been telegraphed to, and ordered to return with other vessels to Jeddah immediately, and the officers were instructed, if ample reparation were not given, to bombard Jeddah, and insist on the immediate punishment of all the parties concerned in the outrage. He could now state that the *Cyclops* immediately sailed for Jeddah, and he was informed by the captain that by lightening the vessel she could approach quite close to the town; and the captain added that she was so heavily armed that she could perform any service required of her. There was also a very heavy armament for the whole of her boats. This determination of the British Government was immediately communicated without reserve to the Turkish Government, and information had been received that the Turkish Government forthwith ordered a general officer to Jeddah to enforce the summary punishment of the murderers. In a subsequent despatch from the Foreign Office, Sir Henry Bulwer was instructed to say that this was a case in which the British Government could not be trifled with:—

"And that even great political objects, as they regard our alliance with the Porte, must yield to the paramount principle of supporting Christian and British *prestige* in those regions. It was not enough to send a general to Jeddah. Troops were wanted there, but, above all, a public execution of the murderers immediately. The Pasha ought to have the power of life and death without tedious references to Constantinople. Three ships had been ordered to Jeddah, and we should seize the place if justice was not speedily obtained."

Sir Henry Bulwer was instructed to state this to the Grand Vizier without reserve. He (Mr. S. FitzGerald) could further inform the hon. Gentleman that, in consequence of these representations, an officer of the highest rank had been despatched from Constantinople; that he was backed

by a very large force; that he was authorized to proclaim martial law, and without any reference whatever to Constantinople to inflict immediate punishment upon the authors of the outrage. He could state also, that not only had the Ministers of the Sublime Porte at Constantinople adopted these measures, but that the Sultan had personally sent his Secretary to Sir Henry Bulwer to say there was nothing His Majesty would not do to testify his indignation at the outrage and to satisfy the British Government. In testimony of that feeling his Imperial Majesty had placed 1,000,000 piastres at the disposal of the British and French Governments, to be distributed among the sufferers, and had also signified his intention of settling an amount of upwards of £400 a year upon the daughter of the French Consul and the representative of the British Vice Consul.

REVIEW GROUND AT HOUNSLOW.
QUESTION.

MR. BYNG said, he wished to ask the right hon. Gentleman the Secretary of State for War, whether there would be any objection to permit the inhabitants of Hounslow and the vicinity to pass across the Review Ground at that place, and to use it for recreational purposes, subject to proper restrictions, and at such times as would not interfere with military duties and regulations?

GENERAL PEEL replied, that the drill-ground was let on lease, the terms of which were extremely stringent; but he could state that, happening to live in the immediate neighbourhood, he was in the constant habit of riding and walking across the Review Ground, and he had seen many other persons doing so also.

FIREWORK MANUFACTORIES.
QUESTION.

MR. LAURIE said, he wished to ask the Secretary of State for the Home Department, whether any steps have been taken to prevent the manufacture of fireworks in populous places?

MR. WALPOLE said, that no steps had been taken by the Government with such an object, but he might state that there was in existence an Act, passed so long ago as the reign of William III, which, if it were put in force, would, he apprehended, prevent the nuisance.

EVENTS IN THE EAST.

MR. WALPOLE said, he would beg to interpose before they proceeded to the Orders of the day for the purpose of asking permission to read a telegraphic despatch just received by the Government relating to the capture of Gwalior, and the progress of the British and French arms in China. The right hon. Gentleman then read the contents of a telegram received from Consul General Green, announcing the recapture, by Sir H. Rose, of Gwalior on 28th June, after four hours' hard fighting. Also the taking by the English and French gunboats, in China of a fort on the river Peiho, with trifling loss on our side.

METROPOLIS LOCAL MANAGEMENT ACT AMENDMENT BILL.
COMMITTEE.

On Question that the House do immediately resolve itself into Committee on this Bill,

COLONEL FRENCH said, the course adopted by the Government was extremely inconvenient, for hon. Gentlemen expected that the business would be taken in the order in which it stood upon the paper. The Government had given notice of their intention to proceed with two Bills at the morning sitting, and it was now proposed to continue the discussion upon one of those Bills at the evening sitting, thereby completely overriding the arrangement which, according to the printed papers, had been made. The first two Bills on the paper to be taken at the evening sitting related to Ireland. Hon. Members representing Irish constituencies had been kept up night after night until past one o'clock in the expectation that some discussion would be taken upon these measures, and now that they had obtained a favourable position on the paper the Government proposed to proceed with other business.

MR. SPEAKER said, the House had been occupied at the morning sitting until half-past three o'clock by preliminary discussions before this Bill got into Committee, and by the direction of the House the Report was ordered to be presented at six o'clock. It was, therefore, for the House to decide whether or not they would at once resume the consideration of the Bill in Committee.

LORD JOHN MANNERS said, there was no intention on the part of the Government to take any unfair advantage of Irish Members but the reverse. As, however, they had been unable to make much progress with this Bill at the morning sit-

ting, he hoped the House would now consent to continue its discussion in Committee.

House in Committee.

Clause 1.

Question again proposed "That the words proposed to be left out stand part of the Clause."

MR. HEADLAM said, he had at the morning sitting moved the omission of the latter portion of the clause, in order to insert the following words,

"Such works as may be necessary for the purifying the Thames and improving the drainage of the metropolis."

If this Amendment were adopted he would propose the omission of the 2nd clause. It had been said that the House would not be asked to sanction any particular scheme, but as the Bill now stood it would, in fact, sanction the plan of the Metropolitan Board of Works. It was absurd, then, to say that the Bill was not connected with a plan. One authority was in favour of the plan of the Metropolitan Board of Works, while two were opposed to it. The report of the referees on metropolitan drainage was opposed to it, and the report of the Select Committee of that House, so far from sanctioning anything in the nature of the scheme, gave an opinion in favour of deodorization. If deodorization could be adopted, there was no use in making the elaborate and costly system of intercepting parallel sewers. He would press on the House that they were doing wrong if they threw their authority into any particular plan. He believed that to be the feeling of the Committee, and therefore he had proposed words to carry out that desire. By the first clause, as it stood, the Bill defined a particular site where the works might not be, and that was in connection with the second clause, which laid down where the works might be. It was clear that this was the commencement of the definition of a plan of intercepting sewers to carry off the sewage to Barking Creek. He wished the Act to give powers to the Metropolitan Board of Works without pledging them to any particular plan. The two objects embraced by the Bill were the improvement of the main drainage of the metropolis and the purification of the Thames, neither of which necessarily involved the other; and the effect of his Amendment would be to make this clear, to impose on the Metropolitan Board the duty of carrying out these objects with all convenient speed, and also charge them with the whole responsibility of the work, without defining the means of executing it.

MR. STEPHENSON did not think that by passing the Bill in its present form the House would be at all committing themselves in the way which the hon. and learned Member for Newcastle (Mr. Headlam) seemed to suppose. It was quite clear that the hon. and learned Gentleman had not devoted much time, professionally at all events, to the consideration of this subject. The hon. and learned Member had observed that the question resolved itself into two distinct parts—the purification of the Thames, and the main drainage of the metropolis. [MR. HEADLAM: No.] He thought the hon. and learned Member had conveyed to the House that one of these works might be executed without the other. He (Mr. Stephenson) denied that proposition. He maintained that the execution of one involved the execution of the other, for if London were well drained the Thames would be purified, for the impurities of the river resulted from the bad drainage of London. The House was not asked to agree to any plan about which there was any material difference of opinion between the Government referees and the engineers of the Metropolitan Board of Works. No doubt the two Reports made by these Gentlemen were antagonistic as to the end proposed, and their ultimate views; but they perfectly coincided with respect to the intercepting system. Both were in favour of intercepting sewers, and since all parties were agreed on the principle, why should not the House, before it advanced money for some special object, know how that object was to be carried out? He repeated that he did not think the House was committing himself, more especially as the only difference between the intercepting system of the Government and that of the Board of Works was as to the size of the sewers, and the place of outfall. This was unquestionably a subject which deserved careful consideration; but it was a mere question of detail, and involved no principle. He would ask the House, then, to sanction the principle as far as this measure did sanction it, or otherwise the question would be left as open and as unsettled as it was seven or eight years ago, when he first entered Parliament. At that time shoals of devices were brought forward for purifying the Thames, and improving the drainage of London; but these had all resolved themselves into the intercepting system as the basis of action, and after

having devoted years to the consideration of the subject, he could conceive nothing more likely to carry out the object they had in view in advancing this large sum of money. The referees only differed as to the outfall. Now, whether or not it might be necessary hereafter to go down to Sea Reach was not a question for the House now to decide. Meanwhile, let them be contented to get down to Barking Creek. For his part, he thought it important not to go too far down the river in the first instance. The plan of the Government referees would, they computed, cost £6,000,000; the plan of the Board of Works would cost £3,000,000. Now, suppose the £6,000,000 scheme were adopted. Four or five years hence some plan of deodorization (which was yet in its infancy) might be perfected, and then they would, perhaps, find they had unnecessarily spent £3,000,000—a sum which would double itself in seventeen years; and therefore, even supposing they finally carried the outfall down to Sea Reach, much in a monetary point of view would be gained by not adopting that plan in the first instance. Moreover, he believed that sewage matter would eventually be made useful for agricultural purposes, and he therefore thought it impolitic to enter into any larger expenditure than could well be helped for the present, if even it were found necessary to carry the sewers down to Sea Reach hereafter. Now, as to the second point—the deodorizing of the sewage, at the mouth of the sewers, on the banks of the Thames—he must state that the system was entirely unfitted to deal with the extension of the metropolis. The sewers in the lower parts of the metropolis were constructed for a population inhabiting an area of about half a mile in width along the margin of the river. If the sewers were prolonged to any great extent, spreading into the high levels on the north side in the direction of Highgate and Hampstead, the amount of sewage would necessarily be increased; but if the sewers in the lower parts of London were inadequate to dispose of the sewage now passing through them, how much more inadequate must they become as the metropolis expanded? With regard to any deodorizing system that might be adopted along the margin of the Thames, supposing, after a month or six weeks of dry weather, during which the sewers had been accumulating a great quantity of filth, and the deodorizing system had been efficiently performing its office, that a storm came on, a tremendous rush of water would then take place through the sewers, and the result would be that the sewers, being totally inadequate to bear it, and the deodorizing machinery inadequate to do its work, we should be in precisely the same perdicament that we were at present, and an enormous mass of sewage would be poured into the Thames. He hoped the House would now allow him to turn to the attack which had been made upon him at the morning sitting by the hon. Member for Brighton (Mr. Coningham); for there were one or two points in that attack which it would be scarcely respectful to the House that he should pass unnoticed. So far as his professional character was concerned, the remarks of the hon. Member fell upon him with perfect indifference. But the hon. Member had spoken to-day as if he (Mr. Stephenson) were the engineer of the Victoria sewer. Now, he begged to say that he was not.

MR. CONINGHAM said, that what he had stated was that the hon. Gentleman had made an estimate for the Victoria sewer.

MR. STEPHENSON had never made an estimate for it in his life; and he now appealed to the hon. Member to withdraw the term "false estimates," which he had used. With respect to the metropolitan sewers, it happened that he had been so unfortunate—as any man must consider himself unfortunate—to be placed upon a Commission of Sewers in this metropolis, the members of which were exposed to every possible abuse, notwithstanding all the time and talent which they had brought to bear upon their duties, and he had found it to be a most thankless office. The hon. Member for Brighton then drew an illogical conclusion, which was rendered still more illogical now that he understood that he (Mr. Stephenson) had had nothing to do with the Victoria sewer, that taking his (Mr. Stephenson's) estimate for the Victoria sewer as a criterion, the £3,000,000 to be guaranteed under this Bill would be extended not to £10,000,000, but to £30,000,000. He admitted that the hon. Gentleman spoke under the influence of some little excitement when he stated the last amount. But what was the course he had adopted? Why, he first took an estimate with which he (Mr. Stephenson) had had nothing to do, multiplied it three or four times, and then applied it to another estimate with which, if that were

possible, he had still less to do. The hon. Member had also talked of his (Mr. Stephenson's) being challenged to mathematical contest with Mr. F. O. Ward. Now, Mr. F. O. Ward had for years been engaged in making accusations against the very active, industrious, and intelligent engineer of the present Board of Sewers; and in reply to the challenge he begged to say that he should not receive it, nor would he, under any circumstances, meet Mr. F. O. Ward on a mathematical problem. The hon. Member had also accused him of using false formulæ. Now, the word "false" was, he must say, rather an offensive expression.

MR. CONINGHAM explained that he had not used the term "false formulæ." What he did was, to accuse Mr. Bazalgette of falsifying formulæ.

MR. STEPHENSON would take the responsibility of that also. Mr. Bazalgette did not falsify formulæ; and the responsibility of asserting that he took upon his own shoulders. He denied that the formulæ were false or even erroneous. He had devoted his best attention to them; and he hoped that neither Mr. Bazalgette nor himself would be supposed capable of falsifying formulæ for the purpose of bringing about a particular result. Another accusation against Mr. Bazalgette was his having made a falsification with regard to pipe sewers. Now, he could assure the hon. Member that these stoppages did actually take place, because he had himself, with his own eyes, seen stoppages in pipe sewers. As to the other charge of the hon. Member against Mr. Bazalgette, that he had gone into the sewers one night at twelve o'clock, and that no honest man ought to have been there at that hour. Suppose the hon. Member should apply that criterion to that House? He (Mr. Stephenson) had many a time visited great works in which he had been concerned, not only at midnight, but all night long; but could any one justly say that he was a dishonest man for that? Certainly not. Mr. Bazalgette was prompted by his sense of duty in going to a particular point of the London sewers at that time of night, and he would be bound to say that he could give a good account of his reasons for doing so.

MR. CONINGHAM rose to reply,

THE CHANCELLOR OF THE EXCHEQUER interposed, and said that he was not at all surprised that the hon. Member for Whitby should have desired to make the explanation and statement he had now laid before the Committee; but as the hon. Gentleman and the hon. Member for Brighton had both had an opportunity of expressing at length their views upon this controverted question, he would remind the Committee that the matter had nothing whatever to do with the clause under consideration.

MR. CONINGHAM appealed to the Committee to allow him to say a few words by way of explanation. The hon. Member for Whitby had treated the statements he had made at the morning sitting as if they had emanated from Mr. F. O. Ward; but he would remind the hon. Member that he had quoted each of these statements from Parliamentary documents; the charges he had brought against Mr. Bazalgette were upon record, and although ample opportunity had been given him to refute them, he had never yet done so. He had not charged the hon. Member for Whitby with having falsified data.

MR. CHAIRMAN called the hon. Member to order, and reminded the House that the Question before them was the omission of certain words from the clause. He would suggest, in order to confer unrestricted power of choice upon that Board, the propriety of adding the words, "according to such plan as may to them seem proper." In the Amendment, also, he thought some verbal alteration was requisite, and would suggest that it should run, "such works within the metropolis."

SIR BENJAMIN HALL said, that two opinions had been expressed by different Members; one was that no money ought to be advanced to the Metropolitan Board of Works till the plan proposed was known, and the other was, that the whole execution of the plan ought to be given up to the Metropolitan Board of Works. He was of opinion that the whole matter should be placed in the hands of the Metropolitan Board of Works. He would not enter into the consideration as to whether they were to proceed by intercepting sewers or tubular drains, or by the plan of one engineer or the other; but the question was whether the House should or should not throw all the responsibility on the body delegated by the ratepayers of the metropolis. That he thought was the best course, and so to leave the Metropolitan Board of Works to adopt such plan as they thought fit.

MR. HEADLAM, in reference to the remarks of the hon. Member for Whitby, explained that he had not intended to say

there should be two separate works for the purification of the Thames and the drainage of London. He had no objection to the addition suggested by the right hon. Member for Marylebone.

MR. AYRTON hoped the noble Lord would adhere to the clause as it stood. He thought the clause was properly framed to get the House out of the difficulties arising from the controversies existing between engineers upon this matter.

MR. COX said, he had to complain that no answer had been given by the Government to a question he had asked at the morning sitting whether public buildings were to be subjected to the rate, and what was to be the area of rating. He would divide the Committee on every clause until he got an answer. He also wished to know whether the Metropolitan Board of Works had not agreed on a plan and submitted it to the Government.

THE CHANCELLOR OF THE EXCHEQUER said, that the inquiry of the hon. Gentleman was no doubt an important one; but it had nothing to do with the clause; but as the hon. Gentleman thought that he had been deficient in courtesy in not answering his question, he might perhaps say that when the hon. Gentleman put the question the House was not in Committee, and he (the Chancellor of the Exchequer) had already spoken. However, with the permission of the Committee he might state to the hon. Gentleman that the whole question of the rating of privileged buildings had lately been inquired into by a Committee of the House of Commons, who had made a report upon the subject; and, so far as he was at present advised—he spoke his own opinions and those of his colleagues—he agreed with the recommendations, generally speaking, of that Committee, who certainly did not approve of any buildings being privileged by exemption from rating. It was the intention of the Government to deal with that subject; but they thought it ought to be dealt with generally, and not by a side wind, or the introduction of a clause into a Bill of this kind, which referred only to one particular rate. It was not his intention, therefore, to propose a clause in the Bill with the object to which the hon. Member had referred; but the whole subject was under the consideration of the Government, and he trusted that it would be dealt with in a manner that would be satisfactory to the House. With regard to the area of taxation, it was intended that that area should consist of what was called the metropolitan area; and he did not see how in justice they could go beyond it.

MR. COWPER said, that if the second clause was to be agreed to, he would consent to adopt the words proposed by the right hon. Member for Marylebone (Sir B. Hall), but as he was about to move to expunge that clause, he preferred the words of the hon. and learned Member for Newcastle (Mr. Headlam) as more general, and not referring to any particular plan.

MR. PULLER said, if the Government carried out their declaration that it was not their intention to impose any plan on the Board of Works, the second clause must go. Otherwise they would sanction the adoption of such a system of sewers and works as might be necessary to prevent the sewage from passing into the Thames near the metropolis, but there would not be any provision to prevent the sewage when it had got into the Thames from being brought back into the metropolis. They must, therefore, add to the first clause such words as would impose on the Board not only the duty of preventing sewage from going into the Thames within the metropolitan boundaries, but to prevent it from coming back, or they must adopt the Amendment of the hon. and learned Member for Newcastle.

MR. TITE said, the Bill appeared to be drawn with reference to a distinct plan, and he thought all the objections which had been raised would be met by the omission of the word "sewers," for the clause would then stand thus—"according to such a plan as to them may seem proper, the necessary works"—which would include sewers if the Board should think them neeessary, but would leave the question entirely open. He should, however, support the Government in whatever course they might deem most advisable.

LORD JOHN MANNERS said, that having listened attentively to the present discussion, he must press upon the Committee that in his opinion the effect of it was to show that the words as they stood in the clause were the best adapted to carry out the views of the Committee. If, however, it was desired to insert other words he should prefer those which had been suggested by the right hon. Baronet (Sir B. Hall) in the morning to those which had been proposed by the hon. and learned Member for Newcastle (Mr. Headlam). If, therefore, the Committee re-

jected the latter, and the right hon. Baronet would propose his, he (Lord J. Manners) would give the latter his assent.

VISCOUNT EBRINGTON said, he hoped the hon. and learned Member (Mr. Headlam) would not press to a division, though if he did so he (Viscount Ebrington) must vote with him. He regretted that a personal question had been introduced, but the Committee must not think that because Mr. Ward was not here to answer for himself, he must be in the wrong.

MR. KNATCHBULL-HUGESSEN said, that for the sake of simplicity, he should support the clause as it stood in the Bill on the distinct understanding that he was not committing himself to any particular plan.

GENERAL CODRINGTON said, that he wished to know if Government had made up their mind not to insist on the intercepting sewers?

MR. BYNG said, he supported the clause because it empowered the Board of Works to carry out the undertaking according to the plan they might think best, but without committing the House or the Government to any particular scheme.

MR. AKROYD said, he should support the Amendment of the hon. and learned Gentleman (Mr. Headlam), on the ground that the clause in its present shape gave power to the Board of Works to carry sewage wherever they pleased, provided it were beyond the limits of the metropolis. On every ground of justice the people of the localities beyond the area ought not to be subjected to the accumulated sewage of the whole metropolis; even for the sake of Londoners themselves they ought not to be deprived of the benefit of making visits to the country just outside the town. He could see no reason for pouring the whole of the filth of London into one place, such as Barking Creek, and thought some plan ought to be adopted for deodorizing the sewage.

MR. HUDSON said, he rose to order, and would submit that the hon. Member was discussing a plan not before the House, instead of confining himself to the clause.

MR. AKROYD said, the question was whether the sewage should be carried without the bounds of the metropolis. He must also complain that after the Committee, of which he was a Member, had taken evidence on all sides, had listened attentively to suggestions on all sides, and had drawn up a Report with great care, it was now proposed to legislate without reference to the conclusions to which they had come. He thought there was no use in calling the Committee together if their labours were to be treated in that manner.

MR. D. GRIFFITH said, he supported the Amendment of the hon. Gentleman the Member for Newcastle. On the authority of the evidence of Dr. Barnes, of the Dreadnought Hospital, he denied that the air of the river was unwholesome. It was desirable that the words of the clause should be as neutral as possible.

GENERAL CODRINGTON said, he must press his question with respect to the intercepting sewer.

LORD JOHN MANNERS remarked that the question had been answered during the morning sitting by the Chancellor of the Exchequer.

MR. GARNETT said, the whole of the difficulty in which the Committee was placed was caused by the unsatisfactory proposition of the Government. The Government had themselves said they had no distinct plan in view, and yet the Committee was called upon to endorse the Metropolitan Board of Works' plan, and to guarantee £3,000,000 to be laid out in executing that plan. Either the Board or the Government ought to have power to deal with the question. But the Bill was nothing less than a daring attempt to amalgamate the authority of the House of Commons with the power of the Board of Works. It was his intention to vote against every clause of the Bill.

MR. YOUNG said, that the House should either have before it all the plans which had been devised, and go through them all, or should throw that duty on some independent body. The Government had chosen the latter alternative, and so far he thought their proposition fair; but it would not be fair to introduce into the Bill words which, by and by, when the plan failed, and all the money was spent, would enable it to be said that the House sanctioned such and such a plan.

Question put.

The Committee *divided*:—Ayes 81; Noes 38: Majority 43.

Upon the Motion of Sir BENJAMIN HALL, the words "for the improvement of the main drainage of the metropolis" were added; and the Clause, as amended, was *agreed to*.

Clause 2 (Points of outfall, &c. Sewage to be deodorized).

LORD JOHN MANNERS said, he pro-

posed to alter this clause so as to provide, that if the sewage was deodorized, there might be an outfall in the parish of Chelsea, with other outfalls not higher up than the River Lea on the one side, and Deptford Creek on the other.

Amendment proposed,—

To leave out all after the word "matter," in line 15, and insert the words, "the Board may make outfalls at any point in the parishes of Kensington or Fulham, on the left bank of the River Thames, and also outfalls at any point on the left bank of the river, not higher up than the River Lea, and at Deptford Creek on the right bank."

VISCOUNT EBRINGTON said, he objected both to the clause and to the words proposed to be added, as they made the House responsible for the success of a scheme which might turn out an utter failure. He had been charged by the noble Lord opposite with being an enemy to self-government. He denied that he was so; but what he did object to was, a half-and-half scheme of local self-government, the responsibility being divided between the Parliament and the Board of Works, leaving nobody accountable for anything that might be done wrong. He trusted, before they had done with this Bill, they would make it rather more logical than it was then, and that if they were to have local self-government in the matter they should give that government a fair chance, and hold it responsible for failure and give it credit for success.

MR. WINGFIELD said, he had a serious objection to the clause as it stood. As the purification of the Thames was the principle of the Bill, surely the sewage at any outlet ought to be discharged at that outlet effectually. He objected to take so narrow a view of the principle and scope of the Bill, or to confine its operation to the purifying of the metropolitan area only.

SIR JOHN SHELLEY said, he thought the clause would be the better for the insertion of the Amendment proposed, but it would be better still to strike out the whole clause. He did not think, as a member of the Committee, that the evidence they had taken sanctioned them in the idea that deodorization could be carried out to any great extent within the metropolitan area, and he thought the House ought not to take the responsibility of suggesting any mode in which it could be carried out; for if the scheme turned out a failure the inhabitants of the metropolis would then turn round upon them and say they had in the Bill pointed out the very spots where the outfalls were to be. All they had to do was to guarantee the money, and leave the Metropolitan Board of Works to carry out their own plans.

MR. CONINGHAM intimated, that he would not press an Amendment of which he had given notice, but that he would oppose the whole clause.

MR. ALDERMAN CUBITT remarked, that if he understood the clause aright they might deodorize anywhere and discharge where they pleased, provided they deodorized during the whole year.

SIR BENJAMIN HALL said, the Amendment which the noble Lord proposed would determine the highest points of the outfall.

GENERAL CODRINGTON said, he understood that the process of deodorization might be carried on at Deptford Creek. An accumulation of sewage at such a spot could not fail to be a great nuisance, and he wished to ask whether this process ought to be carried on in the neighbourhood of a great town?

MR. AKROYD said, he objected to the scheme of deodorizing only for six months in the year, as the sewage thus poured out in the winter months would form mud banks, which would ferment and poison the atmosphere in summer. They ought to insist upon deodorization for the whole year. He should support the omission of the whole clause. There were Resolutions containing the opinion of parties who paid the rates of the metropolis, and they were consequently entitled to weight and consideration.

MR. COWPER said, that as the clause at present stood the Metropolitan Board of Works would have full liberty to send the liquid results of deodorization into the river at any point within the metropolitan area, but now the proposition was to continue the deodorization to Kensington and Fulham, and certain parts of the Lea and Deptford. It was said that if the deodorization was effectual there would be no nuisance, and if so, why limit the discharge to these particular points. The wiser course he would suggest would be not to call on the Committee to decide where the points of outfall should be, but to leave the clause as it was.

LORD JOHN MANNERS observed, that the object of the measure was to accord full liberty to the Metropolitan Board of Works to do that which seemed to them proper for the purification of the Thames, and the effective drainage of the metro-

polis. It was in consequence of this that the first paragraph of this clause was inserted by way of protection and safeguard to the inhabitants on the banks of the Thames and in Essex, but, as far as the Board were concerned, they would be glad to be without such a clause. It had been objected that if the Board were permitted to throw the sewage water after deodorization into the Thames, nuisances would arise, and therefore it was agreed to amend the second paragraph. The Government, however, had no great wish on that subject. The clause, amended or unamended, was purely a clause in the nature of a safeguard to relieve apprehensions and exaggerated fears. At the same time he believed the 26th clause would provide ample protection against nuisances, and if, when those interested in the question came to that clause, and found it was not altogether sufficient for their own locality, it might be so amended as to bind the Metropolitan Board of Works so as to carry out their work as effectually to prevent the possibility of nuisances.

SIR DENHAM NORREYS said, he thought it was rather hard to pass a clause which the Government did not wish and the Metropolitan Board of Works did not ask for. He appealed to the Government on behalf of hon. Gentlemen like himself who were neither odorizers nor deodorizers, neither interceptors nor non-interceptors, not to pledge them and the Committee to any particular mode of drainage. He was willing to give the noble Lord all the money, £6,000,000 instead of £3,000,000 if he wished; but he asked him not to tie the hands of those who were not masters of the question by any such clause as this.

MR. T. BARING remarked, that here was a clause which the Government did not wish, and which the Metropolitan Board of Works did not ask for. He thought the clause ought not to be forced, and that the House ought not to be either odorizers or deodorizers, interceptors or non-interceptors, and so make them responsible or *particeps criminis* to any mode of drainage that might be adopted, and so leave it open to the Board of Works to turn round on them and say, that Government forced a particular plan upon the country.

MR. AYRTON appealed to the Government to withdraw the clause. The House had passed through various phases of opinion already. At first it insisted upon a definite plan; and then, when everybody found that his own would not be adopted, all were opposed to any defined plan. He had read all the blue books and all the appendices; he was indoctrinated with all the schemes, and the more he read of them the less he was satisfied with any. The only conclusion to which he had arrived was the same as that of the hon. Member for Whitby—namely, that they must have an intercepting main drainage. This was a strict necessity, arising from the internal system of drainage in the metropolis. The pouring of sewage into a river was not necessarily a nuisance, it only depended upon the proportion it bore to the waters of the river. At present, unfortunately, above London Bridge, the sewage was to the water as one to fifty. It was proposed to carry it to a point where it would be one to 1,000. But it was a question of experiment to say at what point between these limits the river would be in a healthy and innocuous state. It was necessary, however, to go on at once with the works for the internal drainage of the metropolis, and probably by the time these were finished some project would be devised as to the mode of disposing of it. As it would take several years before they could get to that point, he hoped the Government would not ask the House to commit itself to any particular scheme.

MR. PULLER said, he thought it would be necessary, if this clause was struck out, to introduce a clause making it incumbent on the Metropolitan Board to carry the sewage to a point from which it could not be floated back again to the metropolis.

Amendment *withdrawn.*

Clause *struck out.*

Clause 3 (Metropolitan Board may Construct Works on the Shores and Bed of the Thames.)

LORD JOHN MANNERS said, he intended to propose this clause for the purpose of preserving the rights of the Board of Conservancy and of the Admiralty.

MR. WARREN said, he would propose after "may" to insert—

"With the sanction and approbation of the Conservators of the River Thames and of the Commissioners of Her Majesty's Works and Public Buildings, but not otherwise."

He should withdraw the other Amendment of which he had given notice.

MR. CRAWFORD said, he hoped that no provision would be inserted to debar the Board of Conservancy from taking steps for the embankment of the Thames. He

thought the rights of the Admiralty and of the Conservators of the Thames should be saved.

SIR JOHN SHELLEY said, a plan had been proposed for carrying the sewage down the bed of the river, thereby avoiding the inconvenience that would arise to the metropolitan traffic by carrying the works through the crowded throughfares of the Strand and elsewhere, and if this were done it would be quite necessary to save these rights.

MR. NORRIS considered that if care were not taken powers might be given that would render the Metropolitan Board of Works obnoxious to the conservators of the river .

Amendment *withdrawn.*

Clause *agreed to.*

Clause 4 (Powers of taking Land to apply for the purpose of Deodorizing Works).

Mr. CONINGHAM said, he would move to leave out the words "either within or," so that the deodorizing works might be beyond the limits of the metropolis. He believed that these deodorizing works would not only fail, but that they would be a nuisance to the neighbourhood.

LORD JOHN MANNERS said, he thought the widest possible discretion ought to be left to the Board.

MR. TITE said, he could not agree in the conclusion that these deodorizing works would be a nuisance, and quoted the evidence of Mr. Wickstead, engineer, of Leicester, who stated that the deodorizing works there were not at all offensive to the town, and that there was no reason why they should not be erected in the middle of the street without inconvenience to the neighbourhood.

SIR JOHN SHELLEY said, whenever the Committee heard scientific evidence on this subject it was always sure to be contradicted by somebody else soon afterwards.

SIR CHARLES BURRELL said, he could bear testimony to the effective power of deodorization by lime as practised by the late Lord Chichester.

MR. CONINGHAM quoted the opinions of Dr. Hofman and Mr. Whitwell, two eminent chemists, who declared that the process of deodorization was offensive.

Amendment *withdrawn.*

Clause *agreed to.*

Clause 5 (the Metropolitan Board of Works may appoint a Committee for the purposes of the works).

MR. ROUPELL said, he would move, as an Amendment, that the number of the Committee should be nine instead of fifteen.

Amendment proposed in line 35, after the words "consist of" to leave out the word "six" and insert "fifteen."

SIR BENJAMIN HALL said, he hoped the noble Lord would strike out the clause, the Board of Works having already the power of appointing Committees for any purpose, provided that such Committees reported all their acts to the Board of Works for its approval. The number of the Committee ought, at any rate, to be much larger than six, but the precise number had better be left to the Board.

MR. STUART WORTLEY said, he also thought the clause should be omitted. It might, if adopted, give power to a bare majority, and a small number, to take the entire management of the Thames, and so take it out of the hands of the ratepayers.

LORD JOHN MANNERS said, he was of opinion that six was too limited a number, and the number fifteen was now proposed in deference to the opinions of a meeting of metropolitan delegates. The Board of Works would, of course, determine on the plan, but when it had once done that, it would be far better to leave the carrying out of the plan to a Committee. Besides, the clause left the appointment of such Committee entirely to the discretion of the Board.

MR. AYRTON said, he thought the clause narrowed too much the discretion of the whole Board as to the constitution of the Committee. He would propose to leave out "of whom the Chairman of the Board shall be one," and insert "and of a Chairman, to be appointed by the Board."

SIR JOHN SHELLEY said, he had a great objection to this clause. The Metropolitan Board was not elected directly by the ratepayers, but was elected from the vestries, and now it was proposed to give to a Committee of the Board very large powers. Supposing any person placed on this Committee did not do his duty, there were no means of removing him. It would be very likely that the best men would not be put on the Committee, and he hoped the clause would not be insisted on.

MR. STUART WORTLEY said, he should vote against the Amendment and the clause itself. The real objection to the clause was, that the Committee would

be irremovable, and they would be able to act in spite of the general body.

LORD JOHN MANNERS said, he would assent to the general wish that the clause should be struck out of the Bill.

Amendment *withdrawn.*

Clause *struck out,* as was also Clause

Clauses 7 and 8 *agreed to.*

Clause 9 (The Treasury may guarantee payment of Moneys borrowed.)

MR. ROUPELL said, he would propose to add a proviso, to the effect that the works should be inspected by a Government officer before advancing the whole of the money.

Amendment proposed at the end of the clause to add—

"And no such payment of principal or interest shall be so guaranteed by the Commissioners of Her Majesty's Treasury, except upon a certificate of such officer as they shall appoint, that the works from time to time constructed by the Metropolitan Board of Works for the purification of the Thames, and for the improvement of the drainage of the metropolis, have been in all respects designed and executed conformably to the provisions of this Act."

LORD JOHN MANNERS said, the proposal was a somewhat Irish one. Money was wanted to execute works, and the hon. Gentleman proposed to give the guarantee which would be required for raising that money after the works themselves had been completed.

MR. ROUPELL said, he would withdraw the proviso, but he thought that, as the money would not be advanced in one sum but in several, before the whole were expended there should be some security to Parliament that the money had been properly disposed of.

Amendment *withdrawn.*

MR. AKROYD said, he rose to move to omit the clause which seemed to him to introduce quite a principle in direct opposition to those on which their legislation had hitherto been founded. Other towns carried out necessary improvements without troubling Parliament, and he could not see why London, the wealthiest city in the world, should come there begging for the aid of a Government guarantee? But that was not all. Even conceding that there should be a guarantee, he objected to the amount. Before Parliament consented to mortgage the national resources to effect a local object, a clear and well-defined plan, according to which the scheme was to be carried out, ought to be before them. They had it in evidence that the deodorization of the metropolitan sewage might be effected for a far less sum than £3,000,000. Mr. Cooke, the Chairman of the Leicester Sewage Company, had deposed that the works required for a population of 100,000 would cost about £6,000, and that the plan might be applied to the metropolis. He (the hon. Member) was satisfied that not more than £200,000 was really required; why then should they guarantee £3,000,000? The evidence to which he referred was not yet before hon. Members. [The CHAIRMAN: Then it is quite irregular to refer to it.] He bowed to the authority of the right hon. Gentleman; but he protested against proceeding any further with the subject until the House was in possession of evidence of so much importance.

MR. W. WILLIAMS said, he was surprised that the hon. Gentleman should think the nation incurred any risk by the guarantee it was proposed to give. The annual rental of London was £14,000,000 and a threepenny rate upon that amount would produce £175,000 per annum, so that the Chancellor of the Exchequer in his calculation of £145,000 had left a very wide margin.

MR. G. A. HAMILTON said, the hon. Member for Huddersfield had argued as though it was something quite novel for the State to lend money or guarantee loans for municipal purposes, but the fact was that there was scarcely a municipality which had not received authority to borrow money from the Exchequer Loan Commissioners. The State could run no imaginable risk in giving the guarantee proposed by the Bill; for the rate proposed would be amply sufficient to cover the outlay. Indeed the only object of the guarantee was to enable the Metropolitan Board of Works to raise money on easier terms than they otherwise could do. There was a large amount of property in this country which could only be lent out upon Government securities, and it was to enable that money to be lent to the Metropolitan Board that the clause was intended.

Clause *agreed to,* as was also Clause 10. (Securities transferable by delivery).

Clause 11. (Money borrowed under this Act to be applied only to works under this Act).

MR. HEADLAM said, he rose to move the addition of a proviso enabling the Metropolitan Board of Works to expend a sum not exceeding £10,000, or any further sum, if authorized by the Treasury in ex-

periments, in order to determine the most efficient means of carrying out the object of the Act. As the clause at present stood it would not be lawful for the Board to apply any portion of the £3,000,000 to any purpose except that of constructing works. Considering the great amount of expenditure and the doubts which existed as to the precise mode in which the object could be attained, it was most desirable that the Metropolitan Board should have the means of ascertaining beforehand what was the best mode. There had been evidence given before the Committee which conclusively proved the necessity for further examination. At Leicester a considerable sum was expended in preliminary experiments, which certainly had not been without good effects. He thought the proviso which he suggested would be of equal benefit in the case of the metropolis.

Amendment proposed at the end of Clause 11 to add the words :—

"Provided always, that it shall be lawful for the said Metropolitan Board of Works to expend a sum not exceeding ten thousand pounds in experiments, with the object of determining the most efficient means for carrying into execution the objects of this Act, or any further sum, with the sanction of the Commissioners of the Treasury; and in making any such experiments it shall be lawful for the said Board to use powers conferred upon them for the purposes of this Act."

SIR JOHN SHELLEY said, he hoped the Committee would not assent to the proposition of the hon. and learned Gentleman. Where the honey was there were sure to be flies, and if it were known that the Metropolitan Board had £10,000 to expend on experiments, he wished them joy of the task they would have in testing the number of schemes that would be submitted to them.

LORD JOHN MANNERS said, he thought the Amendment unnecessary, inasmuch as by the 25th clause the Metropolitan Board of Works were authorized to expend such sums as might be necessary for preserving the health of the inhabitants during the construction of the necessary works.

MR. BUTLER expressed a hope that the Amendment would be pressed.

Amendment *negatived.*

Clause *agreed to.*

Clause 12 (Appointment of Inspecting Engineers).

SIR BENJAMIN HALL moved the omission of words, and the insertion of others, the effect of which was to limit the functions of the engineers only to inspecting and reporting on the works.

Amendment *agreed to.*

MR. D. GRIFFITH said, he thought it desirable that the Government should have some control over the expenditure of the money. Things might go wrong under the management of the Metropolitan Board, and it was absolutely essential that Government should have the power of interfering. He would move a proviso to that effect.

Amendment proposed at the end of Clause 12 to add :—

"And should such report, so laid before them by such inspecting engineer cause the Commissioners of Her Majesty's Treasury to entertain serious doubts as to the eligibility of the course taken by the Metropolitan Board of Works to effect such drainage, it shall be lawful for the Commissioners of Her Majesty's Treasury to suspend the further issue of bonds, debentures, and other securities, on the part of the Metropolitan Board of Works, until the opinion of Parliament shall have been taken on the points at issue."

MR. G. A. HAMILTON said, he was of opinion that such a proviso would be likely seriously to interfere with the working of the Bill, and therefore he should object to it. The object of the clause was simply to provide that a statement of accounts should be regularly placed before the Treasury. At the same time he must object to any further responsibility being thrown upon the Government. The very principle of the Bill was to give the whole power to the Metropolitan Board.

Amendment *negatived.*

Clause *agreed to.*

Clause 13 (Metropolitan Board of Works to levy a rate of three pence in the pound on the property in the metropolis) *agreed to.*

Clause 14. (Such rate to be called the Metropolis Main Drainage Rate.)

MR. W. WILLIAMS said, that if the rating was to be based upon the existing poor rate it would create great inequality of rating, there being a difference of as much as 57 per cent in the assessment of different parishes. It was desirable that the assessment should be on the county rate. The amount of the assessment for county rate was nearly a million more than that for the poor rate in Middlesex.

SIR BENJAMIN HALL said, that the Board of Works were authorised to issue their precept for the rate, and the basis on which they assessed was that of the county rate.

SIR DENHAM NORREYS said, that by certain words in the clause it would appear that the rate was to be levied on

the poor rate assessment. In his opinion, however, the county rate represented the value much more than the poor-rate assessment.

MR. HENLEY said, the object of the Government was to place the assessment upon a fair tenement value.

LORD JOHN MANNERS said, he would promise that on bringing up the Report the clause would be so shaped as to provide, according to the desire of the House, that the assessment should be according to the county rate valuation.

MR. JOHN LOCKE considered that the clause as it stood was unobjectionable, provided it was understood that the rate was to be levied on the county rate assessment.

MR. W. WILLIAMS expressed an opinion that as this was a permanent work, the ground landlord should bear the burden of it.

Clause *agreed to*, as were also Clauses 15 and 16.

Clause 17 (Rates to be made by Metropolitan Board on default of Vestries, &c., in payment of precepts).

SIR DENHAM NORREYS asked, on what assessment the rates were to be levied under the Act, according to the poor rate or the county rate?

THE CHANCELLOR OF THE EXCHEQUER apprehended thot there was only one assessment, which served both for the county and the poor rate?

SIR BENJAMIN HALL said, that for the county rate the magistrates in quarter sessions determined what was the value of the property of the different parishes, and a parish that was thus valued at £500,000 would probably be assessed at £300,000 for the poor rate.

MR. HENLEY said, that care should be taken that the gross amount was paid under the poor rate system in the same way as under the county rate assessment.

MR. G. A. HAMILTON explained that the assessment would be according to the county rate, and the distribution according to the poor rate.

MR. TITE said, that the city of London, for the purpose of putting an end to unequal assessments, had recently been entirely re-assessed on the net rental, and suggested that the same principle should be applied to the whole of the metropolitan districts

LORD JOHN MANNERS said, that he had promised to alter the 13th clause, with a view to levy the rate on the county rate assessment. If it was found necessary to alter this clause to effect the same object he would do so on the Report.

Clause *agreed to*, as were also Clauses from 18 to 25 inclusive.

Clause 26 (Board not to create a nuisance),

GENERAL CODRINGTON said, he would move an addition to the clause, the object of which was to protect places which had spent a great deal of money on their own drainage and might have to fight the Metropolitan Board for creating a nuisance near them. Woolwich had spent £20,000 on its own drainage, and ought, therefore, to be protected against the Metropolitan Board.

Amendment proposed at the end of Clause 26 to add

"That the Metropolitan Board, for all works to be carried on under this Act, shall first obtain a certificate in writing from the Board of Trade stating that in the opinion of such lastmentioned Board the works proposed to be carried into effect by the said Metropolitan Board are not likely to be or to create a nuisance."

MR. HENLEY opposed the Amendment. It would give a veto over the whole proceedings of the Metropolitan Board of Works. He did not think that the constituents of the gallant General had a right to complain, for they had just spent £20,000 and turned their sewage into the river. And as we were told that the metropolis suffered most from the sewage on the influx of the tide, he thought that this complaint of being poisoned came with a bad grace from the representative of that borough. If there was any reason to apprehend the creation of a nuisance the Court of Chancery had the power to prevent it.

SIR JOHN SHELLEY said, it was not very consolatory to tell those who might be annoyed by the Works of the Metropolitan Board that they could go to the Court of Chancery for a remedy. He thought the Secretary of State for the Home Department was the proper authority to decide questions of this sort. Why should not the Government undertake to prevent drainage nuisances in the same manner as under the Smoke Prevention Act they prevented the carrying on of offensive trades? Deodorization was surely a trade of that class.

MR. HENLEY said, the Smoke Prevention Act was against common right, and therefore a power was vested in the Secretary of State for the protection of manu-

facturers against the institution of vexatious actions.

SIR BENJAMIN HALL said, he thought that the Government should consider the matter, for persons would not risk proceedings at law, but a simple suggestion from a Secretary of State might stop a nuisance which otherwise would not be abated without spending hundreds or thousands of pounds. He spoke from his experience at the Board of Health during the time of the cholera.

MR. AYRTON thought the clause was sufficient as it stood to put down nuisances.

MR. COX said, he believed that this was another attempt to introduce the system of having a veto on the proceedings of the Board of Works. He thought that the clause should stand as it was.

LORD JOHN MANNERS said, if there were a nuisance it would be against a locality, and it would not be an individual merely who would have to take proceedings. The suggestion made, however, was worthy of consideration, and he would look into the matter.

MR. W. WILLIAMS said, he thought that the towns on the banks of the Thames up the river should be compelled to deodorize their sewage before it went into the Thames.

SIR BENJAMIN HALL said, he would suggest that the clause should give the local authorities power to interfere, and if they did not do so, then that power should be reserved to the Secretary of State to direct proceedings.

GENERAL CODRINGTON said, he would withdraw his Amendment, but he hoped the Government would consider the suggestions just made. As to Woolwich, that town had suffered considerably from the sewage of London being forced into the river.

Amendment *withdrawn.*

Clause *agreed to,* as were also the remaining Clauses.

On the bringing up of a clause, reserving the rights of the Lord High Admiral,

MR. AYRTON said, he must object to the reception of the clause. The whole bed and soil of the river were vested in the Board of Conservancy, and that the Admiralty had nothing whatever to do with the Thames; but that they were in the habit constantly of thrusting in arbitrary clauses in cases where they were in no way concerned.

GENERAL CODRINGTON said, that the Admiralty had a veto on the proceedings of the Conservators according to an existing Act of Parliament.

LORD JOHN MANNERS explained that the clause had been copied from the Conservancy Bill.

MR. AYRTON said, he believed that the clause would give the Admiralty an absolute veto on the whole works.

MR. COX remarked, that it would be better to let the clause pass at present, as they would be in a better position to discuss it when the Bill should be reprinted. It appeared to him, however, as he understood the clause, that it would place the Metropolitan Board in a worse position than ever; for instead of having to obtain the consent of one Board only, they would now have to get the sanction both of the Admiralty and of the Conservancy.

SIR JOHN SHELLEY said, he did not think that it would be necessary to have the Bill reprinted, and suggested that a new clause should be brought up on the Report.

MR. COWPER said, the Admiralty's powers extended only to the navigation.

LORD JOHN MANNERS said, he would adopt the suggestion made, and withdraw the clause for the present.

Clause *withdrawn.*

GENERAL CODRINGTON moved to insert after clause 3 the following:—

"That the plans of the intended works shall be opened to public inspection for one calendar month before the commencement of the works at some convenient place within the metropolis; and public notice shall be given by the said Metropolitan Board of the time and place were such plans can be so inspected.

LORD JOHN MANNERS objected to the clause, which, he said, would serve no good purpose, and might lead to great confusion.

GENERAL CODRINGTON said, that as the Government had intimated their intention of considering the propriety of giving the Secretary of State a power of interference, he would not press the clause.

Clause *negatived.*

MR. ROUPELL moved the following clause:—

"The Metropolitan Board of Works shall, in the month of June in every year, make a Report of all their proceedings in relation to the main drainage of the Metropolis, and shall, in the said month, send a copy thereof, together with an account, in detail, of all sums expended during the preceding year in execution of the works authorised by this Act, to one of Her Majesty's Principal Secretaries of State, which shall be laid before both Houses of Parliament within one month after the receipt thereof, if Parliament be sitting,

or if Parliament be not then sitting, then within one month after the next meeting of Parliament."

SIR BENJAMIN HALL said, that what this clause sought to effect was already provided for by the Act of 1855.

LORD JOHN MANNERS said, there was no objection to the production of such a Report; and that, as the right hon. Gentleman (Sir B. Hall) had remarked, was already provided for.

Clause by leave *withdrawn*.

MR. AYRTON said, he would propose a clause enacting that if the Metropolitan Board should raise and pay the money borrowed under the Act from any other sources of revenue which might be at their disposal for the purpose it should not be necessary to make or raise the metropolitan main drainage rate. On a former occasion he had made a statement respecting the taxation of the metropolis, and had indicated that there were several sources of revenue, wholly independent of this rate, sufficient to meet the annual demand on the metropolis; but if the Bill was passed without such a provision as he proposed he might be told hereafter that it was not open to him to raise the question, as the matter was settled by the present measure.

LORD JOHN MANNERS said, that the clause had the appearance of weakening the security provided by the Bill, as no permanent revenue was indicated by it.

Clause *negatived*.

MR. D. GRIFFITH proposed a clause, empowering the Board to elect one of its members as deputy chairman, and to grant him a salary of £500 a year. He thought that onerous duties should not be thrown on any one without adequate remuneration.

LORD JOHN MANNERS said, he did not see any necessity for the clause, as the general members of the Board had hitherto willingly rendered their services gratuitously.

MR. WILLIAMS said, he knew most of the Board, and he knew that they would reject the proposal with contempt.

Clause *negatived*.

Bill *reported*; as amended to be considered *To-morrow*.

The House *resumed*.

JUDGMENTS (IRELAND) ACT AMENDMENT BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

Clause 1.

MR. WHITESIDE moved the addition of the following proviso at the end of Clause 1:—

"That nothing in this Act contained shall in any manner extend or apply to any case in which any such question as aforesaid was raised before the 1st of July, 1858."

MR. P. O'BRIEN said, he must object to the proviso, as it would have the effect of prejudicing the creditors of the Tipperary Bank by protecting a judgment for £10,000 registered by Mrs. Sadleir, the wife of the unfortunate Mr. James Sadleir, who put an end to his existence on Hampstead Heath.

MR. WYLD expressed a hope that an exception would be made in the present case.

MR. WHITESIDE said, he thought that the creditors of the bank had been most shamefully plundered, but that it was unusual and unadvisable to correct a particular mischief by legislation.

MR. J. D. FITZGERALD said, he must complain that up to the present time the House had not had an opportunity of discussing the principles of the Bill. It was in fact a retrospective measure, and affected private interests to the extent of a million and a half, and the parties so affected had no means of defending their rights. He would therefore urge the Committee to pause before it sanctioned the principle of the Bill,

MR. WHITESIDE said, he would admit the Act was retrospective. But where there was a general mischief it was the habit and practice of the House to remedy the mischief with reference to particular cases. He might refer as an instance to the case of an Act passed a few years ago to amend the Wills Act. Up to that time the law had been that a will was not valid unless the signature was after the last clause. That led to much injustice, which an Act was passed to remedy, and that Act had reference to the general principle, not being framed for any individual case, but it was retrospective in its operation. However, it would not apply to any case in which the point had been already raised, and a clause to the same effect was in the present Bill. He could also refer to other examples of legislation under analogous circumstances. The right hon. and learned Gentleman said that parties had acquired rights, but he denied it; they had acquired no rights.

MR. P. O'BRIEN said, it was impossible to reconcile the statement of the right

hon. and learned Gentleman (Mr. Whiteside) and that of the right hon. and learned Member for Ennis (Mr. FitzGerald). He therefore hoped that some protection would be given to the unfortunate sufferers by the Tipperary Bank.

MR. MALINS said, he should support the clause, as he held that any other course would promote not the cause of justice, but would promote the cause of chicanery and fraud. A general error had been committed in Ireland. It was said there a question of a million and a half of money. No doubt that was so. A judgment had been registered in the usual form against Mr. James Sadleir, but his last residence was not mentioned. However, he was described as a Member of Parliament, and there was only one James Sadleir a Member of Parliament. Would any one say that creditors had been deceived? The fact was, as stated by the Attorney General for Ireland, that the Bill was to remedy a general evil. In all cases where common error had been committed, the Legislature were bound to intercede and set things right. It was a grievous thing if the creditors of the Tipperary Bank were to be deprived of the property of that man Sadleir, to which on every principle of right they were entitled, in consequence of a voluntary settlement. But he felt, as the Attorney General for Ireland had said, that it was very difficult for the Legislature to interfere to reverse a judicial decision. However, he felt sure that the decision would be reversed on the appeal.

MR. DE VERE said, the Act was introduced in order to remedy a certain class of wrongs, and the only case of the kind they had ever heard of was expressly excepted by the proviso. It would be very unfair to the parties concerned that a Bill affecting the case should be passed while the matter was *sub judice*.

MR. ROEBUCK asked what possible harm could arise from the omission of the proviso? If any right were acquired, he could understand that an injury would arise. But no rights had been acquired, as the matter was *sub judice*.

MR. WHITESIDE said, he would yield to the general sense of the House, and agree to withdraw the proviso.

MR. J. D. FITZGERALD said, he would throw the responsibility of the Bill upon the Government, and would not offer any further opposition.

Proviso *withdrawn*. Clause *agreed to*.

The other Clauses were *agreed to*.

Clauses *added*.

House resumed; Bill *reported*, as amended, to be considered *To-morrow*.

MILITIA (SERVICE ABROAD) ACT CONTINUANCE BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

MR. VERNON SMITH said, as the Bill had been introduced without any statement on the part of the Government, he, without intending to offer any opposition, wished to ask, what were the reasons for renewing powers which ceased at the termination of the Russian war. The Bill differed from an ordinary Continuance Bill, as it was for the purpose of reviving an Act which was considered to have expired. He did not doubt that the state of affairs in India had induced the Government to introduce the Bill; but in order to afford an opportunity for some explanation, he would ask whether it was intended to increase the number of European troops serving in India.

THE CHANCELLOR OF THE EXCHEQUER said, he would allow that the Bill was not properly a continuance Bill, but one to revive the law enacted in 1854. When he introduced the Bill he mentioned that fact, but it being at a very late hour he did not make any lengthened statement, nor was any particular statement necessary. It had been introduced for a very simple reason. The recruiting for the army had been continued with great spirit, and during the last two months with greater success than could have been expected, but it would readily be understood that it was undesirable to send out raw levies to India. They all knew the danger, if not the certain consequence of sending out green youths to India, and therefore it was highly expedient that the Government should have the power of availing themselves of seasoned troops, some of whom were still in this country, and others serving in our colonial possessions. For that reason the Government deemed it their duty to ask Parliament to give them the power of employing, if necessary, a portion of the militia in relief of those veteran soldiers, until the new levies should be fit to undertake the duties. That was the only reason for introducing the Bill, and he hoped Parliament would not refuse to grant the powers asked for, and which might, under certain circumstances, be most important for the efficient conduct of the war in India.

MR. VERNON SMITH said, the right hon. Gentleman had not mentioned whether it was intended to send additional troops to India beyond the complement of Europeans now in that country.

THE CHANCELLOR OF THE EXCHEQUER said, the number of troops in India would not be increased by the Bill. When he introduced it there was no intention of sending out additional troops, but the Government of course reserved the right and duty of sending additional troops, if necessary. That was a question quite apart from the Bill, which, however, would greatly facilitate such action on the part of the Government. He did not wish Parliament to infer from anything he said that the Government did not intend to send additional troops to India.

Clause 1.

COLONEL GILPIN said, he objected to the continuance of some of the provisions of the former Act. By Clause 7 it was enacted that no officer of the militia while out of the united kingdom should rank with officers of the regular army higher than the grade of lieutenant colonel. That regulation operated unfairly towards colonels of militia, and imposed upon them certain duties from which they had a right to be exempted. The origin of that clause dated as far back as 1813, when an Act was passed to enable militia regiments to volunteer for active service, and it was thought that colonels of militia in the field ought not to be permitted to hold the rank of brigadier in command. The intention now was to employ the militia in garrison duties, and he could not see what difference there could be between those duties performed at Malta, or Gibraltar, and those performed at Portsmouth. A militia colonel was not likely to be in the command of the garrison, because besides the governor there was always a full colonel of artillery and one of engineers, but even should such an event happen for a few days there need be no fear that the dependency would be lost, for the only duty of the colonel would be to receive official letters. He did not mean to say all militia colonels were equally good; neither were the colonels of the line. Some colonels are civilians, some military; but had we no civilian colonels in the Peninsular war? As examples of civilian officers he might refer to the Marquess of Anglesey and Lord Lynedoch; and he never heard it was necessary, even in the early part of their brilliant and successful career, to put dry-nurses over their heads. The Duke of Richmond also was in the militia; and was a young officer in the line to be put over his head, suppose he were with his men in Malta or Gibraltar? Nothing in his opinion could more tend to damp the ardour of the militia regiments than the abrupt dismissal of some of the regiments a short time ago, and he could not help thinking that it was unfair to require of them to go beyond the sphere of their constitutional duties, and then to alter the Queen's regulations to their prejudice.

GENERAL PEEL said, the clause was by no means a new one, but was to be found incorporated in every Act of Parliament upon the subject. Nothing could be further from his intention than to say one word which could bear the construction of being disparaging to the colonels of militia. There were many of them quite capable, no doubt, but, upon the other hand, there were several who were not fit to perform the duties of commanders of garrisons. What he was anxious to guard against was the entrusting the command to such places as Malta, for instance, to militia colonels who happened to have little or no military experience. He would not, however, hesitate to meet the objections of the hon. and gallant Gentleman so far as not to call upon those officers to do duties abroad which they would not be called upon to do in garrison here. He would bring up a clause with that object on the Report.

MR. ROEBUCK said, he wished to call the attention of the right hon. and gallant Gentleman to the fact that the question of promotion in the milita appeared to be entirely in the hands of the Lord Lieutenants of counties, and that the impression prevailed that favouritism to a great extent was the consequence. Militia officers would feel much more confidence in the justice of the system if promotion were given upon the responsibility of a military authority such as the right hon. and gallant Gentleman himself.

GENERAL PEEL said, there was a Commission now sitting whose duty it was to inquire into the whole question of the organization of the militia, and that the point to which the hon. and learned Gentleman referred would no doubt form one of the subjects of investigation.

GENERAL CODRINGTON said, he thought that a matter well worthy of the consideration of the Secretary for War was the youth of the recruits who were at present enlisted in the service. Many of them were so young as to render it

much more likely that they would have to be sent to hospital than to the head-quarters of their regiment upon their arrival in India.

MR. BLACK said, he wished to call attention to the inconvenience to which the billeting system gave rise in small towns in Scotland.

THE CHANCELLOR OF THE EXCHEQUER said, he must remind the hon. Gentleman that the Bill under discussion was one the object of which was to send the militia out of England.

Clause *agreed to*, as were also the remaining Clauses.

House *resumed*.

Bill *reported*, as amended, to be considered *To-morrow*, at Twelve o'Clock.

CORRUPT PRACTICES PREVENTION ACT CONTINUANCE BILL.

CONSIDERATION.

Order for Consideration read.

MR. WALPOLE said, that this was merely a continuance Bill, and although it contained amendments of the law on three points, they by no means affected the general character of the measure.

MR. ROEBUCK said, he should move the omission of the first clause. He had no doubt the right hon. Gentleman had the same object as he himself, namely, to render the mode of election less corrupt; but the clause enabled a candidate to pay the travelling expenses of voters, and a more mischievous proposal could scarcely have been made to the House. Once let that principle be legalized and candidates at a contested election would no longer stand on an equality. The election would then simply turn on the question of which candidate had the longest purse. He had heard that at elections in this town cabmen even had been offered £1 for every voter they brought to the poll. Let the House imagine £1,000 spent in that way, and its effect upon a contested election. If this clause were omitted from the Bill he should move that candidates be recouped from the county rates the money expended by them in conveying voters to the poll. But he contended that it ought not to be paid at all. Voting was a public duty, for which one ought not to be paid. It would be the old story, "I have bought you, and I will sell you." A more mischievous Bill than this he had never seen, for it struck a deadly blow at all purity of election, by making a return to that House a mere matter of personal ambition and personal aggrandizement rather than of public duty.

MR. WALPOLE said, the hon. and learned Gentleman treated the matter as if the Bill went to introduce something new, but he would remind him that the payment of travelling expenses had never been declared illegal unless corruption could be connected with it. The case in which large sums were alleged to have been paid to cabmen at a metropolitan election had occurred under the existing law; and if corruption had been charged and proved against the candidate he would have been unseated.

MR. SPEAKER remarked, that an Amendment which was proposed in the clause must be discussed before the question of adoption of the clause itself could be entertained. And, moreover, before that could be done, the new clauses proposed to be added to the Bill must be considered.

MR. STAPLETON said, he would then move his Amendment, when

MR. SPEAKER said, notice had been given to bring up several clauses, and they must be brought up first.

MR. W. VANSITTART then rose to move the following new clause, namely:—

"That it shall not be lawful for the collector of rates and taxes of any borough, county, or city or his partner or agent, to act as agent, clerk, or canvasser for, or to be employed on behalf of, any candidate for such borough, county, or city; and any such person who shall so offend shall for his said offence be liable to forfeit the sum of £50 to any person who shall sue for the same, together with full costs of suits."

He meant to cast no reflection upon the collectors of rates and taxes in counties and boroughs by proposing this clause; nor did he wish to insinuate that as a class they were likely to be guilty of using any undue influence derivable from their office to coerce poor voters. But he thought it highly objectionable that tax collectors should act as agents for any candidate at an election; and such a practice must have a tendency to impair that purity and independence in political matters which they must all desire to preserve and encourage. The rate collector who went about to solicit votes with his canvassing book in one hand and his rate book in the other would naturally possess an unfair advantage over his rivals; and he ought, therefore, to be put in the same position as election auditors, police constables, and other local functionaries.

Clause *brought up* and read the first time.

Motion made and Question proposed, "That the said clause be now read a second time."

MR. CRAUFURD said, he would move that the House do now adjourn. The hour was too late to proceed with such a Bill, and if Government did not consent to the omission of the clause, allowing payment of expenses, they would meet with the most determined opposition from that side of the House.

MR. WALPOLE said, that the House had had ample opportunity of considering the Amendments. He would not, however, oppose the wish of the House, but would propose to consider the Amendments on Friday.

Debate *adjourned* till *To-morrow* at Twelve o'clock.

House *resumed*.

House adjourned at a Quarter before Two o'clock.

HOUSE OF LORDS,

Friday, July 23, 1858.

MINUTES.] PUBLIC BILLS.—1ª Clerk of Petty Sessions (Ireland).

2ª Reformatory Schools (Ireland); Railway Cheap Trains, &c.; Herring Fisheries (Scotland).

3ª Government of India; Titles to Land (Scotland); Sale and Transfer of Land (Ireland).

ROYAL ASSENT.—Funded Debt; Hainault Forest (Allotment of Commons); Durham County Palatine Jurisdiction; New General Post Office (Edinburgh); Navigation Advances (Ireland); Prescription (Ireland); Municipal Franchise; Universities and College Estates; Militia Ballots Suspension; Churches, &c. (Ireland); Confirmation of Executors, &c.; Ecclesiastical Corporations Leasing; Nisi Prius Court, &c. (Ireland); Stanhope and Wolsingham Rectories; Law of False Pretences Amendment; Jews; Oaths; Marriages (Moscow, Tahiti, and Ningpo); Joint Stock Companies Act Amendment; Ecclesiastical Jurisdiction Continuance; Charitable Trusts Acts Continuance; Copyhold and Inclosure Commissions, &c.; Indemnity; Army Service.

ATLANTIC TELEGRAPH COMPANY'S BILL.

THIRD READING.

Bill read 3ª, with the Amendments.

THE EARL OF DERBY moved two Amendments in Clause 4. The first was to give the Company greater powers of raising money on mortgages and bonds; and the second was to place the British Government on the same footing with the United States Government in regard to the time guaranteed to the Company. In 1856 the United States Government passed an Act in Congress, guaranteeing to the Company the term of fifty years. In the present Bill the term proposed was twenty-five years; he wished to amend the Bill by extending the terms to fifty years, so as to equalize the term granted by both Governments.

LORD REDESDALE said, he did not think that the British Government ought to be influenced in this matter by the Act of the United States Government. It should be recollected that the process of laying down the cable commenced in this country, and it was to end in Newfoundland. In reference to another point, he begged leave to call attention to the second clause, in which the usual provision in all similar Bills was omitted—namely, that in cases of emergency the Crown might take possession of the telegraph. He thought such a provision should be inserted. It was his duty in all Private Bills to watch carefully over the interests of the Crown as well as those of the public. Having stated his objections he would leave the matter now in the hands of the House.

LORD STANLEY OF ALDERLEY thought it very questionable policy to allow the monopoly which this Bill gave, and to extend the term from twenty-five to fifty years. He was of opinion that the noble Earl at the head of the Government should have given the House notice of his Amendments.

THE EARL OF DERBY said, it was no part of his business to defend the agreement which had been entered into with the American Government, for it had been made under the sanction of the late Government; but the question was how far they were bound in fairness to this Company to sanction the agreement between them and the United States. In 1856 an Act of Congress was passed by which the American Government guaranteed the payment of 70,000 dollars a year for fifty years, and it was not until six months after that the Bill was introduced into Parliament which contained the clause giving the Crown the power of claiming the property at the end of twenty-five years. If the Amendment were not assented to it would be of most serious consequence to the Company. However, he had no objection to the postponement of the third reading until Monday for the purpose of re-examining the matter.

After a few words from Lord STANLEY of ALDERLEY and Lord REDESDALE,

First Amendment *agreed to* ; on second Amendment further Amendment adjourned to *Monday* next.

MARRIAGE LAW AMENDMENT BILL.

SECOND READING.

Order of the Day for the Second Reading read.

VISCOUNT GAGE, on rising to move the second reading of this Bill, said, that he found himself unexpectedly placed in a position which he had not thought of occupying ; but a variety of unfortunate circumstances having prevented other noble Peers from proposing the second reading, he, as a supporter of the Bill, had thought it to be his bounden duty to undertake the conduct of it rather than that it should fall through for want of a proposer. He had had no hand in the preparation of the Bill, and there were, he thought, omissions in it which it would have been well to remedy ; but certainly everything had been done to render it as little distasteful as possible to its opponents. As their Lordships were aware it was a measure intended to redress a great grievance, which was complained of by a considerable number of persons, and although, from the nature of the case, that number could not be great in proportion to the population of the country, yet the sufferers did indeed constitute a very numerous class. He believed that their Lordships would gladly redress the grievance even of an individual, provided there were no reason why they should not do so ; much more then would they listen to the complaints of the numbers who had petitioned upon this subject ; and if their grievances remained unredressed it could only be because their Lordships considered that there were good and sufficient reasons for refusing to relieve them. The first objection which was usually adduced against the proposition of this measure, to legalize marriage with the sister of a deceased wife was, that there existed a religious and spiritual prohibition; but when it was asked where that prohibition was to be found no one was able to refer that objection to any higher authority than a canon of the Church, and, with all the sincere respect which he professed and felt for the Church, he could not believe that a mere canon, unsupported by Scripture or reason, was a sufficient excuse for refusing relief to a great number of persons against a proved evil. This canon was supposed to be grounded upon the 18th chapter of Leviticus. The only verse in that chapter in which any mention was made of a wife's sister was the 18th ; there the prohibition clearly was, not against a man's marrying the sisters of his deceased wife, but against his marrying the sister in rivalry of the living wife. Indeed it seemed to him to amount to a permission to marry the sister after the wife's death. Another argument against such a marriage was founded upon an inference which was drawn from that very obscure and unfortunate phrase of which every one had heard so much ; and the 6th verse of the 18th chapter was now selected as implying a prohibition, that prohibition being dependent wholly and solely upon the one peculiar phrase to which he referred ; and which it was very doubtful whether it applied to marriage at all. He denied first, that the phrase in question bore the interpretation which was sought to be placed upon it ; and, secondly, that the prohibition contained therein—whatever it might be—extended to the deceased wife's sister. In all the other cases the degree of relationship was minutely specified, and it extended only to blood relations : whereas in this case it was all left open to doubt. The great mass of their Lordships probably were under the impression—as he had once been—that this was a translation of some Hebrew phrase corresponding with the Eastern phrase of unveiling the bride, loosening the zone, or some phrase of that kind. But it was nothing of the sort, for he assured their Lordships that it was neither more nor less than an awkard expression in old English, the word "nakedness" there having no other meaning than that in which it was used by Joseph, who asked his brethren if they had come into Egypt "to spy the nakedness of the land." There was no personal sense whatever—the phrase had no existence as we used it. If he were asked for his authority for this reading he should refer to the Septuagint and the Vulgate translations. He might be told that the Septuagint was considered to be very faulty, and that it could not be relied on ; but those who said that would not venture to include the first six books of the Old Testament in that condemnation, for there could be no doubt that it had been made by the most learned and capable men of the day at the time when Hebrew and Greek were living languages, and when a large proportion of persons

were in the familiar habit of using both. The passage was there rendered, "You shall not reveal, uncover, or expose, the foibles, &c." He was altogether at a loss to discover how this phrase could be tortured into an application to marriage. Still further, he had inquired into the practice of the Jews themselves, who might be supposed to know their own law, and he found a strong argument against any prohibition being intended by those passages on the fact that the Jews themselves never regarded them in that light, and that they rather facilitated than opposed these marriages. Again, if their Lordships really thought that there was anything in Scripture prohibitory of these marriages, and if they regarded them as utterly subversive of the morality of social life, it was difficult to conceive how they could have sanctioned such a compromise of the matter as they had done in 1835. He could only say that there was no evidence whatever of such direful consequences as some persons appeared to dread having followed the relaxation in those countries in which it had taken place—and those countries included, he believed, all Protestant Europe and America, the Catholics being able everywhere to buy dispensations. They were frequently told that this was a woman's question, and that all the women were against the Bill. That all or anything like all of them were so he denied; but as for the mass of unthinking women who in the world, that knew anything about them, would ever have expected anything else? It would be just the same if at this moment the question had been whether they should relax some ancient prohibition against the husband making a second marriage at all; for the idea of being superseded where one had loved was not very pleasant, and it required some philosophy to combat it. It was objected also that the deceased's wife's sister, if she had children of her own, would be much more likely than any other woman to make a bad stepmother. The odds, he thought, were the other way — the wife's sister would be more likely than any other second wife to resist the temptation, if even she felt it, to treat the children of a former marriage unkindly. No doubt there were many weak women and many bad women in the world, but they were not more numerous among wives' sisters than any other class; and the special opportunities which a widower had had of associating with his wife's sister must have made him better acquainted with her character than with that of women in general. Such fanciful objections as these ought not to be allowed to stand in the way of this Bill passing into law. The canon of the Church on which this prohibition rested was made in an age in which every species of absurd asceticism was practised and praised, and when marriage itself was treated by the compilers of the Liturgy as a mere compromise with uneradicable incontinence. This Bill was sent up from the other House, backed by an increasing majority. The question was rapidly gaining ground in the country as the argument in favour of a change became known, and their Lordships would not long be able to resist the popular voice. A recent legal decision had extended the pressure of the prohibition beyond the bounds of this country, and it had thus placed in a stronger light than ever the injustice and hardship of the present law. The noble Lord concluded by moving the second reading of the Bill.

Moved, That the Bill be now read 2ª.

LORD REDESDALE said, the noble Viscount had treated this question on two grounds, the religious ground and the social ground. As regarded the religious view of the subject, it was impossible to deny that the texts most referred to were open to various interpretations. But when difficulties arose, they should be guided by a consideration of the consequences which would naturally flow from a lax interpretation, and refer to other parts of the Scriptures for guidance; and in this view he thought no doubt whatever existed. The real question in this case was, "What is marriage—what is the relationship thereby established?" They were distinctly told in Scripture that the man and wife became "one flesh," and that being the case, the relations of the one necessarily became the relations of the other. Unless that simple principle were admitted and acted upon, society inevitably got involved in difficulties from which there was no escape, and would be driven to consequences from which every one would shrink with horror. It was argued that the prohibition referred only to blood relations; but the very same phrase was used in the clause which forbade the brother to marry his brother's wife. Whatever a man was forbidden to do in respect to his brother's wife he would also be forbidden to do in respect to his wife's sister; but there was no blood relationship in either case—merely

affinity. The noble Viscount had asked, who could expect anything but objections to the Bill from women? In that view he entirely concurred. This was purely a man's Bill. The man did not come forward and propose that the woman should have the right to marry her husband's brother, but he came forward with his own lustful purposes and said, "Let me marry my wife's sister,"—the two standing in precisely the same position as regarded affinity. If this Bill passed, why should they not go further? Why should not a man be allowed to marry his step-daughter? There was no blood relationship in that case. Or why should not a step-son marry his step-mother—his father's widow? From such things as these the minds of all men naturally shrunk; and yet they might be justified on the same principle on which this Bill was justified if you once got rid of the deductions arising from the fact of man and wife being one flesh. What was a man to call his wife's sister if this Bill passed? Was he still to call her sister, or was he to call her cousin? If she were his sister during his wife's life, she was also his sister after her death—the relationship created by the marriage bond could not be got rid of. The canon which prohibited these marriages was almost as old as the Church itself, and was by no means, as it had been represented to be, an innovation of the time of the Reformation. As to the Bill of 1835, that Bill did not alter the law on the subject any further than this, that whereas before the marriage was voidable if anybody chose to object to it it was then made void from the beginning. As regarded the social grounds which formed arguments in respect to this measure, it appeared to him that the greatest possible injury would be done in families if the near and close relationship which existed between persons connected by marriage were interfered with, as it necessarily would be by this Bill. It was said that there had always been a great number of persons who had evaded the restriction, and that this was a reason for altering the law. If they were merely to consider how many persons gratified their sensual appetites without the sanction of the law, there were a number of other things to which this argument would apply. He feared that if they went amongst the narrow confined dwellings in which the lower orders were forced to herd, they would find in many quarters connections existing which no one would think of sanctioning by law. No one was ignorant of what the law had been for the last twenty-three years; yet now their Lordships were asked to sanction marriages which were positively prohibited by law, and to declare the issue legitimate. In all the attempts which had been made to alter the law difficulties had arisen from the nature of the connection between a man and his wife's sister. In the first Bill which was introduced for that purpose after the passing of the Bill of 1835, there was a clause providing that the marriage should not be allowed if there had been any adulterous connection between the parties during the lifetime of the deceased. Thus a deceased wife's sister was placed on a different footing from other women. In the present Bill, the second clause provided that a past marriage should not be valid if either of the parties to it had contracted a subsequent marriage with another person; so that if a man had by his own wicked act repudiated a marriage into which he had led his deceased wife's sister, she was not to be restored to her position by this Bill; the children of the woman who had supplanted her were to be legitimate, and her children were to be illegitimate. That was a clause which would give rise to great difficulty. The Bill confined the right to any dignity, title, or honour, to those to whom it was vested before the passing of the Act. A very curious question might arise out of that clause taken in connection with the 5th. By the latter, Ireland and Scotland were excluded from the operation of the Bill, not only as regarded dignities, titles, and honours, but also as regarded property; and as there were many Members of that House who held titles in the three kingdoms, the result might be that one set of children would be legitimate as regarded one set of titles, and another set of children as regarded another set of titles. The measure appeared to him to be both imperfect in itself and highly objectionable in principle; he believed that social evils of the gravest character would arise from the passing of it; he believed it to be contrary to the law of God; and, entertaining these views, he felt bound to move that it be read a second time that day six months.

Amendment *moved*, to leave out ("now"), and insert "this day Three Months."

LORD LYNDHURST: My Lords, I do not rise to address your Lordships upon the general subject under discussion, but, as my noble Friend has alluded to the Bill which passes under my name I am desirous

of giving a history, in a very few words, of that measure. I believe it is now upwards of twenty years since that Bill was introduced. Several of your Lordships who are now Members of the House were not Members of it at that period, and, after so long an interval, probably what passed is not very fresh in your Lordships' recollection. My attention was called by a circumstance, to which I shall presently refer, to the state of the law with respect to voidable marriages. Marriages which were voidable might be annulled at any time during the joint lives of the two parties. The consequence of this was that the children of those marriages, as to their *status*, stood in an uncertain condition for a great number of years—possibly for ten, twenty, thirty, or even fifty years. A person might be brought up as heir to his parents, as a legitimate child expecting to succeed in the ordinary way to family estates under a settlement, and all at once, after he had married, after he had become the father of children, proceedings might be instituted for the purpose of annulling the marriage of his parents; he would be bastardized, and the whole property would pass in a different direction. I considered that a very inconvenient and cruel state of the law, and my object in bringing in the Bill was to correct it. The Bill which I brought in had nothing to do with annulling marriages. It was merely to protect the legitimacy of children. My proposition was this, — that if the marriages were not annulled within a certain period, as far as related to the children, their legitimacy should not be questioned; and when I brought in the Bill I proposed that, unless the marriages were annulled within a period of two years, the legitimacy of the children should never be questioned—I said nothing whatever as to annulling the marriages, or as to what should take place with respect to the parents. My proposition and my Bill were confined solely to the children. I happen to have a copy of the Bill as originally laid upon your Lordships' table, and I will read what is the nature of the Bill and its provisions. The title of the Bill runs thus :—

"An Act to limit the time for commencing suits in the Ecclesiastical Courts, so far as they may affect the children of parents married within prohibited degrees."

The Bill related only to the children—not to the parents. It is endorsed, "Presented by Lord Lyndhurst, and ordered to be printed the 1st of June, 1835." There was but one enacting clause, which was in these terms :—

"Whereas the children of parents married within prohibited degrees are by law legitimate unless such marriages be declared void by sentence of the Ecclesiastical Courts during the lifetime of the parents, and it being unreasonable and unjust that the state and condition of the children born under such circumstances should remain unsettled for so long a period, be it therefore enacted that the children of parents, married as aforesaid, shall be and continue legitimate unless a suit be duly instituted for annulling the marriage of their parents within two years."

Such was the provision of that Bill. The circumstance to which I alluded which led me to introduce this Bill was the marriage of a noble Lord of high rank in this House. My attention was drawn to the position of the children, to the succession of the eldest son to a seat in this House, and the result was, as happens in many other cases, that a particular instance of hardship led to a general alleviation in the state of the law. The Bill was read a first time without opposition; it was generally approved by your Lordships; but between the first and second readings of the Bill a right rev. Prelate, for whose memory I entertain the greatest possible respect, who possessed great authority, great influence, and great weight in your Lordships' House from his position, his talents, and his masterly eloquence, consulted me and a noble and learned Friend of mine who was interested in the question, and said, "I disapprove of the Bill. I agree with you entirely as to the mischief of voidable marriages. Parties knowing they are breaking the law break it with their eyes open, imagining they can do so with impunity. I think that voidable marriages ought to be declared void, that the parties may see at once the consequence of their act, and if they commit the offence with their eyes open they must take the consequence." The consequence was, that in Committee the whole character of the Bill was entirely changed. I have got the Bill as it passed through Committee. The history of the measure is quite curious. I listened with great respect to the arguments of the right rev. Prelate. I knew his influence in this House. By whom the Amendments were moved I do not recollect; but the Bill was entirely changed, and took this shape. First, with respect to the title, the new title of the Bill was, "An Act to render certain marriages valid, and to alter the law with respect to certain voidable

marriages." The preamble was retained. Then, it went on thus:—

"And it is fitting that all marriages which may hereafter be celebrated between persons within such prohibited degrees shall be *de facto* void and not voidable."

And with respect to past marriages, it was declared that, unless proceedings were instituted for the purpose of annulling such marriages before the passing of the Bill, no proceedings should afterwards be instituted. It does not in point of fact declare those marriages valid, but, as to suits to annul them, instead of during the lives of the parties the period is curtailed within which they must be instituted. That is the history of the Bill. Your Lordships are aware of its original form. I have told your Lordships of the consultation which led to the change—consultation with the right rev. Prelate of great talents, extraordinary influence, great eloquence—and whether the Amendments were moved by the right rev. Prelate or by myself I do not recollect, and I have no means of ascertaining. I said in rising that it was not my intention to enter into the general discussion, and I mean to abstain from doing so. My Lords, I am acquainted with a circumstance that has some bearing on this question, and I will state it. I am intimately acquainted with the state of society in a district in New England. I refer to the state of Massachusetts, of which Boston is the capital. I have several very near connections there, and I will undertake to say that in no civilized part of the world is there to be found a more moral and intelligent people, especially in regard to the intercourse of the sexes, than are the people of that State; and yet, my Lords, in that State the marriages which my noble Friend condemns are consistent with the law. They are not only legal, but they are of constant occurrence. I do not mean to say that a law which has no ill effects in one State of society may not produce a contrary result in another state of society in which different habits and manners prevail; but I state as a witness the facts to which I have referred, and leave it to noble Lords who may take part in this debate to draw an inference from that which I have stated. I hope your Lordships will think I have not done amiss in directing your attention to the circumstances attending the passing of this Bill, which, considering the material part taken in it by the right rev. Prelate, who was, in fact, the author of the Bill, ought to have great weight with your Lordships in the discussion of this measure.

EARL NELSON said, he could not allow the arguments of the noble Viscount (Viscount Gage) to pass without observation. He thought it was impossible for any one, who had studied the 18th chapter of the Book of Leviticus, not to see that the whole of our prohibited degrees were defined by the rules there laid down and the analogies to be derived from them. Besides, it was clear that the rules there laid down pertained to the moral and not to the Levitical law, because it was said that these were the views of the Egyptians and Canaanites, who had made the land to stink in the sight of God. If their Lordships looked into the matter, they would see that, if they were not prepared to read Scripture by reference to analogy, they would err in its construction and fall into great absurdities. For instance, there was no law against a father marrying his own daughter, although there was a law against a son marrying his mother. Again, if they did not read Scripture by analogy, the Tenth Commandment, which said a man should not covet his neighbour's wife, would not prevent a woman coveting her neighbour's husband. The question in this case depended, in a great measure, upon whether our Bible was a correct translation of the original in Hebrew; and they knew Hebrew scholars differed very much as to the true construction of the original. With regard to the Roman Catholics, it suited many of that body in this country to throw over the opinions of the early Church, and to say that these marriages were not contrary to God's law. Protestant Germany had gone much further than the Roman Catholics, and having once departed from the only true standing ground, had made many other relaxations. But what their Lordships had to consider was, how far the Old Testament was to be interpreted by the New, without any reference to what the Jews might say. As to the social ground, he agreed with the promoters of the Bill, that so far there could not be a better person to look after a deceased wife's children than her sister. But at what time would she be most required and be most useful? Why, during the first few months after the death of her sister—the very period when her assistance would be forbidden by the new law. As to the moral ground, it only came to this—that there were many persons living a life of wickedness, and it was desirable that the law

should be altered that they might be purged of that wickedness. He did not believe this Bill was what it was represented to be—a poor man's question, but one more applicable to the middle classes; and this was borne out by statements which he had received from persons of great experience. It was a Bill in fact, to legitimatize children that were now illegitimate; and the lower classes having very little property, cared very little about the matter. He would not be a party to increase the severity of the laws of the Church, but he would ask whether it was not worth while to consider this fact—that if they neglected the only standard of truth which they had, they would be left to the individual opinions of those persons who would be anxious to satisfy them that their own views of marriage were best, and were based upon Scripture; and the Mormons and other sects might say that upon social, moral, and religious grounds they ought to have the benefit of every relaxation, and that every style of living which they pleased to adopt was founded upon Scripture. It was a serious question to consider whether sufficient grounds had been shown for altering the present law. An agitation had been got up by a *clique*—a few people who had spent much money to carry out this object. Of the religious bodies, the Baptists were the only persuasion who petitioned in any numbers in favour of the Bill; the Presbyterians of Scotland and of Ireland, and the Roman Catholics of the latter country, were so opposed to it, that they were exempted from its operation. He hoped their Lordships would reject the measure.

VISCOUNT DUNGANNON said, he could not give a silent vote on this occasion, for he believed that the effect of passing this Bill would be to destroy the peace of families, by sowing distrust where confidence and affection now prevailed. At the present moment the sister of a deceased wife frequently lived in the house of her widowed brother-in-law and took the charge of the children till he might again marry. This she could now do with every regard to her reputation; but if the class of marriages dealt with in this Bill were legalized that would be no longer possible. He ought to mention to their Lordships that he had had the honour of presenting two petitions against the Bill, signed chiefly by females, who knew that if the present Act were repealed it would cause great misery and heartburning in England. Surely the female sex was more especially interested in such a matter.

Earl Nelson

He was not prepared to say that marriages of this description were directly prohibited in Scripture; he took it up in a social point of view, and he repeated his belief that if such marriages were legalized the peace of many a happy home in England would be destroyed. He hoped, therefore, their Lordships would reject the Bill. He hoped they would hear something from the right rev. Bench on this very important subject. It ill behoved the Bishops of England to record a silent vote upon such a question, one which so deeply affected our social interests. He could not believe that the right rev. Prelate who presided over the diocese of Oxford, and who had so ably opposed this measure in a former year, would not raise his powerful voice against it on the present occasion. That right rev. Prelate, he well remembered, had called upon their Lordships to reject this measure in the name of God; he had called upon them to do so in the name of the unity of our Church; he had called upon them to do so in the name and for the sake of those ten thousand happy homes of England, the barriers to whose peace and domestic comfort would be annihilated by the passing of a measure like this. Would he now record a silent vote? Surely not. He called upon their Lordships to reject a measure which could not fail, if passed into a law, to prove detrimental to our best and dearest interests in social life.

THE ARCHBISHOP OF CANTERBURY: My Lords, I had only intended to give a silent vote upon a subject on which I have frequently declared my opinion, but after the appeal of the noble Viscount who has just sat down (Viscount Dungannon) I feel it necessary to trouble your Lordships with a very few words. I must adhere to the opinion which I have formerly expressed in this House that the marriage which it is the purpose of this Bill to legalize is forbidden in Scripture. The noble Viscount who opened the debate (Viscount Gage) made no allusion to the passage which is clear upon that point. The brother is there prohibited from approaching his brother's widow. She is his sister in law. It must surely follow that the sister cannot marry her sister's widower. He is her brother in law. In the long list of prohibitions, which, it should be remembered, is the only rule of divine authority on the subject of marriage, one sex is almost uniformly specified, while the other is included. My Lords, it appears to me that this prohibition bears evidence in itself of

the source from which it emanates. For, in connections of this kind, there would be an end to all confidence if parties were led to suppose that there could ever be any union between them closer and more tender than that of affinity. Thrown together as they necessarily are in social life, it is essential to all domestic comfort that they should regard each other as sisters and brothers. And, no doubt, it is from a feeling of this kind that we uniformly find the women of England most averse to the passing of this Bill. Their sentiments have been underrated by the noble Viscount; but they are sensitive upon matters which so greatly affect the interests of their own sex, and if their suffrages could be generally taken I believe that they would be found unanimous in the opinion that the comfort of the married life, as well as the consolation of the widower whose married life had been unhappily interrupted, mainly depends upon the maintenance of the existing law. This has been strongly represented to me in a letter which I have received from a Dissenting minister of much respectability, and long known to me, who begins by expressing his regret that this "should be made by some a Dissenting question." He believes "that there are many Dissenters who think with himself that the restriction is one of social importance." And he adduces his own case:—"In very early life I was left," he says, "a widower with three young children, the youngest not a fortnight old. My deceased wife had single sisters who were amiable and kind, and who came to my relief in turn as they could. Now, had not the law placed them in the position of sisters—and I regarded them as my own sisters—how could I have asked them or they have consented to live in my house? The protection of the law afforded me their invaluable consolation and care of my babes without suspicion. I therefore plead for the widower and his children in wishing the law to stand." My Lords, I trust that this protection of the law will be continued to the people of this land, and on the double ground of what I believe to be the purport of Scripture and what I believe to be desirable for the social welfare of the community I must adhere to the vote which I have formerly given, and I trust the proposition will receive no better support than on former occasions in your Lordships' House.

LORD CRANWORTH wished to state very briefly, and at the same time very temperately, the grounds on which he had arrived at the conclusion that this measure, if adopted, would be mischievous in its effects. On the religious branch of the subject he had not sufficient confidence in his own judgment to express any opinion; he would, therefore, regard the question as if it were one on which Scripture was wholly silent, and which must be determined by considerations of social convenience alone. Looking to the class of society to which their Lordships belonged, surely there was nothing in married life which ought to be more carefully cultivated than the freest intercourse between the wife's relations and her husband's domestic circle. The husband was necessarily often withdrawn from home, and it was of the utmost importance to the social and domestic happiness of the wife that her sisters should be her most familiar companions. But if the suspicion were allowed to cross her mind that she was encouraging those who in the event of her death might supply her place in her husband's affections, it would be impossible for her, disguise it as she might, to receive them with the same cordiality and freedom as heretofore. It had been said that no one would make so good a stepmother to the children as the sister of the deceased wife. He might doubt that, but if this Bill passed how was the sister to take charge of the children without creating suspicion and giving occasion to remark? Whether he looked to the interests of society before or after the wife's death, he thought this measure would tend to impair those interests. But it was said that what might be a desirable state of the law for the higher ranks of society might be very unsuited to the comfort of the lower. If that were really so, it would be their Lordships' duty to strike as fair a balance as they could, and then decide impartially according to the preponderance of good or evil incident to either side of the question; and in making such an estimate they ought to be specially on their guard that they did not legislate for that class of society to which they themselves belonged. To his judgment, however, it was very difficult to discover any sufficient ground for believing that the interests and feelings of the lower classes on this subject differed in any material degree from those above them in the social scale. The fact that Scotland and Ireland were excepted from this Bill disproved the existence, even among the humbler classes, of any general, not to say universal, sentiment in its favour. It was notorious also that in the rural dis-

tricts of England such a measure was not desired; and though, indeed, it was alleged that it was demanded by persons in the populous towns and manufacturing districts it would be found that in those localities, where the poor had contracted relationships to which it was now proposed to give legislative sanction, bigamy itself was almost of daily occurrence, and it would be hard to show that the arguments used for legalizing marriage with a deceased wife's sister would not equally apply to the legalization of bigamy. He had no doubt that his noble and learned Friend had truly described the state of morals in Massachussets; but whatever might be the state of society on the other side of the Atlantic, where a law like that now under discussion was in operation, there was little doubt that in passing this measure their Lordships would do violence to the feelings of the great mass of the English community. For these reasons he must oppose the second reading of the Bill.

Lord WODEHOUSE said, that some of the speakers who had taken part in the debate had based their argument on social grounds, and others on religious grounds. The noble and learned Lord who spoke last had rested his opposition solely on the social part of the question. He (Lord Wodehouse) confessed he had no confidence in his own interpretation of the obscure passages in Scripture upon which the opponents to the Bill originally based their principal opposition; but he might be allowed to remark that the passage in the text of Leviticus was not the ground upon which they now chiefly relied — he meant the passage prohibiting a man from taking his wife's sister in her lifetime to vex her. The most rev. Prelate opposite (the Archbishop of Canterbury) had, however, taken another ground. He said that there was a prohibition of two brothers marrying the same woman, and that, therefore, by analogy, it might be inferred that two sisters ought not to marry the same man. The plausibility of that argument he was not disposed to deny; but it could be met thus —if it were true that the marriage of a woman with the brother of her deceased husband was prohibited by the Levitical law in such a manner as to render it incestuous, how was it that in certain cases a man was strictly enjoined by that law to marry the widow of his deceased brother? It was monstrous to suppose that the Divine Lawgiver could give a positive order to do that in special cases which in general cases would make a marriage incestuous. With regard to the social ground on which this Bill was on the one side opposed and on the other supported, he admitted that every man had a right to his own opinion. Some persons might think these marriages undesirable; but he agreed with the noble Lord (Viscount Gage) that, looking to all the facts, it was better the law should be relaxed. What were the facts connected with the question in this and in other countries? These marriages, as their Lordships had already heard, were frequent in Boston, and yet they were not attended with any of those horrible consequences to which a noble Lord had referred. In most of the countries of Europe they were permitted, either directly or indirectly—as in Catholic countries through dispensation—and they were contracted by the Protestant communities of Germany. Now, a great deal of stress had been laid on the argument that to relax the law here would lead in many cases to domestic unhappiness; he could only say that if the Utopian felicity which had been described really existed, it would be a strong argument in favour of not interfering. It did not, however, exist; and it was impossible to deny that the law, as it now stood, affected injuriously very many persons who had already contracted marriages of the kind, or who, as amongst the lower classes, did what was worse, by living without marriage with their deceased wife's sister. Upon all the grounds he had stated, he would therefore support the proposed alteration in the state of the law.

The Bishop of OXFORD: My Lords, having already been most indulgently listened to by your Lordships on a former occasion, when I ventured at considerable length to argue what I considered was the true view of this question, I had no thought of troubling your Lordships with any remarks of mine to-night, further than such as I might make in endeavouring to answer any new objections that might be urged by any noble Lord, to what I believe to be the true view of this subject. One or two remarks of the noble Lord who has just sat down seem to me to come under that category, and I think I should be doing wrong if I did not answer them. But I will not enter again into the whole width of this subject, having already done so. Adhering entirely to the opinions I then ventured to express, and to the arguments I then ventured to use, I will not weary your Lordships by going into the

whole matter again; but there are one or two points which, if left unanswered, out of doors at least, if not in this House, great injury would, in my opinion, be done to the cause of truth on this subject. The noble Lord who has just sat down has drawn an argument in favour of this Bill from a particular injunction under certain given circumstances to a brother to marry the widow of his deceased brother. Now, in the first place that argument is really worth nothing—but if it be worth anything, it seems to me to prove too much—too much for this reason. No one urges that it could be consistent with the purity of Christian life, that a man should marry the widow of his own brother. That is not advanced by any one—that is not asked for—it is admitted that the common moral sense of Christendom would regard such a marriage as intolerable. That argument, therefore, proves too much. To give a clear answer to the noble Lord would take us upon delicate ground upon which I had rather not enter; but I think it is necessary to answer the noble Lord's argument. The noble Lord said, that marriage with a deceased wife's sister could not be incestuous, else you would make the Great Author of mankind Himself, under certain circumstances, prescribe incest. Incest itself, my Lords, you must remember, is not a sin against nature, but is a sin against a positive enactment. By the Divine appointment itself, the origin of the human race was the fruit of a marriage which we should now regard with horror as the worst form of incest—the marriage of brother and sister. Therefore you must see that incest is not a thing like a sin against nature, which is written broad as evil by the hand of God upon the nature of the thing itself; but that it is a prohibition of His wisdom and of His love to the race of man, in order to draw through this prohibition blessings upon the race at large, which except for this prohibition would not be drawn. Well, then, if that is the real view which we ought to form of incest, this at once follows from it—that it is in the power of the Supreme Lawgiver for any sufficient advantage, at any particular time, to enact that which is contrary to His ordinary loving enactment for the race, in order to produce at that particular time some particular result which he sees to be for the good of the race. The noble Lord made a slight but important error in speaking of this being an enactment of the Book of Leviticus. It is an enactment of the Book of Deuteronomy, and at the closing part of that book, to make a special provision for the special transmission of the property and name of a race which was essential for the Divine purposes—for the very object for which the Jewish race was separated from all others—the keeping clear the pedigree from which the Messiah was to be born. And, so far from this special enactment admitting the principle that a man might ordinarily marry the widow of his deceased brother—so far from its being the national law which was laid down by that special enactment — it provided that the brother who, in this way, contracted what was called a prescribed inviolate marriage should represent, as it were, his deceased brother, and should upon his marriage with the widow succeed, not to his own inheritance, but to the inheritance of his deceased brother. It was a special enactment to raise up seed to the dead brother. Therefore this special enactment was a supercession by the Supreme Lawgiver, for certain manifest purposes, of the general law which He was pleased to lay down for the general welfare of His creatures. The noble Lord further stated that it seemed to be a very general opinion among the opponents of this Bill that the religious argument was very uncertain. I am bound to say, so far as I am concerned—and I believe I may say the same on behalf of my right rev. Friends on this bench—that there is no uncertainty whatever. We do heartily and *ex animo* take the declaration of our Church that such marriages as these are contrary to God's law, incestuous, and therefore void from the beginning; and we ground this not only upon that chapter of the Book of Leviticus which has been so often referred to, but we ground it also upon the New Testament legislation on this subject. My noble Friend said, that the opponents of this measure mainly relied upon the 18th verse of the 18th chapter of Leviticus; but so far as I remember the debates in this House, that verse has always been used by the advocates for a change in the law, as being a text which shook the rest of the Scriptural argument. The main Scriptural argument, so far as the Old Testament was concerned, was always made by the opponents of the Bill to rest exclusively upon the early part of that chapter—from the 6th to the 17th verses. The noble Viscount who moved the second reading attempted to answer that argument by stating that it was very doubtful whether

there was any allusion in all those verses to marriage or the mixture of the sexes at all. He thought that it referred to vexing or disturbing the temper of the wife, and he grounded that view upon the interpretation of one word in the Vulgate and the Septuagint. Now, I appeal to your Lordships whether the best way of ascertaining the meaning of this passage in the Vulgate is not to ask the interpretation which those commentators of the Church who drew up the Vulgate placed upon it? There is not one of them who puts upon it the sense that the noble Viscount does. Universally the interpretation put upon it by them was, that this was a prohibition of marriage, and of intercourse between those who were closely connected by the ties of blood and affinity. The Septuagint version also uses a word which has always been taken in the Eastern Church to mean the mixture of those who either by blood or marriage were connected in close relationship. But we may go from the Septuagint and the Vulgate up to a higher authority—the Hebrew text; and there is not the slightest shadow of a doubt as to the word there used, the English translation being the most direct and literal and positive that could by possibility be given of it—"Thou shalt not draw near to the nakedness of those of kin; God hath said it." This being so, the argument remains as it was urged by the noble Earl (Earl Nelson), that whether related by blood or by parallel degrees of affinity these marriages were distinctly forbidden to the Jews by the Old Testament. But it seems to me, that we argue the matter on far too narrow a basis when we thus wrangle over particular texts in which the law was laid down for the people of God of old. Can any reasonable man doubt that the whole course of God's legislation on this subject has been to introduce new measures of strictness instead of new relaxations in dealing with the married life? Just so far as He has intended to raise a people in the scale of civilization and morality, just so far as He has increased to them His religious gifts and assistance, just so far as He strengthened the law in those things which have reference to the intercourse between the sexes. Every one can see a reasonable ground for this—it is in order that there may be increased and multiplied such a state of society as He desires shall exist in His Christian Church—that men and women may meet together with a degree

The Bishop of Oxford

of freedom and safety, and mutual affection, which could only be secured by the strengthening of those laws which restrain direct sexual intercourse. Every one of us sees that it must be so; but in Egypt of old, where the detestable doctrine of the worshippers of Isis prevailed, that brother and sister might, without any degradation or stain, contract these marriages, could any family, when the brother and sister reached the age of puberty, allow that free and social intercourse which is allowed in every family in every Christian land, because that most beneficial restraint of the law of God has substituted a higher family affection for that lower animal affection which is to bind together man and wife? But, when our Lord lays down the principle that man and wife become one flesh, He solves all those difficult questions as to whether this or that particular thing is prohibited; and taking that in conjunction with the general declaration of the old law, that the God of purity would not have those who were near akin to join in marriage, we have in our blessed Lord's interpretation, and in the application of it, a law which at once and for ever settles this question for those who receive His revelation. This is that which the whole of Christendom, down to this time, has adopted. This is that which the Church in the East and the Church in the West have ever held. And do not let me be told that the Roman Catholic Church allows dispensations for these marriages. What, I ask, does she not allow dispensations for? The noble Viscount spoke rather slightingly of the canons of the Church, and stated that they were the composition of Pharisaical minds. My Lords, on behalf of that Reformed Church of England to which it is my happiness and glory to belong, I must declare that such were not the notions of marriage which were held by the Reformers of the English Church. It is one of our great blessings that we were brought back by them from a system of dispensations and of casuistry to what had been held in primitive times as the undoubted word of the Lord our God. They rested that prohibition on the declaration that that was God's word, as it had been always understood in the primitive time. And who was the particular Roman Pontiff that introduced the change? Was there that virtue, was there that wisdom, was there that authority in things sacred about him that—though he was a Pope—we should be disposed to accept his

dictates? It was the infamous Borgia—the man who, himself under vows of celibacy and sanctity, was more than suspected to have been living in the most shameless incest—who granted that dispensation under the most colourable pretext, claiming for the first time for the Roman See a power which it had never claimed before, of dispensing in this matter with the law of God. I think, therefore, that the argument of dispensation goes for nothing. We have, then, I say, the voice of the Western Church; we have the voice of the Eastern Church; we have the unbroken witness of the early Church, that this is the true interpretation of the word of God and that the word of God prohibits these mixtures. Therefore I must declare to your Lordships that it is with no hesitating voice that I, and those who think with me, assert the religious and scriptural argument that these marriages are incestuous, and contrary to the law of God. Much has been said as to the social question. I will not trouble your Lordships at length. The noble Viscount has admitted that the great body of educated women are opposed to this change, endeavouring to account for their feeling on the ground of what he called the "constitutional jealousy" of the female mind. As I rejected the imputation which he cast upon the English Reformers, I must reject also this imputation against English women. I deny that they are constitutionally jealous; and, so far from its being true that women have a horror of their husbands contracting second marriages, I believe that that is a rare feeling among Christian women in England, and that they desire, if their husband be left a widower, that he should provide himself with a suitable helpmate, and his offspring with a fitting protector. I believe that just where there is the strongest affection there is the strongest objection to this measure on the part of women. I hold in my hand a letter from a lady whose name would immediately command the respect and attention of your Lordships if I were to mention it to you, in which she says:—

"A friend of mine in Parliament said to me that he thought the objection to such marriages did not exist where family affection was comparatively weak; that my sisters and I might abhor the idea, but that was because we are very closely bound together in love. Perhaps so; but what an admission! What a testimony to the value of the objection—to the title to consideration of the objectors!"

Yes, my Lords; so far from its being any constitutional jealousy in English women, I believe that the real reason is this:—God has given to the two sexes different intellectual powers and qualities—to us, the sterner and harder power of arriving at the truth chiefly by argument, by induction, and the like; while to her He has given that which, after all, is a higher attribute—the power of intuition, of perceiving what is true, what is pure, and what is noble, and without the tardy process of a long-considered logic, of coming by that power with which He has endowed her heart at the truest and the best conclusion. Therefore, so far from thinking that the general feeling of the women of England can be set aside, I consider it to be a great argument against any measure affecting social and married life when the advocates of it admit that the great mass of the educated women of England are unanimously opposed to it. I come next to the argument that this alteration is desired by the poorer classes. I deny that altogether. I once took the trouble to get all the clergymen in the three counties which form my diocese to make me a report of the number of cases in which these marriages had taken place among the poorer classes. There were but three cases in the whole of those three counties. Where the evil existed it was in the middle classes, where the argument of the poverty of the widower could not for a moment apply. I grieve to say that I believe if you lower down the standard of your marriage law to the requirements of those who have offended against God's law you must go much below this Bill. Keep, therefore, I beseech you, the purity of your English home. Make it well understood that you never will, on moral grounds, relax this prohibition. It has been said that the present law is cruel to those who desire to contract these marriages; but are there no others to whom such an alteration of the law as is now asked for would be cruel? Would it not be cruel to the sisters who, in many cases, are enabled to live with their married sisters solely by reason of the impossibility of these alliances? Would it not be cruel to the widower, whose sister-in-law can now come to his house at the moment of his bereavement to take charge of his motherless children, whose whole domestic happiness for the future depends on the impossibility of any such alliance as this being possible? Are we to sweep away from this man that which God's ordinance has made the alleviation of his grief, in order to gratify the lawless desires of those who wish to take

to themselves this particular forbidden woman? On the mere ground of humanity, therefore, I ask your Lordships to reject this Bill. If there be the slightest shadow of a doubt as to whether God's blessing will rest on these unions, is it not the part of wisdom and humanity, as well as of faith, for us as legislators to refuse to sanction them? Before sitting down, my Lords, I feel it right to admit the good feeling of those who have framed this Bill in such a shape as not to violate the principles of the Church of England. As the Bill stands, this marriage is not in any sense one which members of the Church of England can have recourse to. If it had been possible for me as a legislator to give my assent to making the law of the land and the law of God differ on this matter of incest I would gladly have met the promoters of this Bill half way. But God's law is positive, and those who take God's law for a guide can have no hesitation in saying to the advocates of these marriages, "We refuse you a fatal privilege, which may bring down God's curse upon you."

EARL GRANVILLE: My Lords, I think the noble Lord behind me (Lord Wodehouse) may find a precedent in the speech of my noble and learned Friend (Lord Cranworth) for the line of argument he has taken, and which has been so severely commented upon by the right rev. Prelate (the Bishop of Oxford). As the right rev. Prelate has spoken strongly on this point, there is one thing I should like to know—whether, if it be true, as the right rev. Prelate says, that incest be a sin, not against nature, but against positive enactment, I should like him to explain how it was that the Canaanites were punished for doing that which was not a sin against nature, but condemned by the Book of Leviticus — a command which could not possibly be known to them? Or, if it be so clearly opposed to the law of God, I ask how your Lordships could consent, by a previous Act, to legalize all existing marriages of this description? I must take leave to doubt, too, that the right rev. Prelate speaks in this matter the united voice of the Episcopal Bench.

THE BISHOP OF OXFORD: What I said was, that I and my right rev. Brethren who agree with me on this question are unanimous in thinking that there was no doubt whatever on the Scriptural part of the argument.

EARL GRANVILLE: I thought there must have been some mistake, because, having consulted the Bishop of my own diocese (the Bishop of Lichfield), he wrote to me a day or two ago, stating in the most distinct manner that he was quite convinced, as far as the Scriptural part of the argument went, that it all rested on one text, which, in his opinion, was more in favour of our view than the other. It has been said, and with great truth, that this House ought not to be guided in this matter by the feeling of the society in which we move, but that we ought to look to what was desired by the community at large. I do not think it necessary to enter into any minute details as to the feeling of the upper classes of society with respect to this change—there are many circumstances connected with the question which make it undesirable to do so—but I have no hesitation in admitting that the feeling of that particular class is against this Bill. With regard, however, to the middle and lower classes, I have no doubt whatever that public opinion is in favour of the change. I deny altogether, too, that the feeling of the women of this country is against the Bill. I have conversed myself with many who had a very strong feeling the other way. I believe that in the middle classes, even in religious society, there is no unwillingness shown to receive and mix with persons who have contracted these illegal marriages, and that of itself is a strong proof of the feeling of the middle classes on the matter. I received a letter the other day from a gentleman in Yorkshire, in which he mentions that the head of a girls' school in his neighbourhood had married the widower of her sister, and that not a single scholar had been taken away from her school in consequence of that act. With regard to the poorer classes we know that in towns these marriages do take place among them. Mr. Denham, the rector of a parish in the Strand, stated that the cases were most numerous, that the marriages had an immense moral effect upon the poorer classes, and that he had never seen any disadvantage from connections of the sort. The question has been so often debated that I will not weary your Lordships by going over it again. It is sufficient to say that none of the difficulties which are anticipated from a change of the law obtained in the United States, where these marriages are permitted; that these marriages hold good in all the Protestant communities in Europe; and, as has been

already said, that if the Roman Catholics are much stricter they possess a power of dispensation which relaxes the general principle. When the noble Lord (Lord Redesdale) refers to the ancient Apostolical canon he forgets that there is also a canon which forbids the marriage of priests altogether. It is clearly inapplicable to the state of the law of which we now complain, and which has only held good since the year 1835. In conclusion, I will only express my sincere and ardent wish that your Lordships will on this occasion gratify the conscientious desire of immense classes of the community by giving a second reading to this measure.

THE BISHOP OF RIPON claimed to say a few words, because he happened to differ from many, though he was happy to say, not from all, of his right rev. Brethren. In the first place he thought there was no direct Scriptural prohibition of the marriage of a man with his diseased wife's sister. If there were any direct Scriptural prohibition it was almost unnecessary for him to observe that no consideration should ever induce him to advocate an enactment which would have the effect of making such marriages legal. The arguments attempted to be drawn from Scripture by the opponents of the measure were arguments by inferences ; and, considering the conflict of opinion among eminent divines of this and other Christian communities on this subject, and that at best arguments by inference were of a doubtful character, he thought they might well leave the resolution of the doubt to the conscience of each individual. But, believing as he did, that Scripture, so far from prohibiting, sanctioned these marriages, it was a grievance of which the people might justly complain that the law of the land was out of harmony with the revealed law of God. These were the considerations which influenced him, so far as the Scriptural argument was concerned. As regarded the social part of the question, he believed that great evils were connected with the existing state of the law; and when it was said that this measure would lead to the social evils which had been described, he asked why those evils had not been produced in those countries where marriage with a deceased wife's sister was the law of the land? It was said that the feeling of this country was against these marriages ; but he believed facts did not bear out that statement. The petitions presented to the other House against the Bill were 300, signed by 10,000 persons, and the petitions in its favour were 1,047, having 125,539 signatures, and no one denied that marriages of this description were very numerous throughout the country. It had been found impossible to enforce the law as it at present stood, and believing that Scripture sanctioned these marriages he should cordially support the second reading.

THE BISHOP OF EXETER said, the right rev. Prelate who had just sat down had almost overpowered him, and rendered it scarcely possible for him to address their Lordships. The right rev. Prelate said that Scripture expressly sanctioned these marriages. Up to the last few minutes he would not have believed it possible that a Bishop of the Church of England could have made such a declaration. Did their Lordships recollect that the Church which had the right rev. Prelate for one of its Bishops declared, in one of its most solemn canons, that a marriage of this kind was incestuous, that it was contrary to the law of God, that it should be dissolved from the first, that it should be utterly null and void? That was the law of the Church. The right rev. Prelate spurned the law of the Church. The right rev. Prelate said, "I care not for your Church of England, and what the Church of England declares to be forbidden by the law of God I declare to be sanctioned by the law of God." That was what they had heard to-night. He was amazed. If any clergyman in any place which was not privileged dared to say what the right rev. Prelate had said he would, if he were in the diocese of a faithful Bishop, be brought to account for his words. But it was said that the canon was drawn up in ancient and ascetic times. It was the time of James I., and if he were to look back to any age for a state of profligacy and anything but asceticism on the part of the clergy it would be to that very period. They were told that these canons were drawn up also in very early times, when they were all ignorant of these things. But that was the very reason that they were of force. The Church of England claimed it to be its law and doctrine, because it was the law of the early Church. If it were not so, the Church of England would not be what it was ; it would not be a Catholic Church, and it would not have its own Bishops sitting there, except the

right rev. Prelate who claimed to be a Bishop of the Church of England. The right rev. Prelate claimed to be a Bishop of the Catholic Church, purified from the corruptions of Rome, and yet declared that her canons were to be of none effect. The Bill to which the right rev. Prelate gave his very extraordinary support distinctly said, "provided that nothing herein contained shall invalidate, alter, or affect any canon or constitution ecclesiastical of the United Church of England and Ireland now in force." Did the right rev. Prelate mean then to say that the passing of this Bill would not affect the canons of the Church of England? And to show the absurdity and ludicrous inconsistency of the Bill it would come to this, that should the Bill pass—a supposition which he could not insult the common sense of their Lordships by suggesting as possible—the law of the land, in the same statute, would declare that a person might contract legally a marriage before a registrar, and yet might have that marriage declared contrary to God's law, and therefore null and void from the beginning, by the canon which was not to be affected by the Act. So far as the Bill was concerned a marriage of this kind would carry with it all the effect of a legal marriage; but, although these persons might marry under this Bill, they could never be admitted to the Holy Communion by a faithful minister, for he would be bound to tell them that they were living in a state of sin, that they were offending the congregation by living in a state of sin, and that he could not and would not violate his functions by administering to them that sacrament, which, as a faithful minister of Christ, he would at the same time be bound to tell them was necessary to salvation. All the blessings, all the promises, of that sacrament must be abandoned by those who, if this wretched Bill passed, should contract these marriages.

Lord OVERSTONE said, he had heard what had fallen from the right rev. Prelate with the greatest dismay, for if every supporter of this measure was to be debarred from the sacrament of holy communion, he himself stood before their Lordships as a man who could not by a faithful minister of Christ be admitted to that solemn rite.

The Bishop of EXETER interposed by saying that the noble Lord had misunderstood what he had said. He did not say that persons who supported this Bill would be excluded, but that it would be the duty of a faithful minister to exclude those who might contract marriages under it.

Lord OVERSTONE said, he was glad he had misunderstood the right rev. Prelate, the tone of whose speech, however, still remained subject to just and very grave censure. He thought that if no right rev. Prelate essayed the task, it was the duty of some of the lay members of their Lordships' House to endeavour to do justice between the right rev. Prelates who had spoken, and to allay the somewhat unseemly asperity which has been displayed. He could not help thinking that the remarks of the right rev. Prelate who had last spoken were unreasonable and unjust. He had condemned another right. rev. Prelate in the strongest terms for stating that, in his opinion, Holy Scriptures did not condemn, but sanctioned, these marriages. But what had been the explanation offered to the House that night by the noble and learned Lord (Lord Lyndhurst)? That a right rev. Prelate of great authority, who was not now a Member of their Lordships' House, was responsible for the passing of an Act which put an end to the power of voiding these marriages. ["No!"] As he understood the Act, the power of making previous marriages void had ceased under this Bill, unless proceedings were taken before a certain time. An Act though indirectly countenancing those marriages could not have received the countenance of Prelates who hold those to be condemned by the express word of God. Their Lordships had been told that these marriages were directly incestuous and contrary to the law of God. Now, among the vast number of petitions which he had presented in favour of this Bill, there was one signed by 500 clergymen. He had also divided with right rev. Prelates in favour of a similar measure. He had presented petitions in favour of the Bill signed by the municipal authorities and by all classes in the City of London. On that evening he had presented a petition in favour of the measure signed by nineteen out of twenty-six Aldermen, by Directors of the East India Company and the Bank of England, by Bankers of the City of London, by merchants and solicitors. In the manufacturing districts the opinion in favour of this Bill was almost universal. A similar measure had been repeatedly sent up to their Lordships from the other House, which was

supposed more especially to represent the feelings and the deliberate judgment of the people, and although the Members who had voted in favour of these Bills had been sent back to their constituents, they had been again returned, and had sent up subsequent Bills by increasing majorities. He had not given his support to this measure lightly and unadvisedly. The condemnation of these marriages, if intended by the will of God, would have been written with the finger of fire and not have been left as a doubtful and forced inference from such dark and ambiguous passages as had been quoted. He thought that any legislation was unwarrantable which interfered with man's free agency in a matter so important as that of marriage. He believed also that the present state of the law caused the most serious moral evils, and he feared that, if they rejected this Bill, their Lordships would inflict upon the community an act of injustice, and would greatly disturb the harmony and morality of society. He could not help regretting the violent and uncharitable language which had fallen from the episcopal bench, which was in his opinion, injudicious, unwise, and not sanctioned by the letter or spirit of that Holy Scripture to which they appealed.

THE BISHOP OF LINCOLN said, he very much regretted that the noble and learned Lord who had so lucidly explained the history of his Marriage Bill to their Lordships had left the House; but what had fallen from that noble and learned Lord might, he thought, bear this interpretation. At the time when the House was asked to legislate on this subject, these marriages were not void, but voidable; the children were not illegitimate, but they might be made so. In this very inconvenient and unjust state of things the noble and learned Lord introduced a Bill enacting that, unless a suit were instituted in the Ecclesiastical Court within two years, the children should be legitimate. The right rev. Prelate, now no more (Bishop Blomfield) here interposed, and at his suggestion it was enacted that voidable marriages should be thenceforth void *ab initio;* and inasmuch as this would be obviously unjust to the children of existing marriages of this kind, their legitimacy was not to be questioned. He contended that it was impossible to draw from this the authority of the right rev. Prelate, now departed, in favour of this Bill. He (the Bishop of Lincoln) would say nothing whatever as to the religious aspect of this Bill. He must say he regretted to find a member of the episcopal bench saying that he believed these marriages were not only not forbidden, but were sanctioned by the law of God. The right rev. Prelate was alone in his opinion; but he was at least to be commended for his boldness in stating his opinion. The noble Lord opposite (Lord Overstone) had laid great stress on the fact that there had been a large number of petitions in favour of this Bill; but from his own experience, both of a large metropolitan parish and of the agricultural districts of England, he doubted whether the majority of the people were in its favour. The number of petitions presented on this subject showed the low state of public morality on this question; but it was not to be wondered at, if when the people saw a number of noblemen and gentlemen, year by year, advocating this measure, and bringing it forward in Parliament, they should think perhaps they were mistaken as to its character, and that there was no great harm in it after all. Suppose polygamy were advocated through the country by an active body of men, and discussed in pamphlets and in newspapers, and that a Bill were yearly introduced into either House by a gentleman or nobleman of influence for the purpose of legalising it, would not many be found to petition for a repeal of the law, and some be encouraged to infringe it? It would be the same in that case as it was in this. He denied that the opinions of the women of this country generally were in favour of this measure; on the contrary, their instinctive feelings, which were a far better guide on such a subject as this than the reasoning of men, made them dread the passing of this Bill. It was, therefore, in their behalf and in that of the peace and happiness of the countless homes in this country, and in the name of purity of their families, that he entreated their Lordships not to read this Bill a second time.

On Question that ("now") stand part of the Motion? their Lordships *divided:*—Contents 22; Not-Contents 46:—Majority 24.

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Redesdale, L. [*Teller.*]
Sondes. L.
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Resolved in the *Negative.*

Ordered that the said Bill be read a Second Time on this Day Three Months.

REFORMATORY SCHOOLS (IRELAND) BILL.

SECOND READING.

Order of the day for the Second Reading read.

Lord MONTEAGLE, in moving the second reading of this Bill, explained the object of the measure to be to extend to Ireland a principle which had frequently been brought before the attention of Parliament since the year 1854, and which in its practical application to England had been attended with the greatest advantage.

Moved, That the Bill be now read 2ª.

The Earl of CLANCARTY: My Lords, considering the importance of the subject of the Bill to which my noble Friend has asked your Lordships to give a second reading, I am surprised that he should have made so meagre a statement of its object and provisions. I regret, my Lords, to feel it my duty to object to my noble Friend's Motion. It is not that I am opposed to the principle of reformatories for Ireland, far from it; I believe nothing would more tend to the moral improvement of the country, than to subject the juvenile offender to such discipline, training, and instruction in a reformatory school as might nip vice, as it were, in the bud, and enable him, when arrived at maturer years, to return to society endued with good moral principles of conduct; for it is well known that it is in youth more commonly than in manhood that the career of crime commences, and that if vicious habits are not formed in youth they are much less likely to be formed later in life. The important question, however, is, in what manner can the youthful offenders be best reclaimed? and how should the experiment be tried in Ireland with the best probability of success? My Lords, this is a question to which it is impossible Her Majesty's present Government could have as yet turned their attention. The measure before you is that of an individual member of the other House, animated, I have no doubt, with the best intentions, but unaided by any of those sources of knowledge at the command of a Government, and in no degree responsible for what he recommends to you; and your Lordships, upon whom the responsibility of passing the Bill is to be cast, certainly have not in the present Session sufficient time to make any inquiry whatever into the subject. The provisions of the Bill appear to be ill-suited for the circumstances of Ireland, to which they alone apply. Your Lordships are aware that it is the unhappy lot of the poor to be the most exposed to the temptation of crime. Juvenile offenders are commonly the children of the poor; they are ill-educated in general in the country schools; in the workhouse schools, where they are brought more under discipline and regulated instruction, they derive far greater benefit; but under the poor law regulations the parent cannot give his child the benefit of the workhouse school, without himself becoming an inmate of the workhouse. If, then, a far better and really effective education be provided in the reformatories—if food, lodging, clothing, and medical care, together with instruction, secular, and religious, and such discipline and training as may be most conducive to the eradication of vice, and the laying of a good foundation for moral conduct, are therein gratuitously provided for the child, upon the sole condition of his having committed some offence for which he may have incurred the penalty

of a fortnight's imprisonment, the temptation will be very great for the poor parent to have his child somehow brought within the grasp of the criminal law, in order to obtain for him a really good education, and at the same time to rid himself of the expense of his support. Another reason for which the proposed plan of reformatory schools is unsuited to the circumstances of Ireland, is the disparity of numbers as between Protestants and Roman Catholics, especially in the west and south; it is variously estimated at from one-fourth to one-sixth; but in the statistics of crime given in the report of the Inspector General of Prisons the disparity is far greater. There the proportion is about one Protestant to ten Roman Catholics; it is therefore probable that as each reformatory school must be under the exclusive management of persons of the same religious persuasion as that of the parents or guardians of the children sent thereto, there will be no reformatories except for Roman Catholics, and an advantage will thus be given to the members of one communion over those of another. I am far from grudging to the Roman Catholic body any advantage that may legitimately accrue to them from their preponderance in numbers, but the endeavour of the Legislature should be to place the members of all religious denominations as far as possible upon a footing of perfect equality with respect to the advantages derivable from the expenditure of public money. The proposed plan would operate unequally. A much better plan would be to adhere in reformatory as in workhouse schools to the principle so much lauded for the last thirty years, of united education of Protestant and Romanist in the same schoolroom—a system which, though a total failure, and not acceptable to any denomination of Christians in the country schools, is not unsuited to public institutions, where children of different creeds are necessarily thrown together, and where, under the superintendence of paid and responsible officers, the rules of the National Board regarding united, secular, and separate religious instruction, can be enforced and carried out. If there is any truth in the vaunted excellence of the national system, the religious interests of the pupils would be well secured where its principles were sure of being strictly applied. I am persuaded, at all events, that reformatories, conducted under the superintendence of public and responsible officers, would be much more beneficial to their inmates, of every religious persuasion, than if subjected to the sole and exclusive control and management of persons of the same religious persuasion as that of the parents whose children were committed to them. The principle, moreover, of instituting schools of an exclusively denominational character, exclusive alike in the management and in the admission of pupils, is not alone inconsistent with the existing system, but altogether novel in Ireland, except in the College of Maynooth. The experiment in the case of reformatories was only recognized in England by the Act of the last Session; it is as yet untried. Such an experiment, surely, should not be applied to Ireland—a country to which such opposite principles of government have generally been applied—without the most careful consideration of the subject by a responsible Cabinet.

I would further venture to observe that the present is a peculiarly inopportune season for applying it to the case of Irish reformatory schools. Your Lordships are aware that the words in the Bill which require a reformatory school to be under the exclusive management of persons of the same religious persuasion as that of the juvenile offenders to be committed to it, will, so far as they relate to Roman Catholics, practically subject those schools to a superintendence and management exclusively ecclesiastical. I would ask your Lordships, then, whether we should be justified at the present moment in confiding so great a trust as the moral reformation of nine-tenths of the juvenile offenders in Ireland to such hands, after the evidence recently taken before the Committee of the House of Commons on the alleged destitution in Gweedore, so directly inculpating the entire body of the priests in that district. I will not more particularly allude to that inquiry than to observe that, both in its lengthened progress and in the Report to which the Committee ultimately came upon it, it has been much before the public in Ireland, and has left an impression very far from favourable to the Roman Catholic priests as moral instructors of the Irish population. I should be sorry to infer from a single case, although it included, I believe, the whole of the clergy of the district, an opinion unfavourable to all the rest of the Roman Catholic clergy. Such an inference would be neither just nor, I am sure, correct; but it is not exactly at the moment when such a case has been brought under public notice, that without any inquiry re-

formatories should be established upon a principle which would practically give to that body the sole and uncontrolled conduct of the education and training of any class whatever of Her Majesty's subjects. Before I sit down, my Lords, I would beg to call your attention to some of the provisions of the Bill. My noble Friend, in introducing this measure to your notice, stated that the reformatory school would be under public supervision and regular inspection. I do not find, my Lords, any provision for this, except that the Inspector General of Prisons is to report to the Lord Lieutenant upon the condition and regulations of schools proposed to be licensed as reformatories, and that upon his report such licence may be afterwards withdrawn; but I find no clause requiring such inspection. By the 3rd clause I find that the grand juries may present money in aid of reformatories, and by the 5th clause may appoint a Committee to enter into an agreement with the directors or managers of any reformatory school for the reception and keeping of offenders under sentence; but by the same clause it is provided, that the expenses hereby incurred shall be presented without any previous application to a presentment sessions. By this means the ratepayers are excluded from any control over, or any examination into, the charges they are required to defray. Although the managers of reformatories are thus secured against loss, your Lordships will find that the Commissioners of Her Majesty's Treasury are, also, under the 13th clause of the Bill, to defray either the whole or such part of the cost of the care and maintenance of any juvenile offender as the Chief Secretary may recommend. Now, my Lords, I wish to know whether the managers of these reformatories are to be paid both by grand jury and Treasury for the same object, and if not, to which quarter the expense is to be charged? Again, by the 15th clause the parents of the juvenile offenders may be required to pay respectively 5*s.* a week for each child—it may not be easy to obtain from poor parents so large a contribution, if any, indeed, could be exacted from them; but if it is paid, who is to reap the benefit? The grand jury, or the Treasury? Or is it to go to swell the funds of the reformatory? The Bill is silent upon the subject. I believe that practically nothing would be obtained under this clause, as it does not mention by whom the parents may be sued, or in whose behalf. But I would beg to call the attention of the noble Earl at the head of the Government to the 20th and 21st lines of the clause, which, if enacted as they at present stand, would alter the existing constitution of the Petty Sessions Court. The words are, "and it shall be lawful for any two justices of the peace, or any stipendiary magistrate sitting in petty sessions for the district," &c., to constitute the tribunal before which parents may be sued for the weekly payments for the support of their children in reformatory schools. It is thus, for the first time, either cunningly or accidentally proposed to establish a difference between the jurisdiction of the local and of the stipendiary magistracy. Hitherto they have been upon a precisely equal footing, and have worked harmoniously together; but, by the words I have quoted from the Bill, it would henceforth require the presence of two local magistrates to do at petty sessions what a single stipendiary magistrate might do. I trust my noble Friend opposite, in commending this Bill to the acceptance of the House, did not intend thus to degrade the order of the Irish magistracy to which he belongs. The next remark I would make upon the provisions of the Bill is, that by the 8th and 9th clauses it is made optional with the managers of reformatories to receive, or refuse to receive, such juvenile offenders as may be sent to them. What, my Lords, I would like to know, is to become of the child so rejected? He might be a very bad boy, one whom the managers did not like to undertake for; but because he may be a bad case, he is only, therefore, I conceive, the more in need of the reformatory treatment for which this Bill purports to make provision; but by these clauses it is placed in the power of the managers to frustrate the proper operation of the Act where most it was required. I will only trouble your Lordships by noticing one more clause, which is the 7th. It fixes the age of sixteen, as that up to which juvenile offenders may be ordered, after a certain term of imprisonment, to be sent to a reformatory school, and detained there for any period not exceeding five years; thus, a lad under sixteen may be forcibly detained and trained in religious principles up to the age of twenty-one years, from which his convictions may dissent. This is not consistent with religious liberty. The same clause gives an appeal to a juvenile offender, or his parent or guardian, against any order of the justice's sentencing to detention in a reformatory

The Earl of Clancarty

school. What, my Lords, is to become of the offender pending such appeal? The Bill makes no provision for such a case; it appears to have been most loosely contrived from beginning to end—to be a specimen of most clumsy House of Commons legislation, unaided by the experience and unchecked by the responsibility of the Government. I would earnestly entreat my noble Friend at the head of the Government, who, I am sure, can have no object in view but the public good, not to give his sanction to this measure. It is one for which there exists no urgent necessity. Crime has much diminished, and especially in the class of juvenile offenders. This may be partly owing to education. I believe it is chiefly owing to the absence of distress, to the fuller employment of the poor, and to the beneficial effect of the summary jurisdiction entrusted to magistrates at petty sessions in dealing with juveniles. The intent of this Bill I believe to be good and creditable to the hon. Gentleman who introduced and carried it through the House of Commons. I do not ask your Lordships to reject it, but to defer its consideration to another Session—to dismiss it without prejudice. The important questions involved in it could then be deliberately examined into by the Government during the recess. My noble Friend, on assuming the reins of Government, and his colleague in the other House, held out the promise of a modification of the system of National education, by which the Bible, now for so many years banished from the general school-room, might in some cases be restored. I believe that nothing would more tend to the advancement of education, and to the proper moral training of youth, than such a measure; I regret that this promise has not received its fulfilment. With regret I have also observed, that most important Bills have, in the present Session, been allowed to pass at the sole recommendation of individual Members of Parliament—the Jew Bill and the Property Qualification Repeal Bill—measures affecting the constitution of the Legislature—ought not, I conceive, to have received the sanction of the Government without having been introduced with Ministerial responsibility. Let me hope, that while that which ought to have been done has been left undone, the passing of this Bill may not be added to the list of things done that ought not to have been done.

THE EARL OF DERBY said, that it was quite true that this was not originally a Government Bill, having been introduced into the House of Commons by a private Member; but the Government had sanctioned its principle by adopting it, and had given to its details the most careful consideration. The whole of the arguments of the noble Earl against it were founded on the assumption that what had proved extremely beneficial to England would be no good to Ireland. Undoubtedly, the introduction of the system into England had been attended with the most beneficial consequences, and he was unable to understand what there was in the composition of the Irish character which should render it less useful in that country. For his part he thought it of very great importance to establish juvenile reformatories in Ireland. The noble Earl had said that if there were good workhouse schools, and good reformatory schools, the poor people would be tempted to induce their children to commit crime to be sent there in order to get an education which they could get nowhere else in Ireland. He denied that the education of the people in Ireland generally was badly cared for; on the contrary, they were in a far better position in that respect than was the mass of the population in England. As to Roman Catholic, having the management of the schools, he thought considering that nine-tenths of the juvenile criminals would also be Roman Catholics there was no great grievance in that. It was not true, however, that there would be no machinery of inspection and reporting, because the very first clause contained a provision for the visitation of Her Majesty's inspectors of prisons. One very pertinent question had been asked, and that was as to the power of appeal. That clause would have to be considered in Committee. At present it was proposed to give the child a power of appealing against being sent to a reformatory after spending fourteen days in prison; that appeal was to be within fifteen days, but if the Session was sitting or at hand it was to be to the next Session. It was a very serious question what was to be done with the juvenile offender between the expiration of the sentence and the hearing of the appeal. Without discussing, then, the clauses of the Bill, which would undergo a strict examination in Committee, he should only say that, as this was an attempt to extend to the sister country a plan for the moral reformation of juvenile offenders which had been found

to answer well in England, he should give his support to the second reading of the Bill, hoping that it would receive such prompt and ample consideration as would enable it to become law in the course of the present Session.

THE EARL OF CARLISLE, after the very satisfactory observations of the noble Earl opposite, would not detain their Lordships further than to inform the noble Earl (the Earl of Clancarty) that this measure had met with general support from the more moderate of both the Roman Catholic and Protestant communities in Ireland, though it had had to struggle against the detraction of the more violent of both communions. In his opinion it well deserved the attention of their Lordships. The noble Earl (the Earl of Clancarty) so well performed his duties as a magistrate in Ireland that any Amendment suggested by him would receive their most serious attention. He would add, that though in the matter of adult reformatories Ireland had very much the start of England, she was yet unfurnished with juvenile reformatories, and he hoped their Lordships would give a speedy passage to this Bill, which was intended to remedy that defect. He defended placing the schools under Roman Catholic management, and observed that though mixed education could be well and properly applied to the general bulk of the population, yet it was necessary that exclusively religious education should be given to the juvenile criminal to bring him back to the paths of honesty and virtue.

VISCOUNT DUNGANNON expressed his gratification that this Bill had been introduced, considering that juvenile reformatories were much wanted in Ireland. There were some matters of detail in the Bill to which he objected, but he should not think of throwing any impediment in the way of the second reading, and only regretted that it had been brought in at so late a period of the Session as not to admit of due consideration being given to its details.

Motion *agreed to.*

Bill read 2ª accordingly.

GOVERNMENT OF INDIA BILL.

THIRD READING.

Bill read 3ª (according to order), with the Amendments.

LORD WROTTESLEY moved the omission of the words, in page 4, line 17, which provide that the Councillors who are required to have served or resided for a certain time in India shall not have last left India more than ten years next preceding the date of their appointment. The noble Lord said those words had been introduced as an Amendment, on the bringing up of the Report on the Bill, and in his opinion they would operate injuriously, by disqualifying for the office of Councillors men who might be peculiarly well fitted for the discharge of its duties. He objected, moreover, to all restrictions upon the freedom of election.

THE EARL OF ALBEMARLE also thought that those words ought to be omitted from the Bill.

THE EARL OF SHAFTESBURY said, he should insist on the retention of those words. They would ensure the advantage of recent experience in the Council, and it should be remembered that they would only apply to nine out of the fifteen councillors. The remaining six members of that body could be selected without any reference to such a povision. He thought they might as well omit the clause altogether as adopt the Amendment.

Amendment *negatived.*

Clause 29.

THE EARL OF DERBY moved the omission of the words, "with the concurrence of a majority of the Council," in the clause relating to the appointment of the members of Council in India. The effect of that Amendment would be that the selection in that case would be left to the Secretary of State, uncontrolled by his Council.

THE EARL OF ELLENBOROUGH said, he believed that greater unity and vigour of Administration would be secured by leaving the appointment of the members of Council in India in the hands of the Governor General.

Amendment *agreed to.*

Clause 55, enacting that, except for preventing or repelling actual invasion, the revenues of India shall not "without the consent of Parliament," be applicable to defray the expenses of any military operation carried on beyond the frontiers.

LORD CRANWORTH wished to remind the noble Earl that "the consent of Parliament" meant an Act of Parliament; while the consent of "both Houses of Parliament" would be inferred by Addresses to the Crown.

EARL GRANVILLE had asked more than once what was meant by the words "consent of Parliament," but he never received an answer. He should like to

hear from the noble Earl opposite what was meant by the term.

THE EARL OF DERBY said, the consent of Parliament might mean either an Act of Parliament or a Resolution passed by both Houses.

EARL GRANVILLE thought it should be distinctly stated in the Bill what was meant by the words.

THE EARL OF DERBY proposed a clause to follow the 62nd, the object of which was to enable any person provisionally appointed Governor General to exercise his powers before taking his seat in Council. It was to provide for the case of a person who at the time of his appointment might not be at Calcutta, and to render it unnecessary that he should proceed thither before proceeding to discharge his duties. The clause was as follows:—

"In case the person who shall be entitled under any provisional appointment to succeed to the office of Governor General of India upon a vacancy therein, or who shall be appointed absolutely to assume that office, shall be in India upon or after the happening of the vacancy, or upon or after the receipt of such absolute appointment, as the case may require, but shall be absent from Fort William in Bengal, or from the place where the Council of the Governor General of India may then be, and it shall appear to him necessary to exercise the powers of Governor General before he shall have taken his seat in Council, it shall be lawful for him to make known by Proclamation his appointment, and his intention to assume the said office of Governor General, and after such Proclamation, and thenceforth until he shall repair to Fort William or the place where the Council may assemble, it shall be lawful for him to exercise alone all or any of the powers which might be exercised by the Governor General in Council, except the power of making Laws and Regulations; and all acts done in the exercise of the said powers, except as aforesaid, shall be of the same force and effect as if they had been done by the Governor General in Council: Provided that all acts done in the said Council after the date of such Proclamation, but before the communication thereof to such Council, shall be valid, subject nevertheless to revocation or alteration by the person who shall have so assumed the said office of Governor General; and when the office of Governor General is assumed under the foregoing provision, if there be at any time before the Governor General takes his seat in Council no Vice-President of the Council authorized to preside at meetings for making Laws and Regulations (as provided by Section Twenty-two of the Act of the Sixteenth and Seventeenth Years of Her Majesty), the senior ordinary Member of Council then present shall preside therein, with the same powers as if a Vice President had been appointed, and were absent."

Motion *agreed to*. Clause *added*.

THE EARL OF DERBY then moved the insertion of the following clauses after Clause 67:—

"After the commencement of this Act, such of the Directors as have been elected by the General Court of the said Company, or who shall from time to time be so elected, shall be the Directors of the said Company, and the major part of such Directors for the time being shall form a Court of Directors; and where the presence, signature, consent, or concurrence of Ten Directors is now requisite, the presence, signature, consent, or concurrence of the major part of the Directors for the time being shall be sufficient; and to the intent that the number of Directors may be reduced to Six, Two Directors only shall be elected by the General Court of the said Company at each biennial election to fill the vacancies occasioned by the expiration of the term of office of Directors; and so much of the said Act of the Sixteenth and Seventeenth Years of Her Majesty as requires any of the Directors to be persons who have resided Ten Years in India shall be repealed, and in the oath to be taken by a Director of the said Company, under Section Thirteen of the said Act, the words 'in the administration of the Government of India in trust for the Crown' shall be omitted.

"It shall no longer be obligatory on the Directors to summon Four General Quarterly Courts in every year as heretofore.

"Except claims of mortgagees of the Security Fund hereinbefore mentioned, the said Company shall not, after the passing of this Act, be liable in respect of any claim, demand, or liability which has arisen, or may hereafter arise, out of any treaty, covenant, contract, grant, engagement, or fiduciary obligation made, incurred, or entered into by the said Company before the passing of this Act, whether the said Company would, but for this Act, have been bound to satisfy such claim, demand, or liability out of the revenues of India, or in any other manner whatsoever."

Motion *agreed to*. Clauses *added*.

Further Amendments made.

On Motion, That the Bill do pass,

THE ARCHBISHOP OF CANTERBURY: My Lords, before this Bill leaves I wish to address a few words to your Lordships on a subject which, though not making any part of the Bill, is closely connected with the government of our Indian empire; but to which, nevertheless, very little allusion has been made in the course of the discussions—I mean the subject of religion, and the singular and responsible position which England holds as a Christian nation ruling over a nation of heathens. My Lords, I make no complaint that the Bill is silent on this important subject. It could not be otherwise. The purpose of the Bill is to frame a government, not to declare how that government is to be administered—to create a machinery which is to be worked elsewhere. I also agree in the principle that has been so often laid down, that India must be governed in India, and not not from England. Still, my Lords, the subject to which I allude is one on which

strong and conscientious convictions are entertained by a very large portion of the community, who deeply feel the anomalous and responsible position in which we are placed as a Christian nation ruling over a vast population of idolaters. My Lords, we are as far as possible from desiring any open attempt on the part of Government either to overthrow the false religion with which, unhappily, we have to deal, or to establish that which we know to be true. So far are we from desiring any such interference that we should think nothing gained by the conversion of the whole peninsula, supposing that it could possibly be effected through bribery or compulsion. But, while we grant to the religion of the Natives complete toleration, it is not necessary to conceal or compromise our own, or to let it appear to be a matter of indifference to us whether the Natives become converts to truth or not. And undoubtedly there is in this country a strong opinion prevailing that the course which has hitherto been pursued may wisely and safely be modified. My Lords I venture to specify a few points which I trust will be hereafter observed in the administration of affairs in India. First, that no distinction of caste be any longer recognized. Secondly, that in all schools to which aid is given by the Government the Bible shall be read—not commented upon for its doctrines, but read for its facts. Thirdly, that all connection on the part of the Government with the rites and customs of an idolatrous religion be entirely abolished, even if the object of such connection be simply the preservation of order; that those lands which have hitherto been employed for idolatrons purposes, and of which I believe the Company have become trustees, should be made over entirely to the Natives themselves, so that this nation may be altogether released from any participation in things which are detestable in themselves, and scandalous to the reputation of a Christian country. Fourthly, that Native converts to Christianity should be admitted to all employments the duties of which they can adequately fulfil. In measures like these there is nothing that ought to excite the suspicion of the Natives, nothing contrary to the most perfect toleration, nothing savouring of proselytism—it is merely an acknowledgment of the religion we ourselves profess. And surely, my Lords, we ought to look forward to the time when, under the providence of God, India shall form no exception to the multitude of countries in which truth has prevailed against falsehood, and the Gospel has triumphed over idolatry and superstition, so that in the end it may appear why a remote country like England should have been allowed to have dominion over the vast territory of India.

The Archbishop of Canterbury

THE EARL OF DERBY: My Lords, after what has fallen from the most rev. Prelate, I may be permitted to observe, that while I think that due protection ought to be given to the professors of all religions in India, and nothing should be done to discourage the efforts of Christian missionaries in that country; on the other hand, I am quite certain that it is essential to the interests, the peace, and the well-being of India, if not also to the very existence of our empire in India, that the Government should carefully abstain from doing anything except to give indiscriminate and impartial protection to all sects and all creeds; and that nothing could be more inconvenient or more dangerous on the part of the State than any open and active assistance to any, or any attempt to convert the Native population from their own religions, however false and superstitious. My Lords, I hope I misunderstood the most rev. Prelate when he said that he should recommend the Government not in the slightest degree to recognize the distinction of caste. On that subject I will say, as far as the interest of the public service is concerned, it is not desirable that the same indulgence and punctilious deference for the caste of the Natives entering that service as was previously observed should be continued for the future; but to say that you will not recognize caste at all in India is to say that you will not recognize that which is intimately interwoven with all the cherished feelings, habits, associations, and most vital principles of the people. Therefore, my Lords, while in the public service I certainly would not allow prejudices of caste to interfere with the discharge of the duties which any person may voluntarily take upon himself, I say it is the bounden duty of the Government to pay that attention to caste which even in this country we pay, though not in the same degree, to the different ranks of society, and which any Government must, more or less, respect, if it would not be brought into constant collision with all classes of its subjects. There was one topic touched upon by the most rev. Prelate in his observations with which I entirely concur. Wherever pro-

perty in land or in any other form has been assigned to religious purposes, however repugnant to our feelings, provided they do not violate every principle of morality and decency, I think that that property ought to continue to be scrupulously applied to the ends to which it was dedicated. But I agree with the most rev. Prelate that it is most desirable that the Government and its officials should, as far as possible, separate themselves from any active interference in the detailed management of the property devoted to the support of idolatrous ceremonies in India. When I had the honour to hold the seals of the Colonial Department I introduced this principle into Ceylon, and required the arrangements under which the Government officials in that island had previously acted in regard to the Native rites and ceremonies to be modified, while the management of the funds applicable to such purposes was handed over to those with whose opinions they better accorded. I think the Government did its duty with credit then, as it will do its duty with credit now, by withdrawing as much as possible from any active participation in the detailed management of property of this description, while it at the same time strictly maintains the existing application of the endowments.

THE ARCHBISHOP OF CANTERBURY: I wish, my Lords, to explain that in speaking of caste I entirely referred to the public services.

THE EARL OF SHAFTESBURY: My Lords, I think it due to the feelings of the country, which though recently silent, has by no means been asleep on this subject, that some expression of opinion should be given by your Lordships before the Bill to regulate the future government of India leaves this House. To nothing which has just fallen from the noble Earl can any exception be reasonably taken. I am exceedingly gratified, and I believe the public will also be gratified, with the sentiments which he has enunciated. Those sentiments are very much in accordance with the petition which I had the honour to present to your Lordships signed by the representatives of all the bodies in this country engaged in the diffusion of Christian knowledge and in the encouragement of missionary operations. In that petition there is nothing violent, nothing fanatical. The demand of the petitioners is confined to what is strictly moderate and reasonable. What they require is the assertion of the most unbounded religious liberty in India; that the professors of all religions without distinction, should be put upon a footing of perfect equality. They say that in that country in the eye of the law the professors of all religions must be placed on a footing of equality; and they maintain that in the selection of candidates for the public service, there must be no rule but that of fitness for the public service. No man must be chosen or rejected simply because he is a Hindoo, a Parsee, a Mahommedan, or a Christian: all must have an equal claim to serve the State. I believe it would be prejudicial rather than otherwise if the Government were to come forward and give any direct assistance to the propagation of Christianity. What the petitioners ask is that the Government should neither promote that faith by active measures, nor in any way retard it—that it should neither be a favourer nor an opponent of Christianity. They expect that reasonable protection shall be given to all sects who conduct themselves with propriety. They hope the Government will not be ashamed to avow by its acts and in its official documents that it is a Christian Government; that it looks upon Christianity as the best form of religion and the best basis of all civilization; but that, neither directly nor indirectly—by force, bribery, or any other such inducement, great or small—will it endeavour to turn any Native from the religion to which he belongs. And this was the concluding prayer of the petitioners:—

"That all existing lets and hindrances being removed, and no new ones being opposed, free scope and action be given to the diffusion of Christianity through Her Majesty's territories in the East Indies."

My Lords, it is said that the neck of the rebellion is broken, and many of the guerrilla bands which disturb the peace of India are composed of persons who were not engaged in the original mutiny. I have seen letters from India from persons of the highest authority, expressing the opinion that something in the nature of an amnesty might now be proclaimed, so as to avoid the risk of driving large masses of men to desperation. There is another point to which I would call your Lordships' attention, and the attention of Her Majesty's Government. One of the brightest traits in the noble Earl opposite (the Earl of Ellenborough's) administration of India was the invariable deference and respect he evinced for the feelings of the

people, and the noble and generous manner in which he extended over them the shield of his protection. I regret to find from letters I have recently received that there has recently been growing up a strong antipathy between the Europeans and the Natives in India. The older civilians and military men, indeed, know their duty too well to give way to such a feeling; but the young officers who go to that country imbibe the worst prejudices, and I am told that the common language in which they speak of the Natives is, "vile and detestable niggers." I fear it will be long before the confidence which formerly prevailed between European and Native will be again restored; perhaps half a century may elapse before an Englishman will be able to settle down in security in the interior provinces of India. But I wish, my Lords, to read an extract from a letter just received from Benares, which shows that a state of things now exists in that country which demands the most vigorous interposition of the Government. It is as follows:—

"Benares is very quiet, and, as usual, with few troops; but we are better without them. The other day the sons of the Rajah of —— got a horsewhipping from some officers for not salaaming; and I expect we shall have many such scenes. There is a great dislike and contempt of the Natives among the newly arrived portion of the European forces. It will be well if it goes no further."

The writer continues:—

"I know the young men; they are very quiet and gentlemanlike, with a taste for drawing and mechanics, and could not have been guilty of intentional insolence. There is a very bad spirit growing up among the Europeans towards the Natives, the most faithful among whom must become utterly disgusted if we do not take care."

My Lords, I believe that the Asiatics will submit to much—to rapine, violence, spoliation, and oppression—but submit to insult they will not; and I know of no one single thing that is more likely to retard the civilization of that country and endanger the peace and security of our empire than the continuance of such a state of things. A great many preach the Gospel with their mouths and others preach it by their lives. I am glad to see the Gospel advanced by both these means; but I am quite sure that no one single thing will more tend to advance civilization, even more than the exertions of the missionaries themselves, than that the language and conduct of all persons should be in harmony with the Gospel. The noble Earl will excuse me for having brought forward this subject, but I felt that a continuance of the present state of things would produce such serious results that I could not help expressing a hope that he will direct his atttention to the subject.

THE EARL OF ELLENBOROUGH: My Lords, I perfectly agree with the noble Earl that in the present state of India one of the most alarming circumstances is the great and constantly increasing animosity between the Natives and the Europeans. I greatly regret that I am compelled to admit that that animosity is, in a very great measure, owing to the extreme severity of the punishment which has been inflicted upon the Natives. I do trust that the example set by Sir John Lawrence with respect to punishment will be followed throughout the entire country. Sir John Lawrence has with great propriety introduced a regulation by which it is required that no man's life shall be taken away (if that should be necessary) without the concurrence of three persons, and I hope the same course will be adopted generally as long as hostilities last. But the Government of India last year thought fit to pass a law to restrict the press of India. That law has been very naturally carried into effect for the protection of the Government from hostile comment and observation. I wish I could say that the protection of the Government had been extended to the people. It has not. Every one of those editors whose mouths have been closed against the Government has been permitted to use from day to day language most exasperating to the whole people of India. They are described as contaminated by every vice. From day to day the regiments which have been disarmed are threatened with extermination in a manner that is likely to produce the most terrible effects. If it is necessary to prevent the press from libelling the Government, a restriction should also be imposed upon the press to prevent it from libelling the people of India. I am satisfied that if the press of India be not thus restricted the results will be most dangerous. If we allow the press thus to libel the people it is idle to expect that young officers arriving in India will not have their minds poisoned by the stories which they read day by day in the newspapers. With regard to a most important matter—that of the future policy of the Government with respect to religion in India—I ask your Lordships to permit me to read a few sentences from the last authoritative exposition of their policy,

dated only on the 13th of April last, in a letter from the Court of Directors to the Governor General, published for the information of your Lordships. In that letter are these words :—

"The Government will adhere with good faith to its ancient policy of perfect neutrality in matters affecting the religion of the people of India; and we most earnestly caution all those in authority under it not to afford by their conduct the least colour to the suspicion that that policy has undergone or will undergo any change. It is perilous for men in authority to do as individuals that which they officially condemn. The real intention of the Government will be inferred from their acts, and they may unwittingly expose it to the greatest of all dangers, that of being regarded with general distrust by the people. We rely upon the honourable feelings which have ever distinguished our service for the furtherance of the views which we express. When the Government of India makes a promise to the people there must not be afforded to them grounds for a doubt as to its fidelity to its word."

VISCOUNT MELVILLE thought, that as long as they employed a Native army it would not be easy to abstain from giving some countenance to the religious ceremonies of the Natives.

THE BISHOP OF LONDON: Before your Lordships pass this Bill I hope I may be permitted to make one or two remarks. I understand that the point to which my most rev. Brother alluded was the practice that has existed for some years, of the Government taking into its own hands the management of the lands by which the heathen temples are supported. That practice has not as yet altogether ceased, and the result is, that these lands are kept in a far better state, and the heathen temples are, therefore, much better maintained than if the lands were under the control of those who would squander the proceeds and use them to their own advantage. The Government ought no longer to be responsible for the maintenance of that religion in any way. This is a matter of some importance, and we know that, notwithstanding what we have often heard, some change in this respect is desirable. The ancient traditional policy and management in India, as to religion, is not, indeed, likely to be altered; but there is a deep feeling in the hearts of religious people in this country that in that policy for many years back there has been some mistake. I do not mean to say that exaggerated statements were not from time to time made upon this subject during the pressure of the calamities of last year. But I think that when all allowance is made for exaggeration it will still be found that there is a deep-seated feeling in the hearts of Englishmen that we do require some change in some of these matters, and I think the speech of the noble Earl at the head of the Government shows that we really are disposed to look this matter fairly in the face. It would not, I think, satisfy the feeling of the English nation if this year were to pass over without our future administration of India bearing upon it the shadow of that great event which has so deeply afflicted the nation, and which we cannot but regard as being in some degree a visitation from God. No doubt, my Lords, we ought to exercise the utmost impartiality towards our heathen fellow-subjects. No doubt we ought to show the greatest forbearance to them. No doubt the Church of England and the Christian religion itself can never be advanced by a policy of mere force and power on the part of the Government. But we ought to show to the people of India that we wish to give them, not only Christian justice and Christian civilization, but, above all, ultimately the inheritance of Christian truth.

THE BISHOP OF OXFORD: I think, my Lords, that we can have very little doubt what the conduct of a Christian Government ought to be; but I confess that I heard with some misgivings the extract which was read by the noble Earl below me (the Earl of Shaftesbury), especially when accompanied with the emphasis which the noble Earl threw upon certain expressions which are well capable of being understood in two different ways. If by the "neutrality" which was referred to nothing more was meant than that there should be no attempt on the part of the Government as a Government, directly or indirectly to interfere with the religious belief of its heathen subjects, I for one cannot object to that word being taken in its fullest sense. But if by "neutrality" is secretly meant that there shall be stamped on the English Government and their representatives in India an aspect of entire indifference as to whether this religion or that is to prosper and abide—if by "neutrality" is meant that their characters are to exhibit that happy indifference as to Christianity which shall impress on the heathen mind the conviction that they care not whether they are Christians or heathens, then I believe that such neutrality would be fatal and false to the religion we profess, and that ultimately it would destroy the empire that has been entrusted to us. It seems to me that the distinction is plain and in-

telligible between making the Indian people feel that we do not by force and fraud, by policy or by violence, interfere with their religious belief, because our own religion teaches us that such interference would be wrong, and impressing them with the conviction that we withhold our interference because we have ourselves no distinct preference for our own faith. One seems to me to be the line of Christian truth, and the other to be the line of a wicked neutrality; and I am only most anxious that nothing should go forth to mar the impression that we do not mean the English Government in India to be ashamed of its Christianity; but that we wish it to make due provision for the supply of the Christian necessities of its own troops and civil servants, because it believes Christianity to be true, and is not afraid in the face of its heathen subjects to show that it believes it to be true, and that it builds its own expectations of its continued prosperity upon the blessing of that God whom it professes to serve. I trust that that is the only sense in which neutrality as to the Christian religion is to be admitted into the future Government of India; and I think it the more important to declare this, because I cannot but feel that there have been in times past many instances in which neutrality was understood to mean carelessness about the truth of Christianity and a fear to avow in the face of heathendom that we were ourselves firm believers in the Christian revelation.

EARL GRANVILLE: I think that the meaning of the words quoted by the noble Earl is very obvious—that the Government is not to interfere in any manner with the religion of its subjects in India; that it is not in its official capacity to use either force or corruption for the purposes of proselytism. I may say that it gave me great pleasure to hear the declaration which was made by the noble Earl at the head of the Government. I think that it was most useful and important—most useful with regard to the influence which it will produce upon the opinions of people in this country, and most important not only with respect to the temporal interests of the government in India, but as indicating the most advantageous system for the gradual spread of Christianity in that large kingdom. With regard to the policy of mercy which has been advocated this evening, I feel no distrust of Her Majesty's Government in that respect, and I am quite sure that there need be no fear of Lord Canning. It gives me great satisfaction to find the general concurrence which is now expressed by all in regard to that discrimination of punishment and to those principles of mercy for which the noble Lord made himself so very conspicuous last autumn, and then subjected himself to so much rebuke.

The Bishop of Oxford

On Question, *Resolved*, in the *Affirmative*.

Bill *passed* accordingly and sent to the Commons.

"*Dissentient*,—

"1. Because the Bill establishes a Home Administration for India at once inefficient, unconstitutional, and expensive.

"2. Because the Council it gives to the Secretary of State is too numerous for either deliberation or action, while the parties composing it consist mainly of the very individuals who were engaged in conducting that form of Government which the Bill itself condemns and supersedes.

"3. Because the Measure provides that a moiety of the Council shall be chosen on the vicious and long-condemned principle of self-election.

"4. Because the Members for Council are virtually appointed for life; and besides being endowed with large salaries and ample pensions, are moreover paid by a great patronage, for the dispensation of which they are wholly irresponsible.

"5. Because the Government provided by this Bill, partaking largely of the character and composition of its condemned predecessor, holds out little hope that the misgovernment which has driven the people of India into rebellion will be abandoned.

"6. Because the Members constituting the Council of India, while drawing large salaries and enjoying extensive patronage, are, contrary to Parliamentary precedent and sound principle, not prohibited from holding other offices of emolument, or engaging in commercial transactions; thus interfering with their efficiency as Public Servants, and exposing them to the suspicion of jobbing and corruption.

"7. Because the Council constituted by the Bill, cumbrous, expensive, and inefficient, can have no other effect than either to thwart the Secretary of State, or to screen him from Parliamentary responsibility, while efficient and experienced Under Secretaries would have afforded more effectual and constitutional advice and assistance in the discharge of his duties.

"ALBEMARLE."

House adjourned at a quarter to Twelve o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, July 23, 1858.

MINUTES.] PUBLIC BILLS.—1° International Patent Right.

2° Probates and Letters of Administration Act Amendment; Divorce and Matrimonial Causes Act Amendment.

3° Civil Bills, &c. (Ireland) Act Amendment; Militia Pay.

CORRUPT PRACTICES PREVENTION BILL.—CONSIDERATION.

ADJOURNED DEBATE.

Order for Consideration read.

Order read, for resuming Adjourned Debate on Question [22nd July]—

"That the Clause, ('That it shall not be lawful for the collector of rates and taxes of any borough, county, or city, or his partner or agent, to act as agent, clerk, or canvasser for, or to be employed on behalf of, any candidate for such borough, county, or city; and any such person who shall so offend shall, for his said offence, be liable to forfeit the sum of fifty pounds to any person who shall sue for the same, together with full costs of suit,') be now read a second time."

Question again proposed.

Debate *resumed.*

MR. BASS said, he wished for an opportunity of more deliberately considering this subject, and hoped that the right hon. Gentleman opposite, the Secretary of State for the Home Department, would be satisfied with a mere continuance Bill during the present Session. He believed that the provisions of this Bill would either be found unworkable or would lead to corruption.

MR. P. O'BRIEN said, he thought that nothing could be more objectionable than the practice of a tax collector, with his rate-book in his hand, walking into a voter's house to solicit his vote in aid of any particular candidate. He hoped the hon. Member for Windsor (Mr. Vansittart) would press his Motion.

MR. WALPOLE said, that the proposition was entirely new. It was that, for the first time, the collector of rates should not act as agent for a candidate. Hitherto the Legislature had left the candidates to select whom they pleased as their agents; and if once they began to say that certain persons should not be allowed to be agents he did not know where they should stop. They must go much further certainly than this clause went. He did not think that the clause had any bearing upon the points sought to be remedied by this Bill, but that it would raise question after question as to who is entitled to be an agent. He was quite prepared to consider this clause at a future time, in connection with the general subject of election law.

SIR FREDERICK SMITH observed, that the clause would be a mere trap to the honest candidate. How could he know who was the partner of a rate collector?

MR. ROEBUCK said, he did not think much advantage would be gained by the clause. He agreed with the right hon. Gentleman the Secretary of State for the Home Department that this was not the time for a general revision of the electoral law. But that argument applied to the Bill altogether. He hoped, therefore, that the right hon. Gentleman would be satisfied with a mere continuance Bill, and would not attempt to carry out this patchwork piece of legislation.

MR. WARREN said, he could not support the clause in its entirety. He would suggest the omission of the words "partner or agent." If that alteration were made he should then be inclined to support it.

MR. GREER hoped the hon. Gentleman would persevere with the clause. Collectors of rates and taxes had a great influence in reference to the registration of voters; and in Belfast that influence had been exercised in a most extraordinary degree. In any district the collectors of taxes might abstain from calling upon voters for their taxes until after the time when they should be paid to enable them to vote, and thus persons really solvent, and willing to pay their rates when asked for them, found themselves disfranchised when the revising barrister came round.

MR. JOHN LOCKE said, the clause either went too far or not far enough. It singled out one particular class of persons, but tax collectors were not the only persons who had an undue influence over electors. Let them take, for example, the steward of a nobleman who had a large estate, and who could knock 10 or 15 per cent off the rent if it would in any way suit his employer's purpose. The tax collector was a public servant, and any candidate might avail himself of his services. The tax collector could not remit taxes, and it was not to his interest to remit them, but the steward of an estate could remit any amount his employer might choose to allow. The clause aimed at one particular class of individuals, while they knew that there were hundreds of others who were equally open to objection. He objected to legislation of this piecemeal kind being introduced into the Bill, which he considered should be merely a continuance Bill. If it were necessary to legislate on the ground of intimidation, it should be done fairly and honestly.

MR. M'CANN said, if they could not get a large measure of Reform they must be content to take it piecemeal. There was something more than intimidation in the action of a tax-gatherer. That functionary had a power which a landlord or a steward did not possess, and it was

quite right, therefore, that he should be excluded from acting as an agent in contested elections.

Mr. BAINES said, that the best thing in the face of so many difficulties would be to make the Bill a mere Continuance Bill of the Act of last Session. He felt favourable to the principle of the clause, which was directed to check illegitimate influence of a very well defined kind. He did not think it was a reason for doing nothing that they could not prevent the exertion of all kinds of illegitimate influence. The words "partner or agent" ought, however, to be omitted, and the clause ought to be amended so as to make it apply to the collector of poor rates of any parish situated in a borough. At present it only applied to a collector of the borough, city, or county rates.

Mr. BONHAM-CARTER said, he thought they ought to avoid partial legislation on the large subject of election law. He could not understand why they should single out municipal officers not recognized by the Act. It was opening the door to a course in which they might find it difficult to stop.

Mr. BYNG said, he considered that the clause contained a very sound principle, and he should vote for it, subject to the Amendment suggested by the right hon. Gentleman the Member for Leeds (Mr. Baines).

Mr. KNATCHBULL-HUGESSEN said, he did not think the Home Secretary was justly open to the charge of attempting to make the Bill more than a mere continuance measure. He had only sought to clear up some doubts which had arisen in the working of the existing Act. For himself, he did not like homœopathic doses of reform, and he should, therefore, oppose the clause.

Mr. CRAUFURD said, he thought it unreasonable that a Bill of this kind should have been introduced at this late period of the Session, and that they were wasting time in discussing it. He should vote against the clause, because he desired that the Bill should be merely a continuance Bill. He wished they would take an example from Scotland, where there was no such absurd regulation that a man should pay his taxes before he was qualified to vote. He objected to the clause for another reason, that they ought not in such a case to pick out one class of society rather than another. If they excluded tax collectors, they should exclude solicitors and members of the legal profession from being agents, for he held that they were a much more dangerous class in this respect than tax collectors. He said that in his capacity of a member of the legal profession himself.

Mr. W. VANSITTART said, he should be happy to adopt the Amendments suggested by the hon. and learned Member for Midhurst (Mr. Warren), and the right hon. Member for Leeds (Mr. Baines).

Question put.

The House *divided*:—Ayes 53; Noes 66: Majority 13.

Mr. NICOLL rose to move the following clause:—

"Every candidate at any election for any county, city, or borough, shall be required to make and sign the following statutory declaration, and present, or cause to be presented, a copy of such declaration to the election auditor on or before the day appointed for the audit of bills, charges, or claims:—'I [A. B.], a candidate at the election of a [ ] to represent the [ ] in Parliament, do hereby solemnly and sincerely declare that I have not knowingly made, authorised, or sanctioned, and that I will not knowingly make, authorise, or sanction any payment, or make any gift of money or other valuable consideration, directly or indirectly, by way of private gratuity to any solicitor, agent, or canvasser, acting for me on account of the said election, otherwise than is described by the bills, charges, and claims rendered to the election auditors, save as excepted and allowed by the Corrupt Practices Prevention Act, 1854.' And every candidate who shall neglect to make and send in to the election auditor a copy of the declaration as aforesaid on or before the day appointed by the election auditor, shall be liable to the penalty of £20, and to a further penalty of £10 for every subsequent week of wilful default or neglect in making or sending in such declaration, to be recovered by any person who will sue for the same, together with full cost of suit. Provided always, that in case any such candidate shall be absent from the United Kingdom at the time of such election, he shall send in to the election auditor a copy of the declaration as aforesaid within one month after his return to the United Kingdom, which shall be of the same force and effect as if the same had been sent in as herein provided."

Clause *brought up*, and read the first time.

Mr. WALPOLE said, that he individually, had no objection to a declaration being made by the candidate either at the polling booth or the table of the House to the effect contained in the clause. On the contrary, he thought it might become one of the most effective modes of obtaining the end they had in view; but this was one of those clauses which in the discussion which took place when the existing Act was introduced some years ago, had

elicted more controversy than almost any other. It was necessary to confine the operation of the Bill to the cases contained in its provisions. Other cases might come under consideration in a permanent measure which could not be delayed beyond the next Session of Parliament. The House had signified its approval of the course he had taken of making this as nearly as possible a continuance Bill, merely being so far declaratory as to render the measure more intelligible. The course he had taken had nothing at all unusual in it. He hoped the House would dispose of the proposed Amendments. If any of the clauses provoked opposition, let the elimination of the clauses objected to be distinctly proposed. If the feeling of the House were declared against him he was ready to make this merely a continuance Bill, otherwise it would be a dereliction of duty in him to desist.

MR. W. WILLIAMS said, the clause was a good one.

MR. GREER said, that such a clause was absolutely necessary.

MR. P. O'BRIEN said, he did not think the clause would meet the evil complained of.

MR. CRAUFURD said, that he could not assent to the clause. Unless they could trust to the honour of Members of that House not to deal in corruption, no declaration that could be framed would prevent hon. Members evading the law. The clause only imposed upon a Member a declaration that he had not paid other money than that returned to the election auditor, but hundreds of thousands of pounds might have been paid on his behalf by others.

MR. T. DUNCOMBE remarked, that it would be impossible to get through the Bill as it stood. If it were not made a mere continuance Bill he would move the omission of all the new clauses.

MR. WALPOLE repeated, that if a majority of the House were against him, he would make the Bill a continuance Bill the next day. That question might be tried on the first clause.

MR. ROEBUCK said, he should support the clause, although he admitted it would not meet all the evil. He did not believe the House wanted to put down bribery, because he had noticed that, whenever an effective measure was brought forward it was sure to be opposed on both sides.

Motion made and Question put—"That the said clause be now put a second time."

The House *divided*:—Ayes 52; Noes 83; Majority 31.

The clause was therefore lost.

MR. GREER then moved the following clause:—

"And whereas it is expedient to provide for increasing the number of polling places, and for altering polling districts in Ireland, Be it therefore enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland, by and with the advice of the Privy Council in Ireland, from time to time hereafter, on Petition from the Justices of any county or riding in Ireland, in quarter sessions assembled, or from one or more of the Representatives in Parliament for the said county or riding, or from at least one hundred of the registered electors for the said county or riding, representing that the number of polling places for such county or riding is insufficient, and praying that the place or places mentioned in the said Petition, may be a polling place or polling places for the county or riding within which such place or places is or are situate, and that a district or districts in said Petition mentioned and described by the barony or baronies, half barony or half baronies, or by the parish or parishes, and townlands contained therein respectively, may constitute a district or districts for polling at such polling place or polling places respectively, or praying that any polling district or polling districts may be altered, and that any barony or half barony, parish or parishes, or townlands, may be detached from any such polling district, and be annexed to any other polling district, as the case may be, to declare that any place or places mentioned in the said Petition, shall be a polling place or polling places for that county or riding, and that the district or districts in such Petition mentioned, or with such alterations thereof as may be deemed suitable and convenient, shall constitute a district or districts for polling at such polling place or polling places respectively; and that the other polling districts of the said county or riding shall be altered accordingly; and every such Declaration or Order for creating additional polling places, and the polling districts for the same, or for altering any polling district or districts, shall be certified under the hand of the Clerk of the said Privy Council, and when so certified shall be published in the *Dublin Gazette*, and shall be of the same force and effect as if the same had been made by the authority of Parliament: Provided always, That if the said Petition be from registered Electors or from a Representative or Representatives of the said county or riding, proof must be given of the publication of the said Petition in two newspapers, circulating within the said county or riding, at least ten days before such declaration or order shall be made.

"And at the next Registration of Voters for the said county or riding, after such declaration or order shall have been made, separate alphabetical lists shall be made of the Electors entitled to vote in each polling place, according to the baronies or to the parishes, or portions of parishes, constituting the said polling districts respectively."

Clause *brought up*, and read the first time.

LORD NAAS objected that as this clause had nothing to do with corrupt practices, it did not come within the scope of this Bill. More than this, no practical inconveniences arose from the existing state of the law. At present the registered electors on consultation with the magistrates at quarter sessions could apply for additional polling places, and he had never known a case in which such joint application had been refused. There could not, in his opinion, be any fairer arrangement.

MR. WHITE said, he rose to support the Amendment, and would frankly avow that he did so in order to protract the debate. The Chancellor of the Exchequer had on a former occasion told the House that a combination of twenty Members would any time, by availing themselves of the forms of the House, upset the British constitution. He (Mr. White) did not accept the right hon. Gentleman as a very great constitutional authority, but taking his *dictum* for as much as it was worth—he would then announce his determination to oppose this Bill in every stage; and would fain hope, that some score of other Members at least, would co-operate with him, and, if possible, prevent this pernicious Bill, as now presented to the House, becoming the law of the land. Moreover, he would assert that the Government, in introducing the declaratory clause (the payment of voter's expenses) had wholly misread or perverted a great constitutional principle. By the clause in question they went on the palpably unconstitutional assumption that an elector, in voting, was not performing a public duty, but was conferring a private favour on a candidate. On the introduction of the Bill he had opposed it, and then declared his invincible repugnance to the clauses foisted therein, and, whilst he was not then inclined, and never had been, to give a factious opposition to the Government, still he (Mr. White) would persevere in his opposition to this Bill unless it was reduced to its proper proportions—namely, as a simple continuance Bill, as it ought to have been and none other, at this fag-end of the Session. He would add no more, but reiterate what he had said on a former occasion, to wit, that the title of this Bill was a misnomer, and that, instead of being called a "Corrupt Practices Prevention Act," it was neither more nor less than a Corrupt Practices Protection Act.

MR. P. O'BRIEN said, he concurred with the noble Lord the Member for Cockermouth (Lord Naas) that this clause was unnecessary, and would, if adopted, only tend to increase expenses.

MR. J. D. FITZGERALD said, he thought the arguments advanced by the noble Lord against the clause perfectly satisfactory, and indeed unanswerable. He hoped the hon. Member for Londonderry would withdraw it. Ample power was already possessed for the end aimed at. The Privy Council in Ireland had considered whether the power so constantly granted should not be exercised more sparingly.

MR. COX said, he should support the clause. He looked upon the Bill as one to legalize bribery and increase the expenses of candidates. That being so, he thought that they should provide that the candidates' funds should be spared as far as possible, and he should therefore move that the expense of providing polling places should be paid by the county or borough.

MR. SPEAKER said, that the hon. Member could not move the Amendment at that stage. The Bill must be recommitted for the purpose.

MR. ROEBUCK said, that if the first clause of the Bill were retained, he would move the recommittal of the Bill.

Motion made, and Question put, "That the said clause be now read a second time."

The House *divided*:—Ayes 26; Noes 112: Majority 86.

MR. GRIFFITH then moved the following clause:—

"The admission and payment, on behalf of any candidate at an election, of any claim or demand in respect to such election, by the election auditor, in accordance with the provisions of the 17 & 18 *Vict.*, c. 102, shall be sufficient protection to such candidate against any action or suit at law in respect to the legality of any such payment; and it shall be the duty of the election auditor to refuse to pay any claim or demand on behalf of such candidate which is not in accordance with the provisions of the above-mentioned Act of the 17 & 18 *Vict.*, c. 102."

The adoption of this clause would make the election auditor a real check upon corrupt expenditure, instead of, as he was, a trap and a sham.

Clause *brought up*, and read the first time.

MR. ROEBUCK said, that if they agreed to this clause, they would at each election

have 350 courts of law. He thought that was sufficient argument against the clause.

Motion made, and Question "That the said clause be now read a second time," put, and *negatived.*

MR. STAPLETON said, he then rose to move that the words "within such voter's county or borough, and seven miles from the boundary thereof," should be inserted in Clause 1, line 17, after the word "voter." His object was to limit the expenditure for bringing voters to the poll by merely allowing the word candidate to bring to the poll those who lived within a restricted district. He could not conceive any principle on which the House could sanction the bringing of voters from remote parts of the kingdom.

MR. JOHN LOCKE expressed his intention to support the Amendment. The conveyance of voters to the poll was carried to a ridiculous extent, and the expenses incurred fell heavily upon the candidate.

MR. M'CANN said, he should support the clause, as he thought the system of bringing voters from great distances entirely wrong

MR. ROEBUCK expressed himself strongly against the present system, the result of which was that entire constituencies had to be brought to the poll in cabs. His intention was to move the rejection of the entire clause, but to provide against all contingencies, he would in the meantime support this Amendment, which would at any rate improve the clause. A more mischievous clause was never introduced into any Bill.

MR. GARNETT said, he would support the Amendment, but some provision would be necessary to meet the case of the Universities.

MR. KNATCHBULL-HUGESSEN said, he should vote for the Amendment. He thought in the case of the Universities the voting might be conducted by letter.

MR. GREER said, the words "county" and "borough" were those used in the Amendment, which would not include the case of the Universities.

SIR JOHN TRELAWNY said, that he thought the Amendment of the hon. Member for Berwick a very proper one, and should therefore give it his support. However, in his opinion, the only efficient way to prevent bribery at elections would be to introduce the system of vote by ballot.

MR. CRAWFURD said, he thought they ought to restrict these expenses, which were often very extravagant.

Question put, "That those words be there inserted."

The House divided:—Ayes 75; Noes 78: Majority 3.

MR. CRAUFURD said, he would move an Amendment, with the view of preventing the provision of conveyances for any other purpose than that of bringing voters to the poll.

MR. WALPOLE assented to the Amendment, which was *agreed to.*

MR. ROEBUCK said, he rose to oppose the introduction of the clause into the Bill before the House. The Home Secretary said that this was simply a continuance Bill, with the exception of removing a doubt with respect to the payment of travelling expenses. But a doubt might be removed by settling the law. To render the payment of travelling expenses legal, was in truth to render it imperative; for every voter would think himself treated with contempt if he was not conveyed to the poll. It could not be said that a borough voter would be disfranchised if this clause was not agreed to, for he could walk to the poll; and in the case of counties it would favour the rich candidate at the expense of the poor one. He regretted that the proposition embodied in the clause had come from his own side of the House. He believed that its author had done more to render corruption effective than any other man who had ever attempted to legislate on the subject.

Question proposed, "That Clause 1 stand part of the Bill."

MR. BRADY opposed the clause, and commented strongly upon the unusual silence of the author of the clause in its present shape (Mr. Ayrton) throughout the debate. He could only ascribe that unusual circumstance to the consciousness that he had done wrong.

MR. VERNON SMITH said, he would again suggest that this should be a mere continuance Bill. If the Home Secretary had originally assented to this, he might have saved himself great inconvenience, and he must have observed that there was a diminishing majority on each occasion. This Bill seemed to involve two things—that they believed that the voters of this country disregarded their right of voting, and the other, that none but a rich man should become a candidate.

MR. WALPOLE said, that this Act of Parliament having always been a temporary Act, he thought that the time had come for a permanent measure. He in-

tended to redeem his pledge to introduce such a measure in the next Session of Parliament. This measure had been discussed at three morning sittings, and on every occasion when this clause had been discussed it had been supported by considerable majorities. That was a sufficient justification for the course which he had taken in introducing a clause to settle the law on the subject. This clause was not introduced to purify elections. He believed that the Act would have that tendency, but the purpose of this clause was to settle the law. If the clause was struck out, gentlemen would just as before pay the expense of providing conveyances for bringing voters to the poll. And if there was no corrupting influence on the mind of the voter, a candidate, who provided conveyances for bringing him to the poll, was simply enabling him in a fair manner to exercise his constitutional privileges. If, this clause was not passed, neither the candidates nor the Committees up stairs would know what was the state of the law on this subject. Was that a state of things which should be allowed to continue? They might, it is true, forbid the payment of travelling expenses altogether, but he did not believe that public opinion would go along with them in such an enactment.

General THOMPSON said, he wished to know, if hon. candidates paid for bringing voters to the poll, and the said voters voted against them, did the Bill provide proper means of recovering the cab-hire. All flesh was not the same flesh; and so of bribery—there were different kinds. The provision for the conveyance of electors was gross bribery, neither more nor less.

Mr. WARREN said, he thought the clause should be allowed to stand.

Mr. T. DUNCOMBE said, that the object of the Bill was merely to legalize bribery and thus give the Conservatives the advantage of bribery as they had never done before at the general election, which was expected to take place next year. He complained of the introduction of new matter in what had been declared to be a mere continuance Bill. A society had been established called the Conservative Land Society, by which more votes had been manufactured than by the whole Liberal party. The members of that society might have votes in five or six counties, and under the Bill as it stood they might be carried about in any manner they most preferred.

Mr. Walpole

And it being ten minutes before four of the clock, Mr. Speaker *adjourned* the debate till *this day*.

THE COMMISSIONER OF THE MANCHESTER COURT OF BANKRUPTCY.

PETITIONS.

Mr. TURNER said, he rose to present two petitions, one from certain legal practitioners of Manchester, the other from the Manchester Chamber of Commerce, complaining of certain irregular practices on the part of Mr. Jemmett, the Commissioner of the Manchester Court of Bankruptcy, tending to prejudice the true administration of justice in that court. At the same time he wished to give notice of a Motion for printing the petition.

The ATTORNEY GENERAL said, that in his opinion these petitions ought not to have been communicated to the House without some notice; that would have enabled justice to be done to the gentleman whose name was mentioned. He (the Attorney General) should not at present trespass on the House further than to observe that he had received a communication from Mr. Jemmett, who expressed his anxiety to come forward and meet the charges against him; and if the hon. Member (Mr. Turner) took another opportunity during the present Session of bringing the case under the consideration of the House Mr. Jemmett was anxious to come before the House, and court the fullest and most scrutinizing investigation.

REINFORCEMENTS FOR INDIA.

QUESTION.

Mr. W. EWART said, he would beg to ask the President of the Board of Control what reinforcements are going, or preparing to be sent out, to India?

Lord STANLEY said, he had no doubt the House would be glad to learn that between last January and the present time nearly 17,000 troops had been despatched from this country to India. With regard to the future it would probably be enough for him to state that Her Majesty's Government were well aware of the great importance of striking a decisive, and if possible, a final blow in the course of the approaching cold season, and that they were prepared to take measures with that object.

THE OYSTER FISHERIES.

QUESTION.

Sir GEORGE PECHELL said, he

would beg to ask the President of the Board of Trade what progress has been made in the inquiry he has instituted respecting the complaints made by the parties interested in the Deep Sea Oyster Fisheries of the operation of the Act 18 & 19 *Vict.*, which imposed very injurious restrictions on their Trade, and which they consider were not contemplated by the Convention with the Government of France of August, 1839?

MR. HENLEY said, the inquiry to which the hon. and gallant Admiral referred was instituted before he had the honour of holding the office which he now possessed. He might state that that inquiry was still going on, and he could assure his hon. and gallant Friend the Government had not lost sight of the question.

On the Motion that the House at its rising should adjourn to Monday,

THE SLAVE TRADE.—RIGHT OF SEARCH.

OBSERVATIONS.

MR. CHICHESTER FORTESCUE said, he rose, pursuant to notice, to call the attention of the House to the present position of the question of the right of visiting ships suspected of Slave Trading, and to ask what course the Government has taken upon that subject.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I must venture to ask the hon. Member for Louth (Mr. C. Fortescue) whether he really considers the question that he is now going to introduce is one that may fairly be brought forward on the Motion for adjournment. I know that by a severe exercise of his privilege the hon. Member may do so; but really to discuss such a question under ordinary circumstances would require a whole evening. Now, this objection to the Motion of the hon. Gentleman is irrespective of that general consideration which the language of the notice gives rise to. The language of that notice is—

> "To call the attention of the House to the present position of the question of the right of visiting ships suspected of slave trading, and to ask what course the Government has taken upon that subject."

Now, Sir, the hon. Gentleman must be aware that at this moment communications are going on between the Government of England and that of the United States, which certainly would not be assisted by any discussion in this House. But my appeal to the hon. Gentleman is based on the broad ground that the question is one of such magnitude and interest that it would be hardly fair to enter upon it on the Motion for adjournment? I am sure that the hon. Gentleman's motive in his setting down his Motion as one to be moved on the adjournment was an impartial one; for I find that an hon. Friend of mine (Sir J. Elphinstone) has proposed, under the same machinery, to call the attention of the House to the Resolution of "the East India (transport of troops) Committee." This, too, is a question of such magnitude this it is impossible it can be fairly discussed without taking a very considerable period of time. Each of these subjects would afford materials for a night's debate; and both are questions which ought not to be introduced unless they are fairly discussed. I therefore put it to both hon. Gentlemen whether they do not think it will be rather an abuse of a privilege, the legitimate use of which I have always advocated, if they bring forward, on the Motion for the adjournment of the House, topics of this nature.

MR. CHICHESTER FORTESCUE said, that in putting this Motion on the paper he was not aware that he was taking any unreasonable course. He thought it was quite reasonable before they broke up for the Session, that the Government should be asked to state their intentions on this important subject. The intentions of the Government had not been announced to the House in that clear and satisfactory manner which might have been expected, and he thought it very natural that some Member of the House should make inquiries on that subject. He had intended, in introducing the question, to make but a very short statement, showing the present position of the question as left to the present Government by their predecessors, a point in connection with the subject which he thought had not met with the attention it deserved. The Government appeared to have ignored the acts of their predecessors, and he wanted them to tell the House whether they departed from or adhered to the policy of the late Administration. The Minister of the United States stated at a recent meeting in this country, that our policy had been changed, and that some great concessions had been made on points for which every Government of this country had hitherto contended, and against which the country he represented had as long struggled. He thought it a perfectly legitimate question to ask whether that statement was true? The Under Secretary of State for Foreign Affairs explained on a

previous evening that negotiations were in progress for bringing about a convention with the United States for regulating not the right of searching each other's ships, but for conferring the right of mutually verifying the use of the national flag. That was all very well; but the language used by the Government on the occurrence of those unfortunate events in the Cuban waters was such as appeared to him to concede everything for which this country and the predecessors of the present Government had always contended. What he wished to ask was, whether they intended to adhere to the policy of the Earl of Aberdeen, or to sanction the principle that by hoisting a foreign flag, no matter of what nation, it should be in the power of any vessel to stop all further proceedings on the part of our cruisers, and render such vessel sacred and inviolable, whatever might be her character? Because, if so, we had better withdraw our squadron from the waters of Africa and of Cuba. For his own part, he protested against thus imperilling the position of England as the first maritime Power of the world.

MR. SEYMOUR FITZGERALD: Sir, I am sure the House will not expect me to enter into any lengthened statement in reply to the observations of the hon. Gentleman. I think that in reference to this question there has been a general feeling in the House and in the country that we could not be too cautious. Certainly the circumstances which have taken place within a short time in the Cuban waters are not such as, in my opinion, to make it desirable that we should on this occasion enter on any discussion. Sir, I stated on a former occasion we had the assurance of the United States Government that they would consider not only with care, but with a desire to do justice to the question, any proposition that we had to make to the United States. Our propositions have not been made. They are still under the consideration of the Government; and it is impossible, therefore, for me to give the House any further information on the subject. I think the hon. Gentleman can scarcely be serious when he asks the Government to state what our policy will be in the event of such communication as is not yet made being unfavourably received by the United States Government. I certainly have every hope that this matter will be brought to a satisfactory termination; and the language of the United States Government and of the United States Minister in this country is such as to perfectly confirm Her Majesty's Government in that anticipation.

AGGRAVATED ASSAULTS.

OBSERVATIONS.

MR. DILLWYN said, he rose to call the attention of the Secretary of State for the Home Department to the prevalence of aggravated assaults upon women and children, and to urge upon his consideration the necessity of making some alteration in the law relating to such offences. The recent Assaults' Act had done much good, but he could not think it had altogether worked well. By imprisoning the offender, it too often deprived the wife of her means of support and obliged her to go to the workhouse, so that the victim was punished as much as the brutal assailant. In 1856 and 1857 he submitted proposals for inflicting shorter terms of imprisonment and corporal punishment. On those occasions he was met by the objections that the new Act had not yet had a fair trial, and that corporal punishment was not the proper mode of dealing with this or with any other offence. His own belief was, that corporal punishment would very materially check these assaults; but he was not now advocating his own nostrum. All he wished to impress on the Home Secretary was, that the law in its present state did not operate so satisfactorily as could be wished. In 1854 and 1855 there were in this metropolis alone 878 of these crimes, or 439 per year; In 1856 the number was 377; and last year it was 421. From these figures, it appeared that assaults of this kind were on the increase, and that there was an average of more than one a day of those offences. He believed it to be a libel on the English character to say that the minimum could not be brought below that. He earnestly hoped that during the recess the Home Secretary would give his attention to this subject, and would, if he found that these unmanly assaults were not reduced, bring forward next Session a measure to check a crime the frequency and atrocity of which were a disgrace to the country.

LUNACY COMMISSION (IRELAND).

QUESTION.

MR. J. D. FITZGERALD said, that he understood that the Commissioners to inquire into the subject of Lunacy in Ireland had made their Report, but that one of the Commissioners dissented from the others, and had given his reasons in a Report of his

own. He wished to ask the Home Secretary if that Report would be laid on the table?

MR. WALPOLE said, that with reference to the question of the right hon. and learned Gentleman (Mr. J. D. FitzGerald), he really wished that when Commissions were issued the Commissioners would agree upon their Report. It was not fair to the majority who concurred in a Report that an individual Commissioner should afterwards send in a separate Report which his colleagues, perhaps, had no opportunity of seeing. He had received the Report of Dr. Corrigan, and the question it involved was so important, that he would undertake to lay it on the table of the House. With reference to the subject commented on by the hon. Member for Swansea (Mr. Dillwyn), he agreed with him that the subject to which he had alluded was one requiring the strictest attention of the Home Secretary. The statement made by the hon. Gentleman was quite correct. The aggravated assaults of which he had made mention were less numerous this year than they were in 1854 and 1855, but somewhat more numerous than they were in 1857; but it was desirable to analyse these offences before drawing any general conclusion. A great many of them were assaults not upon women, but upon children, and an immense number of them were assaults by women, and not by men. Another circumstance to be borne in mind was, that in many districts, even in the last year for which he had returns, there was a great diminution of these offences, while in others there was an increase. As far as he had been able to form an opinion from the information with which he had been furnished, he had reason to think that the present Act, which he believed was introduced by the noble Viscount opposite (Viscount Palmerston), had worked well, and if it required any addition, he would be prepared, after inquiry, to state in what respect he thought it should be amended. In the meantime, however, his attention would be strictly turned to the subject, but he owned that he should not like, unless constrained to do so by the strongest reasons, to have recourse to corporal punishment.

REINFORCEMENTS FOR INDIA.

OBSERVATIONS.

SIR JAMES ELPHINSTONE said, that after what had fallen from the right hon. Gentleman the Chancellor of the Exchequer, he did not think it would be possible to go into the question which he (Sir J. Elphinstone) had given notice of his intention to bring before the House, for undoubtedly that question was a long one. The order of reference to the Committee on the transport of troops to the East Indies was divided into two portions. The first was, as to the conduct of the Government in sending out troops. The second, as to the most advantageous route by which troops could be sent. From the beginning he had considered the latter the more important question. He trusted that the matter would be fully discussed and finally decided next year; but in the meantime it was necessary for him to put himself and the other Members of the Committee right before the country, by stating that they were distinctly of opinion that it was the duty of the Government to, in the meantime, lose no means in their power to perfect the overland route to India as a means of transporting our troops. He was quite sure, from the information he had received, that they could be conveyed cheaper by that route than round the Cape; and on a fitting occasion he, and those who thought with him, would be ready to prove that the fact was so.

SIR EDWARD COLEBROOKE said, he should be glad if the hon. Baronet obtained another opportunity of bringing on this question, when the whole of the evidence was before the House. He was one of the Members of the Committee whose conduct had been animadverted on by the hon. and gallant Member for Westminster (Sir De Lacy Evans) for rejecting his Report. He was content then, as he was now, that the House should on a future occasion, when they had had an opportunity of reading the evidence, judge itself of the weight and importance of the circumstances connected with this question.

THE STATE OF INDIA.

MR. VERNON SMITH said, he wished to take this opportunity of putting a question to the noble Lord the President of the Board of Control respecting the condition of affairs in India. It had been the custom of late years at the close of the Session, for the Minister for India to make a general statement to the House relative to the affairs of India. He was not, however, about to express any wish that the noble Lord should bring forward an Indian budget, as the noble Lord could make the same excuse as he (Mr. V. Smith) had made last

year, namely, that the finances of India were in such a state of confusion that it was impossible to make any accurate statement with regard to them. But though nominally a budget, that statement was accustomed to contain a review of the affairs of India. The House was about to separate for five months; they were giving great powers to the Government with regard to India, and it was advisable that the noble Lord should make a general statement with regard to the exact position in which we were placed. The noble Lord had stated, in answer to the hon. Member for Dumfries, that 17,000 additional troops had been sent out to India. He (Mr. V. Smith) had asked the Chancellor of the Exchequer last night, but had not received an answer, whether the troops were really to be regarded as an addition to the ordinary establishment of Queen's troops already stationed there, or were to be looked upon merely in the light of reliefs. Judging from the number of men who were being sent out, he should be inclined to believe that the Government had the former object in view; but then it would appear from the newspapers, which constituted the only source of information open to him, that, owing to disease, and other causes, the diminution in the number of our soldiers in India had been so great that it was necessary to send out very considerable reinforcements. It was, he thought, desirable under these circumstances, that the House should have some information as to the end which the Government proposed to themselves in sending out the troops to which he had referred. The noble Lord, in answer to a question put by him (Mr. V. Smith), when he asked if he would lay the papers relating to the Military Commission on the India army on the table, said he would take an opportunity of making a statement on the subject. He saw that the noble Lord had omitted the civil part of the Commission; the reason for that, and the objects of the military Commission, ought to be stated. Moreover, under existing circumstances, something ought to be told them with regard to the probable financial resources of India. A Bill had passed last year to enable the East India Company to borrow £8,000,000, which was to last them till next December. Perhaps, as the loan in India had been taken up better than was expected, it ought to be stated how much the East India Company had borrowed, and whether what they had would last them to December, or whether it would be necessary to call Parliament together in the winter, in order to give them new powers. There was a third point on which he wished information, and that was, whether it was intended as soon as the Act providing for the future government of India had been passed into a law, to issue a general proclamation announcing the assumption of the authority of the Queen in India? Every one seemed to think that this would have a great effect, and would be likely to put an end to the mutinies, but such a step must be taken with caution. There was also another and a delicate point, and that was whether a Proclamation should be issued, having reference to the condition of the Natives of India, and giving an assurance that their religions and customs would be duly respected. He made these observations with no wish to embarrass the Government or the public service. He had the greatest confidence in the noble Lord, and believed that he would act with judgment and vigour, but it was well that Parliament should be acquainted with the present condition of India, what was to be done to put down the mutiny, and what course the Government proposed to pursue in the six ensuing months.

Lord STANLEY: I have to thank the right hon. Gentleman for the courteous manner in which he has put the series of questions he has just addressed to me. At the same time, I must observe that of no one of these questions had he given me notice, except that which relates to his intention to ask me whether I intended to make any statement as to the financial affairs of India in the course of the present year. Upon that point I can answer him distinctly. Looking at the present state of affairs in India, the varying character of the circumstances occurring there, and to the fact that any statement which I might make now would not represent the actual state of Indian finance, I do not think that it would be of any public advantage to enter into a detailed statement with regard to Indian finance at the present moment. As to the military operations which are passing there, the right hon. Gentleman, as well as every other hon. Member, has the means of acquiring all the information he can desire upon that subject. With respect to the question whether any proclamation is to be made of Her Majesty's authority in India, I think it will be right, when the transfer of the government from the Com-

pany to the Crown has taken place, that some formal announcement of that transfer should be made to the people of India. In what form it should be made, or what should be the nature of the announcement, is a matter which the Government will require some time to consider; and they will have that time, because I may remind the House that the Act does not come into force until thirty days after its passing into a law. I have said that I do not intend to make any general statement to the House with regard to India; but, if upon any specific point information is asked by hon. Members, I shall be glad to furnish it so far as it may be consistent with the requirements of the public service.

SIR DE LACY EVANS was understood to express his regret that the Committee on the transport of troops to India had not had an opportunity of stating their opinions, and to say that he had therefore no alternative but to postpone the discussion of the question to next Session. In reference to the force of 17,000 men to which the right hon. Gentleman the Member for Northampton had alluded as being about to be sent out to India, that it was extremely desirable the House should know whether that force was composed of really efficient men or of mere raw recruits. He also concurred with the right hon. Gentleman in thinking that it was most expedient the House should be furnished with some information with respect to the objects and constitution of the Commission which had been appointed to inquire into the organization of the Indian army. He saw no good reason for excluding civilians from it. The last news from India showed how great were the exertions that we had still to make. The victory obtained by Sir H. Rose was not gained without a corresponding loss, and the hot weather must materially affect our forces. Oude was still unconquered, and the British could not say a foot of ground belonged to them in that province except what was occupied by our forces. He had a letter from a gentleman who was fully competent to speak upon the subject, in which it was stated :—

"You will understand that, although the great events of the war are at an end, the difficulties of it are by no means so. We are committed to a very long contest, of which I suspect we have as yet seen only the beginning. I trust I may be in error. The insurgents are very easily dispersed; but then, on the other hand, they gather together as easily. I am very desirous to see Government step forward and lend a hand to us by judicious proclamations of amnesty. There has been too much blood already, and by denying mercy altogether, as we now do, to the vast mutinous masses, we perpetuate the civil war, and by our own act retain a large army for the insurgent nobles of the various provinces. Until an effort is made to detach these two interests from one another the struggle will grow in intensity. As soon as we succeed in dissolving the alliance it will die out, but not till then. This might have been done some time ago; now it would not be so easy. At any rate, in considering the subject, we must always look at the Sepoy mutiny as one side of a great national insurrection, and I think, for freedom."

Now, if those opinions were sound, as he believed them to be, it was clearly the duty of the Government to adopt the shortest route for the despatch of troops to India. Troops could be sent from Plymouth to Bombay in thirty-five days, and to Calcutta in forty-five days, and he hoped during the recess the Government would give their earnest attention to that means of expediting the reinforcement of our army in India.

STAMPED LETTER PAPER.

OBSERVATIONS.

MR. MAGUIRE said, he had intended to make some observations at length in calling attention to the advantage and convenience of the use of stamped letter paper and the necessity for its speedy issue by the Board of Inland Revenue; but he thought he should satisfy his object by asking the Secretary to the Treasury to explain how the matter stood. He did not wish for a compulsory use of stamped letter paper, but it was of importance in commercial transactions that instead of using a sheet of paper enclosed in an envelope, which might be lost, that letters should be written on stamped sheets of paper. An envelope was no proof that it contained a particular letter, and frauds were often committed by the substitution of envelopes; in proof of which he could refer to cases which had come before the Judges of Assize and the Bankruptcy Court in Ireland. He thought it would be a great advantage if stamped letter paper could be used.

MR. G. A. HAMILTON said, that arrangements were made for putting stamps on sheets of paper by the Commissioners of Inland Revenue, who stamped all sheets of paper that were sent to them. The demand was not great, but they were always ready to stamp the paper sent to them.

PROMOTION IN THE ARMY.
QUESTION.

COLONEL KNOX said, he wished to ask the Secretary for War when the Report of the Royal Commission on Promotion in the Army would be laid on the table?

GENERAL PEEL said, that on the same day that he received the Report of the Commissioners appointed to inquire into the subject of promotion in the army, he forwarded it to Her Majesty for her approval, and as soon as it was returned to him he would, with Her Majesty's permission, lay it on the table of the House.

THE WELLINGTON TESTIMONIAL.
QUESTION.

MR. STUART WORTLEY said, he wished to ask the Chancellor of the Exchequer whether he would be willing to give him time on Monday next for the discussion upon the Wellington testimonial.

INDIA AND AMERICA.—OBSERVATIONS.

VISCOUNT PALMERSTON: Sir, before the right hon. Gentleman the Chancellor of the Exchequer answers the questions which have been put to him, I should wish, in the first place, to say a few words as to what fell from my hon. and gallant Friend the Member for Westminster (Sir De Lacy Evans) concerning the transport of troops to the East Indies. In my opinion, if you send anything more than small bodies of men to India, I think it is far better to send them by sea than on the overland route across Egypt. It is not a matter of sound policy that this country should make her military communication with India dependent upon a passage through a territory belonging to another Power. I think it is far better to keep the means of communication in your own hands so as to be able to send troops when you like, and as you like. It has been stated by the noble Lord that a Commission has been appointed to consider the best method of reorganizing the Native army of India. That course I do not presume to criticise. I do not condemn the reasons which have led the Government to appoint such Commission in England; but certainly the late Government thought that that inquiry could be best and most usefully conducted in India by military men who had recent experience of the value on the one hand, and on the other of the dangers of the peculiar component parts, of the local Native forces. It may be that the continuation of hostilities in India has led to the dispersion of military men whose judgment would be of importance in such an inquiry—men whom it would be difficult to assemble at present, or even at an early period; but this, at all events, must be clear to the House, that if the Commission consist of men in this country,—not even the future members of the new Indian Council—can be equally competent to give a sound opinion as to the best method of composing and reorganizing the Indian local army as those persons who have mixed in recent transactions in that country—who know the tendencies of the army, the difference of races, the influence of castes, and in what manner, with the greatest safety to the public interests, such an army can be composed. The noble Lord said that he did not intend to make any general statement this Session upon Indian affairs, but that he was willing to answer any questions on particular points. The noble Lord forgot to answer one or two points to which my right hon. Friend (Mr. Vernon Smith) directed his attention. My right hon. Friend asked him, especially with regard to the Indian loan, whether the amount which has been authorized by Parliament will be sufficient for the service of the Indian Government until the beginning of next year? I think when the noble Lord looks back to see what were the questions put to him by my right hon. Friend he will think that, without entering into any general statement of Indian affairs, he might be able to give an answer to some of those questions on Monday next. I must say the statements which have been made by the hon. Under Secretary of State for Foreign Affairs, in regard to the question put to him by my hon. Friend the Member for Louth (Mr. C. Fortescue), were to me anything but satisfactory. I think my hon. Friend the Member for Louth was perfectly justified, in the present state of things, in not allowing the Session to close without asking some definite information from the Government upon the point to which he directed the attention of the House. I wish the House to remember a little the state of this matter. Unfortunately there have been differences between this Government and the Government of the United States in regard to transactions in the waters of Cuba. The Under Secretary of State for Foreign Affairs told us two months ago that certain concessions had been made to the British Government. The public has since then been informed by the Minister of the Uni-

ted States, who stated with great parade, and in a manner which his assembled fellow countrymen received with shouts of triumph, that great concessions had been made by this Government to the Government of the United States—that this Government had abandoned some rights, or pretended rights, for which preceding Governments of England had always contended. Of course I am quite ready to admit—and no man has more urgently asserted the doctrine than I have—that it is inexpedient to make inquiries pending negotiations; and therefore my hon. Friend the Member for Louth was right in saying that he did not propose to ask what was the nature of the convention which we propose to the United States. I thought with him, from what fell from the hon. Under Secretary on a former occasion, that some proposal had been made to the United States. It appears now that none has yet been made, though it is a matter of great public interest and some urgent importance, and I quite agree with my hon. Friend that he was quite right in not asking the Government to state in any degree what was the nature of the proposal that was made. But although this House properly abstains from making inquiries with regard to pending negotiations, I think it is right that it should be informed as to completed facts; and if I am to judge by the statement reported to have been made by the Minister of the United States, there is some completed transaction between the two Governments in regard to our maritime rights, real or pretended. Now, what I wish the right hon. Gentleman to state is simply this—Is it that we have given up a pretension which we never made—that we have disclaimed a right which the Americans thought we pretended to, but which former Governments of this country never asserted? Is that the nature of the transaction which has taken place, or is it that we have abandoned a right which former Governments have claimed and insisted upon? In the one case, I ask the right hon. Gentleman the Chancellor of the Exchequer to state, if we have given up any pretension to the American Government, what that pretension is? On the other hand, if a right which we formerly claimed and insisted on has been abandoned, I wish to know what that right is which has been so conceded? I think that is a perfectly fair question. It has no reference to anything at present in a state of negotiation, for the statement of the American Minister was that the matter was complete. As no doubt, according to their system of government, every person in the United States is by this time made aware of what the transaction is, I think this House and the people of this country naturally interested in our maritime prosperity have a right to be put on an equal footing with the people of the United States. I therefore hope the right hon. Gentleman will explain what the pretension or the right we have abandoned is.

THE CHANCELLOR OF THE EXCHEQUER:—Sir, it is not for me to inform the House what may have been the pretensions advanced by the late Government. All I can say is, that when this misunderstanding—I cannot call it an interruption of friendly relations—took place in consequence of what had occurred in the waters of Cuba, several controverted points were brought into discussion between the two Governments. We consulted the law officers of the Crown, and upon their opinion of the legality or illegality of our conduct we acted. The communications which took place between the two Governments in consequence were of a friendly nature; but the result was that all claims were left in abeyance. Nothing has been decided upon beyond that settlement which may be described as in a state of abeyance, during which the Government of the United States, having made to us a friendly overture that we should offer to them a plan for their consideration which should accomplish the object that both Governments have in view—namely, to put down as much as they possibly can, the Slave Trade, without producing those misunderstandings which have occurred, we accepted the offer, and we have under our consideration a plan which we think will be satisfactory to both countries. That plan will be shortly submitted to the Government of the United States, and we have sanguine expectations that it will meet the wishes and necessities of both parties, prevent in future the repetition of misunderstandings between the two countries, and at the same time obtain that which the Government of this country sincerely desire, and which we believe the Government of the United States also desire—namely, the discouragement of the Slave Trade. In reply to the right hon. Member for Bute (Mr. Stuart Wortley), he did not think it likely that the discussion

on the Wellington monument would take place on Monday, but thought it might come on on Tuesday or Wednesday.

MR. G. A. HAMILTON said, since the Motion for the adjournment of the House at its rising until Monday had been made he had found it necessary that the House should meet to-morrow (this day), for the purpose of advancing certain Bills a stage; and he begged, therefore, to withdraw the Motion for the adjournment until Monday.

Motion, by leave, *withdrawn*.

CIVIL BILLS (IRELAND) ACT AMENDMENT BILL.

THIRD READING.

Order for Third Reading read.

MR. J. D. FITZGERALD said, that, regarding the measure as an infringement upon a constitutional principle, the independence of the Judges, who, if it passed into a law, would be removeable in case of infirmity, by order of the Privy Council, he should meet the Motion with a direct negative, and ask the House to divide on the question.

Motion made, and Question put, "That the Bill be now read the Third Time."

The House *divided*:—Ayes 83; Noes 54: Majority 29.

Bill read 3°, and *passed*.

METROPOLIS LOCAL MANAGEMENT ACT AMENDMENT BILL.

CONSIDERATION.

Order for Consideration read.

LORD JOHN MANNERS brought up the two following clauses:—

"No works upon the bed or shores of the said River Thames below high-water mark shall at any time be commenced or executed, under the provisions of this Act, without the same having been previously approved of by the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral; such approval to be from time to time specified in writing under the hand of the Secretary to the Admiralty."

Clause *brought up*, and read the first time.

Motion made, and Question proposed, "That the said Clause be now read a second time."

MR. AYRTON said, he objected to the first of these clauses, on the ground that as all the works would be done below high-water mark, it would follow that nothing would be done without the consent of the Admiralty. He would suggest an Amendment, giving them power to interfere only with those works which interfered with the navigation of the river.

Amendment proposed, after the words "high-water mark," to insert the words "which shall interfere with the navigation of the river."

LORD JOHN MANNERS said, he thought the suggestion of the hon. Member a very proper one.

Amendment *agreed to*.

Clause, as amended, read a second time, and *added* to the Bill.

LORD JOHN MANNERS moved the following clause:—

"That it may be lawful for the Secretary of State for the Home Department, at his discretion, on representation or complaint made to him of any nuisance committed in execution of any works, or in deodorizing any sewage, or in disposing of any sewage or refuse from sewers, or in any other manner under this Act, to cause inquiry to be made into the matter represented or complained of to him, and to direct such prosecution or prosecutions, or to take such other proceedings as he may think fit, in order to ensure the prevention or abatement of such nuisance as aforesaid."

Clause *agreed to*, and *added* to the Bill.

MR. STUART WORTLEY said, he rose to propose a clause, the effect of which was that in case the metropolis should afterwards be divided into municipal districts, with one central Board representing them all, nothing in this Act should preclude these works from being handed over to such central municipal body. He made this proposition because he was not satisfied with the composition of the present Metropolitan Board, and he thought it was desirable, by some such clause as this, to protest against its being supposed that their powers were to be continued to them for ever.

Clause,

"That in the event of the whole Metropolis being at any time hereafter brought under the government of one or more municipal bodies, and any new Metropolitan Board of Works being hereafter created, composed in whole or in part of members deputed from the council or councils of such municipal body or bodies, nothing herein contained shall be construed to prevent the transfer of the powers granted by this Act to such new Board,"

brought up, and read the first time.

Motion made and Question proposed, "That the said Clause be now read a second time."

LORD JOHN MANNERS said, he could not agree to the clause. The object of the Bill was, by showing confidence in the Metropolitan Board, to fix upon them re-

sponsibility. But the clause went far to destroy all confidence in them by contemplating their untimely death. He hoped, therefore, his right hon. and learned Friend would not press the clause.

SIR BENJAMIN HALL said, he also hoped the right hon. and learned Gentleman would not press the clause, for which there was no necessity, as if any such change as he contemplated were made, there would be nothing then to prevent the transfer. But he was very glad the right hon. Gentleman had made the proposition, as it showed what was going on in his mind, and that when the Bill for the reform of the Corporation came before them, the right hon. Gentleman would be prepared to hold that the tolls and metage dues, and other funds belonging to the Corporation, and which were given to the Corporation at a time when the City was the metropolis, should no longer be confined to one small locality, but should be applied in executing works that benefited the whole metropolis.

MR. GILPIN said, he was glad that the Government did not assent to the clause, which he hoped would not be pressed. He hoped Parliament would at least reserve the power of knowing what sort of Board was likely to be appointed.

MR. STUART WORTLEY said, he would not give the Committee the trouble of dividing, his object being to elicit the opinion of the House that there was nothing in the Bill to prevent such a transfer as he contemplated taking place.

Motion and Clause, by leave, *withdrawn.*

MR. PULLER said, he wished to propose an addition to the first clause, providing that the sewage should not be discharged into the river at such an outlet as would allow it to be brought back within the metropolitan limit by the action of the tide. His object was not to fetter the Metropolitan Board as to the means by which they were to accomplish their object, but to explain clearly to them what was the object which the House of Commons expected them to undertake. In the Report of the Committee of the House upon the subject it was stated that no plan ought to be regarded for the sewage of the metropolis which did not provide for one of two things—either that it should be taken down the river so far from the metropolis that it could not be brought back by the action of the tide; or else that it should be deodorized, and only the purified liquid part of it discharged into the river. By the clause as it stood at present there was nothing to prevent the Board passing the sewage, undeodorized, immediately below the boundary of the metropolis. Besides, it was the more important to prevent the sewage being brought back by tidal action, because it had been found that the removal of such a quantity of water out of the river for household purposes caused the tide to flow much higher up the river than it formerly used to do, and this was also the probable cause why the nuisance of the smell was always greater at high than at low water, contrary to what might be expected.

Amendment proposed,—

In page 1, line 17, to add at the end of Clause 1 the words, "or from being brought within the boundaries of the Metropolis by the action of the tide."

SIR FREDERICK SMITH said, he hoped the noble Lord would not agree to the Amendment, but would give the Board credit for some little common sense. It was not to be supposed that any body of gentlemen would lay out £3,000,000 of money to remove the sewage out of London, and then allow it to be brought back again. Such a clause would only stultify the Board of Works.

LORD JOHN MANNERS said, it would not only stultify the Board of Works, but the House of Commons as well, for the House would see that this was only a roundabout way of coming back to the point they had agreed to abandon that of fixing the points of outfall. He hoped the hon. Gentleman would not press his Amendment; if he did he must divide against it.

GENERAL CODRINGTON said, he could not see that this was a question of trusting to the common sense of the Board at all; if they were to do that they might as well give up making Acts of Parliament altogether. Under the Bill as it at present stood there was nothing to prevent the discharge of the sewage at Blackwall or opposite Woolwich at any stage of the tide, and might from thence be carried back into the centre of the town. He could not see the objection to the Amendment. It fixed no points of outfall; it only declared that it should not be discharged at such a point where it would be brought back again within the metropolitan limits by the action of the tide; and surely it was necessary at least to make that point clear in the Bill.

MR. GILPIN said, he believed that the

Metropolitan Board of Works were as sensible as this House was that it would not be right to bring back the sewage within the metropolitan boundaries; and he hoped, therefore, that the whole work would be left in the hands of men who, he believed, were sincerely anxious, and quite competent, to discharge their duties.

MR. D. GRIFFITH said, the proposed clause raised again the question which they disposed of two days ago, when they determined not to interfere with the plans of the Board.

VISCOUNT PALMERSTON said, the objection to the Amendment would be good if the Bill was intended to leave the Board of Works to discharge the sewage where they pleased. But that was not the Bill, which declared that the outfall should not be within the limits of the metropolis, unless the sewage was deodorized. [Several hon. MEMBERS: That clause is withdrawn]. Withdrawn is it? Then I must say this Amendment is all the more necessary. He understood the whole meaning and scope of the Bill to be that the metropolis should not be annoyed with the sewage floating about within its limits. Now, to secure that they ought, without prescribing any plan, to say that the outfall ought not to be at any point where the sewage would be brought back to the metropolis.

THE CHANCELLOR OF THE EXCHEQUER said, it was unfortunate the noble Lord had been absent from their discussions yesterday morning, as he would have known that the second clause was omitted, as well as the reasons why it was omitted. It was originally inserted with a view to conciliate the opponents of the measure, but the Government were from the first aware that it was opposed to the principle of the Bill, which was that the Board of Works should be left absolutely unfettered as to the measures on which they might decide. After a good deal of discussion yesterday the Committee unanimously agreed to omit the clause, and it appeared to him that the Amendment of the hon. Member for Hertfordshire (Mr. Puller) was only going back to the ground that all wished it was expedient to abandon, because it would to a certain degree fix upon Parliament the responsibility of the works that might be undertaken, and would lay the foundation for the Board of Works turning round upon them hereafter, if the works should prove a failure, and say, You restricted us in our plans, and therefore you must be visited wit a portion of the blame. He wished the whole of the operations to rest with the Board of Works, and he trusted that the House would not by a side wind seek to diminish that responsibility, or to bring the Government into any relations with the Board of Works except those strictly of a financial character.

MR. T. DUNCOMBE said, he thought the proposal was a very good one, but he did not consider it necessary, because he was quite sure the Board of Works would do all that was requisite to be done.

Question, "That those words be there added," put, and *negatived*.

MR. ALDERMAN CUBITT said, he would suggest an Amendment in Clause 13, agreed to yesterday, which would have the effect of imposing the rate in relation to this measure upon the assessments adopted in regard to the ordinary sewer rate.

Amendment proposed,—

At the end of Clause 13 to add the words, "but in the City of London the said rate shall be made upon the assessment adopted in making the Sewer Rate in the said City."

Question proposed, "That those words be there added."

Amendment, by leave, *withdrawn*.

Amendments made.

Bill to be read 3° *To-morrow*.

DRAFTS ON BANKERS LAW AMENDMENT BILL.—CONSIDERATION.

Order for Consideration read.

MR. HANKEY said, he would take that occasion to state that he had been absent when the Bill had been under consideration upon the previous evening, simply because he was under the impression that, owing to the assurance which had been given some time since by the right hon. Gentleman the Chancellor of the Exchequer, to the effect that no opposed business should be taken after twelve o'clock, the measure would not be proceeded with after that hour. For his own part, he regarded the Bill as anything but satisfactory. It had originally consisted of two clauses, one of which provided that the crossing upon a cheque should be held to be a material part of the cheque, if the crossing were put on at the time of issue; the second clause giving to any person receiving a cheque the right of putting on the crossing, provided it was done by the lawful holder thereof. Now, he had opposed the Bill in that shape, because he believed it to be really impossible that any banker could carry on business if he were obliged to

examine every cheque, and to ascertain in the first place whether it had been crossed at all at the time of issue, or at any subsequent time, by the lawful holder. He looked upon the measure as imposing difficulties in the way of the due discharge of business which were not at all justifiable. The bankers of London—forty-three out of forty-five of whom had signed a petition against this Bill—had no wish to throw any obstacle in the way of crossing cheques, but merely to simplify the operation. Therefore, as an Amendment, moved by the hon. and learned Member for Guildford (Mr. Bovill), had relieved the bankers from much of the dilemma in which they were placed, he would offer no opposition to the passing of the Bill, though it was still far from being satisfactory.

MR. MALINS said, he wished to draw the attention of the House to a suggestion which had been made by a gentleman named Chorley, a solicitor, who proposed that at the end of the cheque next the counterfoil there should be printed the words "uncrossed cheque," and that it should be enacted that no cheque without these words should be paid, except through a banker. Any person, whether drawer or holder, desiring it to be treated as a crossed cheque, would simply have to tear off those words. That suggestion had been most favourably received by many bankers, and appeared likely to meet all the difficulties attaching to this subject.

THE ATTORNEY GENERAL said, he regretted the misapprehension which had arisen should have led to the absence of any hon. Members on the occasion of the second reading, but he had suggested that any Amendment which might be proposed in the Bill should be made on the third reading. He would take the opportunity of saying a few words on the object of the Bill. It was well known by every man who had a banker that for nearly a quarter of a century a custom had prevailed in London of crossing cheques, with a view to prevent any loss from the cheque being lost or stolen. It was thought that the crossing of the cheque afforded a protection, but it turned out some few years ago that this pratice was unavailable, for a cheque which had been crossed with the name of a banker, and the name of another banker substituted being presented at Coutts and Co's, the question arose and was tried at law, and it was decided that the crossing of the cheque was not a binding part of the instrument, and that it was lawful for a banker, whether the cheque was crossed or not, to pay it across the counter. Of course the whole benefit of the system was then lost. Under these circumstances a Bill was brought in by Mr. Apsley Pellatt to legalize the system, and to provide that no crossed cheque should be paid except through the banker to whom it was crossed. But some little time after that Bill had been passed a cheque, the crossing of which had been obliterated by chemical means, was presented and paid. An action was brought, and the question arose whether the banker was liable, and it was found that the Bill was not entirely effectual. Under these circumstances he had brought forward this Bill at the request of a great many mercantile men of the City of London, and when the hon. Member (Mr. Hankey) said that forty-three bankers had petitioned against the Bill, he was bound to say that he (the Attorney General) had presented a petition signed by 1,300 persons in favour of it. This Bill made the crossing a cheque a material part of the cheque itself, and made it forgery to obliterate the crossing, and hereafter it would be compulsory when a cheque was crossed with the name of a banker to pay the cheque to the banker with whose name it was crossed and to no other person. The only point was as to whether they could provide for the case of paying a cheque the crossing of which had been forged or obliterated. That was a case which did not happen once in fifty years, and therefore did not seem to require legislation; but the House had thought fit to admit a clause, on the Motion of the hon. and learned Member for Guildford, (Mr. Bovill) providing that if the obliteration was such that the banker could not reasonably be expected to detect it he should not be liable. The object of the hon. Member therefore had been obtained.

MR. ROEBUCK said, he regretted that the Amendment had been agreed to. He would have preferred that it should have been made imperative upon bankers to print their cheques upon paper on which no obliteration could be effected without being detected. There was such paper.

MR. INGRAM suggested, that obliteration would be impossible if cheques were printed upon paper bearing a water-mark.

MR. PULLER remarked, that cheques were often drawn upon pieces of plain paper, backs of letters, &c.

Bill to be read 3° *To-morrow.*

PROBATE AND LETTERS OF ADMINISTRATION ACT AMENDMENT BILL.

SECOND READING.

Order for Second Reading read.

THE ATTORNEY GENERAL, in moving the second reading of this Bill, said, that it was hardly to be expected that in an Act like the Probate Act, which introduced an entirely new process, there should not be some defects. The object of the present measure was to amend those defects, and the alterations were principally of a mere technical character. Thus, there was a provision that the Judge of the Admiralty might sit in relief of the Judge of the Probate Court, and *vice versa*, but the Judge might sit in chambers; and clerks who had served their time to proctors might become attorneys, and the like. He proposed to go into Committee on the Bill the next day; but if there were any clauses which excited difference of opinion, he would postpone them till the next Session.

MR. MALINS said, as it was now determined to proceed with the measure, he hoped that the Bill would be considered in Committee on Monday.

LORD HOTHAM said, he had an objection to the 24th Clause, as he thought it would have an injurious effect upon country practitioners. Did the hon. and learned Gentleman intend to insist on that clause?

THE ATTORNEY GENERAL said, he intended to propose the clause, but he would leave it wholly to the Committee.

MR. WARREN said, he would beg to remind the hon. and learned Gentleman of two Amendments of which he had given notice—namely, to throw open the non-contentious business to the Bar, and the Court of Admiralty to the legal profession generally. It was his intention to persevere with those Amendments.

MR. HADFIELD said, that in reference to the question alluded to by the hon. and learned Member for Midhurst (Mr. Warren), he would remind the House that it was in consequence of the other House having struck out a clause from the Bill of last Session that the non-contentious business was not thrown open to the Bar generally.

Bill read 2° and *committed* for *To-morrow*.

INCUMBERED ESTATES (WEST INDIES) ACT AMENDMENT BILL.

CONSIDERATION.

Order for Consideration read.

MR. HANKEY said, he had given notice of a clause to extend to the West Indies the principle contained in the Irish Act, according to which facilities were given to obtain a declaration of indefensible title; but as he understood the introduction of such a clause might cause some difficulty in passing the Bill, which he considered a very useful measure, during the present Session, he should not press the clause, but he trusted the Attorney General would consider the question during the recess.

THE ATTORNEY GENERAL said, he concurred in the spirit of his hon. Friend's Amendments, but at that late period the introduction of these Amendments might be fatal to the passing of the Bill during the present Session. The country was very much indebted to his right hon. and learned Friend the Attorney General for Ireland for the Landed Estates Bill, which he had introduced, and which had been passed for Ireland during the present Session. He (the Attorney General) hoped to be able, at an early period next Session, to submit a large and comprehensive measure to extend the principle of that Bill not only to the entire of the West India colonies, but to this country and other parts of the British dominions.

Bill to be read 2° *To-morrow*.

DIVORCE AND MATRIMONIAL CAUSES ACT AMENDMENT BILL.

SECOND READING.

Order for Second Reading read.

THE ATTORNEY GENERAL, in moving the second reading said that he only wished to insist on those clauses which remedied certain intolerable evils in the working of the law, as for instance the necessity of bringing up witnesses from the most distant parts of the kingdom, for the simple purpose of swearing an affidavit before the Court. It was not his intention to insist on the clause which had caused so much, but unnecessary, alarm, namely, that which extended the powers of the Court to persons domiciled abroad or in the colonies.

MR. HADFIELD said, he would suggest that they should go into Committee *pro formâ*, and reprint the Bill as amended.

Bill read 2° and *committed* for *To-morrow*.

CORRUPT PRACTICES PREVENTION ACT AMENDMENT BILL.

CONSIDERATION.—ADJOURNED DEBATE.

Order for Consideration read.

Order read, for resuming Adjourned

Debate on Question [this day], "That Clause 1 stand part of the Bill."

Question again proposed.

Debate *resumed.*

MR. T. S. DUNCOMBE said, the question the House had to consider was, merely whether the Bill should be simply a continuance Bill? The right hon. Gentleman opposite said he was willing to take that view of it; and he (Mr. Duncombe) hoped that the House would likewise do so. This was an open question, and the first clause, instead of being a Government clause, was the child of the hon. and learned Gentleman the Member for the Tower Hamlets, and he hoped the House would not dirty their hands with it. If they struck it out, they would get rid of other bad clauses, as for instance the fourth, which he considered abridged the constitutional rights of the electors. He thought the best course would be to make this a mere—what it pretended to be—a mere continuance Bill, leaving the Attorney General, who had bestowed so much attention upon the subject, to prepare a more comprehensive measure during the recess, and he would, therefore, support the Motion of the hon. and learned Member for Sheffield.

MR. LYGON said, he did not consider the first clause perfect, but thought it was a considerable improvement of the law. He denied that there was any ground for the invidious language which had been lavished on the clause. He did not think it undesirable to expect a candidate or his friends to make some sacrifice. He was quite prepared to admit that the average cost of conveying voters in counties was a considerable sum; namely, £1,600; but he did not think that by adopting this clause they would be establishing a new form of bribery. He was far from desiring to exclude poor men from that House, but unless candidates for seats in Parliament possessed the confidence of their supporters to such an extent that they were ready to provide funds for the payment of the travelling expenses of voters, he thought such Members could not possess that feeling of independence which had hitherto been the boast of the Commons of England.

MR. HEADLAM said, that although there were inconveniences on both sides, he thought it the best policy to put a stop entirely to the practice of paying the travelling expenses of voters. The clause was clearly a step in the wrong direction. It was said that by disallowing these expenses you would be practically disfranchising a large number of voters. Now, if conveyance to the poll was a part of the franchise conferred on every voter, he admitted the force of that argument; but the fact being that conveyance to the poll was not a part of the voter's vested right, he could not admit that this could in the proper sense of the term be called disfranchisement. The number of voters might, indeed, be diminished, but the same result was no doubt produced by prohibiting bribery, and would be produced by prohibiting paid canvassers, and yet no one could consider either of these measures as measures of disfranchisement. With respect to boroughs no hardship whatever would be inflicted by compelling voters to walk to the poll, and though perhaps some inconvenience might arise in counties, he thought on the whole it would be best to prohibit the payment of these travelling expenses. He was also induced to think that voters would value the franchise more if its exercise were attended with some trifling difficulty.

MR. MALINS said, he thought that this was not a case on which the House should be theorising. Let them come to practice, and they would find that out of the general body of voters, there was a large number who could not afford to pay for a conveyance to go some six, eight, or ten miles to vote. On what principle should such electors be disenfranchised? What, he might ask, were they to do in the case of a man who was sick? Would the House impose on such a person the chance of endangering his life or disenfranchisement? He contended, first of all, that it was right that they should provide a conveyance; and secondly, if it were not right, that human nature was so constituted people would still do it. Did the hon. and learned Member for Newcastle mean to say that any Gentleman would lose his election rather than provide a conveyance for his voters? Would the hon. and learned Gentleman himself, in case of a tie with his opponent, lose his election rather than send a carriage for a voter? The thing was nonsense; and any one who believed it would have a greater amount of credulity than he had ever been possessed of. Without intending, then, to advocate anything like corruption, let them make that the law which they knew would be the practice. The House already knew that it was not illegal to provide carriages for voters, and therefore it

was unnecessary to discuss that question now. Did not every hon. Member at the last general election consult anxiously with their committees whether they should or should not provide means for a poor voter who could not provide means himself, or an opportunity to record his vote? The law was, however, at present a snare and a difficulty. He was for removing difficulties and uncertainties. Let them either pass an Act distinctly declaring the payment of expenses to be illegal, or agree to the clause now proposed. He heartily rejoiced that the House was about explicitly to declare that a conveyance might be provided.

MR. DODSON said, he fully agreed that in principle it would be well to abolish expenses of every kind, but that would be most unfair to the voters until greater facilities were afforded to them for recording their votes. He saw no reason why they should not be allowed to send their votes through the post, without coming up to the poll. The franchise to a man who could not afford to go up to the poll to record it was practically no franchise at all.

MR. GILPIN said, he thought all the observations of the hon. and learned Member for Wallingford (Mr. Malins), as regarded the expenses of poor voters, would be equally applicable to the whole system of bribery. Indeed he (Mr. Gilpin) thought the Bill might more appropriately be called a Bribery Enactment Bill than be designated under its present title, if the clause under discussion were passed into a law. He trusted the right hon. Gentleman the Secretary for the Home Department would make the measure simply a continuance Bill. For his own part, he should feel it to be his duty to oppose its passing at every stage if the clause were inserted. It was said it was unfair to expect that a poor man should go a particular distance to record his vote without having his expenses paid, but the manner in which any such inconvenience ought to be remedied was by multiplying the number of polling places. Be that as it might, however, believing, as he did, that the clause would open the door to an untold amount of bribery, and that its operation would not be limited simply to the payment of travelling expenses, he deemed it to be his duty to oppose it by every means in his power.

SIR STAFFORD NORTHCOTE said, he was of opinion that the passing of the first clause, to which so much objection had been taken, instead of encouraging bribery, would render it much easier to put it down. Whatever they might say about its being right or wrong to pay the expenses of a voter who went to the poll, hon. Gentlemen would admit there was a great and material difference between the reimbursement of the voter's actual expenses, and, under cover of paying his expenses, giving him money for his vote. If they thought they could put an end altogether to the payment of expenses in any form they might be consistent in endeavouring to do so. In a county election last year, at which he was one of three candidates, there was a mutual agreement that the travelling expenses of voters from a distance should be paid, not by the candidate for whom he polled, but from a common fund contributed to by all the candidates. There was nothing corrupt in that arrangement, but there could be no doubt that it might be held to be an infringement of the law. The alternative, however, now presented to the House was either to pass the clause or simply enact a continuance Bill, and leave the law in its present unsettled state. In the latter case they might find that travelling expenses were paid where parties had no intention of bribing at all; and unless they were able to put down the system of paying travelling expenses altogether they ought to place the matter on such a footing that they could distinguish between what was corrupt and what was not, and he believed the clause referred to would enable them to make that distinction. Therefore, with no intention whatever to screen the briber, but wishing to put down bribery, he should support the clause.

MR. M'CANN said, he would remind the House that although provision might be made for conveying the poor voter to the poll there was none for conveying him back to his home.

MR. FOX said, he considered that the real object of the Bill was to assist, if not to extend, the power of the purse at elections. To that he would always give his hearty opposition. The less money considerations entered into elections the better it would be for all the parties concerned. The poor voter should be provided for either by additional polling places, or by relieving him from any travelling expenses, but these expenses should not be paid by the candidate. He had gone through five elections, at three of which there was a fierce contest, and they had not cost him

5s. From first to last the electors had acted on the principle that if a Member bought them, he would be liable to sell them. They returned him (Mr. Fox) on independent grounds, and they expected he would not compromise their independence by receiving favours from any party, or act otherwise than according to his conscience. And he had such faith in human nature that he thought such would be the conduct of constituencies throughout the country if they were only left to themselves. If the Ballot were adopted, and elections made really appeals to opinion, and not to fear or hope, much would be done towards the purification of that House, and the exaltation of its character.

VISCOUNT PALMERSTON: Sir, there is much to be said on both sides of this question; but, on the whole, I am inclined to think that the clause as it stands is one that ought to be adopted. It is, no doubt, desirable to do away, as far as we can, with all unnecessary expenses at elections. I think it was quite right to prohibit bands and colours, and those other things which do not contribute in any way to the exercise of the franchise, and only afford a screen for bribery; but I do not myself see how furnishing conveyances for voters can be called a mode of bribery. If you are to give a voter money to pay his expenses, then you may give him double or three times the amount he has spent in travelling, and you will open a door for almost unlimited bribery; but if you are restricted to providing a conveyance for him, I do not see how that can amount in any case to bribery, because you only give a ticket for conveyance to the voter who has promised you his vote beforehand. No candidate would bring up to the poll an elector about whose vote he was uncertain, because in doing so he would expose himself to considerable danger; but if he brings up a voter who has promised his vote, I do not see that he will thereby exercise an improper influence on his mind. It is said the difficulty may be overcome by providing additional polling places. No doubt the multiplication of polling places would give additional facilities to voters, but that would not accomplish the purpose in counties. We cannot in counties have polling places in every village, or within walking distance of every voter. Multiply them as much as you will, you can only put them in towns; and then there will be a great number of voters who will be shut out from voting, unless the candidate for whom they have previously promised to vote is enabled to bring them up to the poll. If you prohibit conveyances, you will disfranchise a large majority of voters for Universities. I had the honour of sitting for a great many years for the University of Cambridge; I experienced three contests, and if the candidates on those occasions had not been allowed to provide conveyances for the voters, the contest would have been decided simply by the resident members, who form a very inconsiderable part of the voters. In that case a great number of the voters for the Universities of Oxford and Cambridge would be disfranchised. I think there can be no greater evil than leaving a point of this sort undecided. As far as I understand the matter, no one can tell distinctly whether a candidate who provides conveyances is or is not liable to the penalty attaching to bribery. That is a great evil, and I would much rather that the Committee came to a wrong decision upon the question than that it come to none at all. I think the candidates ought to be allowed to provide conveyances; but however that may be, I entreat the Committee to declare what the state of the law is. If an election were to take place before August of next year, see what a state of peril the electors would be placed in from the present uncertainty. I shall give my support to the clause.

MR. BERNAL OSBORNE said, he was sorry to differ from his noble Friend on any point, but he must say his noble Friend's success at elections had been so great that he could not be said to have had the experience of contested elections which had fallen to the lot of many other Members of that House. [Viscount PALMERSTON: Well, I don't know; I have stood six of them.] He thought he had always seen that his noble Friend had been returned by acclamation wherever he had presented himself as a candidate. When, therefore, his noble Friend asked how it could be bribery to pay for the conveyance of a voter to the poll, he (Mr. Osborne) could acquit him of having had much knowledge of the practices at a contested election; but the truth was, that the system of conveying voters to the poll had a direct tendency to bribe a whole host of livery-stable keepers, stage-coach proprietors, and the like, at every contested election, and the electors generally, whatever their political opinions might be. He did not hesitate to say that if the House legalized travelling expenses,

the outlay of candidates at elections would be increased three-fold. The result would be to present a bad example to the electoral body throughout the country, for it would be doubted whether the House was sincere in its desire to obtain purity of election. It was plain that they still wanted to maintain the influence of the purse, and that, though they had removed the property qualification, still they were determined to take care that no poor man should contest a seat. The hon. Gentleman who had just been returned to that House (Sir Stafford Northcote) talked of a joint-stock purse having been provided by the candidates, of whom the hon. Gentleman was one, to defray the expense of conveying the voters to the poll at a contested election for Devonshire a few years ago. He believed the expense at that election was such that it nearly ruined the hon. Gentleman, so much so that he had been obliged to fall back on a borough where there was no need of the services of stage-coach proprietors and livery stable-keepers at elections. It was merely hypocrisy in that House to say that they wished to put down bribery. His (Mr. Osborne's) opinion was, that the prevalent desire in that House was to admit none but men of large property within its walls, and this Bill would be one of the instruments by which that would be attained. He held that the whole tendency of the measure would be to demoralise the constituencies, and therefore he should vote with his hon. and learned Friend the Member for Sheffield.

Mr. GREER said, he thought if they were to sanction the expenses of conveying voters to the poll, the clause under consideration was the most convenient form in which they could do it; but he could not conceal from himself that its tendency would be more or less in the direction of bribery. He wished, also, to call the attention of the House to the fact, that this clause, if it passed, would very seriously enhance the cost of elections. At present, in the uncertain state of the law, and while the legality of conveyances was doubtful, their cost at an election was admitted to be tenfold what it was on ordinary occasions. But if this clause passed, they might be sure that everybody would be conveyed to the poll, and they might reckon that the cost would be at least double what it was now.

Mr. BRADY said, persons were compelled to attend the assizes at the county towns of England and Ireland, and why should not ratepayers do so, not once or twice a year, but once in four or five years? He would call this Bill the Tower Hamlets Patent Safety Corruption Bill. He would give the measure all the opposition in his power.

Colonel NORTH said, he believed that every hon. Member who had been unseated for bribery or intimidation during the present Parliament sat on the opposite side of the House.

Mr. AYRTON said, he wished to make an observation in reply to certain personal remarks which had been made on him by the hon. and learned Members for Southwark and Sheffield, and especially by the former (Mr. John Locke), who suggested that the clause suited him. Now, at his election he began by proposing that no conveyances should be provided at all, but that was declined by the other candidates, and he was obliged to employ them; but that item of his expenses was smaller than those of the hon. and learned Member for Southwark, though his constituency was much larger than that of the hon. and learned Gentleman. He could not claim the merit of having invented the clause. It only occurred to his mind as a means of giving a practical exposition of the law as it had been recently defined. In the returns of the election auditors he found that almost every candidate had an item for carriage hire. This showed that whatever the law might be the practice of conveying voters to the poll was all but universal. Then he found that the law did not declare the conveyance of voters to the poll illegal; it only condemned the payment of conveyance expenses with corrupt intent, and his clause was in harmony with that declaration of the law. The law was, however, in an unsatisfactory state, and this House could not leave it as it stood. They were bound to declare either that the conveyance of voters was legal or illegal. He had thought that if no conveyance were provided, the effect would be to throw the elections more than ever into the hands of the rich. There was nothing to prevent the rich from taking voters to the poll in their own carriages, and at elections all the rich friends of a candidate might place their carriages at his disposal. He wished to provide for the poor voter, and he thought that this was a provision in the interest of the poor voter. Was he, who was in favour of extending the franchise, to say that the people were so base and miserable as to be bribed by the offer of conveyance to

the poll. A poor man forfeited his wages if he did not get to the poll and back within a short time. Affording facilities to the poor voter to go to the poll enabled him to exercise the franchise. The House was bound to settle the law, which was now unsettled.

MR. CRAUFURD said, he wished the hon. Gentleman had only carried his argument one step further. If the poor man was to be carried to the poll, lest he should lose his wages, why not authorise the candidate to pay him for the wages he lost. But the hon. and learned Gentleman said this was a mere declaration of the existing law. If so, what need was there for a declaration of the law at all? The declaration would introduce not clearness, but confusion. Besides, it was not a declaration of the law, but an alteration. According to the hon. and learned Gentleman, the law said that the voters' conveyance expenses might be paid. This clause said no; the expenses shall not be paid, but the conveyances may be furnished. He wished that this question had been made an open one. If the Government had not adopted this measure he ventured to say that there would be a large majority against this clause. It appeared to him most marvellous that the Government should press a clause like this. There must be some reason which did not meet the eye. He trusted, if they went to a division, they would be able to expunge one of the most objectionable pieces of legislation ever attempted.

MR. HOLLAND declared, from practical experience, that the greatest advantage had been gained by the measure which increased the number of polling places, and he considered that the adoption of the present clause would still further benefit the country.

Question put,

The House *divided*:—Ayes 94; Noes 66: Majority 28.

Clause, as amended, *agreed to.*

Clauses 3.

MR. KNATCHBULL-HUGESSEN moved an Amendment to the effect that persons who are candidates at an election shall be exempt from penalties or expenses if he did not go to the poll.

MR. WALPOLE said, he must object to the Amendment as a material alteration of the clause. The object of the clause was that every person who offered himself as a candidate, and incurred expenses—or at least should put his opponent to expenses—should be liable for his expenses. He hoped his hon. Friend would not press his Amendment.

Amendment *negatived*, and the clause *agreed to.*

MR. WARREN said, he would propose to add at the end of Clause 3 a proviso that nothing contained in the Act should be construed to impose any liability on any person nominated without his consent.

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Clause 4.

MR. WALPOLE said, he had explained on previous occasions his intention that the Act should be both a declaratory and a continuance Act. It had been objected that this clause effected neither one nor the other of those objects, and, feeling the force of this objection, he thought, as the clause had not been introduced by himself, that it had better form part of the permanent measure which would be introduced next Session. He proposed, therefore, to omit this section from the Bill.

Clause *struck out.*

MR. ROEBUCK said, he would then move that the Bill be recommitted. The House had determined to keep in the first clause, and to allow the travelling expenses of voters, the whole of which would therefore fall upon the candidate. In taking this course, he understood the intention of the Government to be, that the poorer voters should be saved from expense, and from being disfranchised. Now, he took this to be a public object, and in that case he thought the public ought to pay for it. He did not hold that the position of a Member of Parliament was a personal object to attain. He had to perform responsible and onerous duties, and ought not to be called upon to pay any expense. He should move that the Bill be recommitted, in order that he might have the opportunity of adding at the end of the clause that any candidate having paid expenses to bring voters to the poll should be reimbursed from the county rates.

Motion made and Question proposed,—

"That the Bill be read the third time upon Monday next, at Twelve of the clock."

Amendment proposed,—

To leave out from the word "Bill" to the end of the Question, in order to add the words "be re-committed," instead thereof.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 92; Noes 46: Majority 46.

Main Question put, and *agreed to.*

MR. ROEBUCK said he would appeal to the Government not to put the third reading for a morning sitting.

MR. WALPOLE said, he must remind the hon. and learned Gentleman that the question had been debated and decided three or four times, and, considering the period of the Session, and that an important question would be raised on Monday evening, he hoped there would be no objection to proceeding at twelve o'clock on Monday.

MR. CONINGHAM said, that after the explanation of the right hon. Gentleman, he thought there was no ground to object to the early sitting.

Bill to be read 3° on *Monday* next at Twelve o'clock.

House adjourned at Twelve o'clock.

HOUSE OF COMMONS,

Saturday, July 24, 1858.

MINUTES.] PUBLIC BILLS.—1ª Administration of Oaths by Committees; Leases and Sales of Settled Estates Act Amendment (1856).

3° Consolidated Fund (Appropriation); Metropolis Local Management Act Amendment; Drafts on Bankers Law Amendment; Militia (Service Abroad) Act Continuance; Militia Act Continuance (No. 2).

PROBATE AND LETTERS OF ADMINISTRATION ACT AMENDMENT BILL.

COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

LORD HOTHAM said, he wished to ask for a distinct statement of the course which the Government intended to pursue with respect to this Bill. It had been stated that the Government intended to proceed only with those portions of the Bill which related to procedure, and would strike out those clauses about which there was any difference of opinion. But the Attorney General had not on that occasion confirmed this statement. The Attorney General must be aware that there were strong objections to several parts of the Bill by the Incorporated Law Society and others, and the long list of Amendments to it upon the paper was sufficient to show that it was not a measure that ought to be taken on a Saturday. The Secretary to the Treasury, moreover, stated last night that no Bills respecting which difference of opinion was likely to arise would be taken that day, and it would be a violation of the understanding if the present Bill should be now proceeded with, unless the Attorney General was prepared to assent to the various Amendments of which notice had been given, or abandon the clauses to which objections had been taken. He should, therefore, move that the House should resolve itself into Committee on Monday next.

MR. WARREN seconded the Motion. He had an important Amendment on the paper, throwing open the Admiralty Court to the legal profession, and he also intended to move another, admitting the bar and the attorneys to a participation in non-contentious business in the Court of Probate. He appealed to the Home Secretary to let them know what they were to do; for if he did not pledge himself that these and other Amendments which were placed on the paper should be conceded, he (Mr. Warren) must support the Amendment, in order that these and other subjects should receive a full consideration on Monday next.

Amendment proposed,—

To leave out from the word "That" to the end of the Question, in order to add the words, "this House will, upon Monday next, resolve itself into the said Committee," instead thereof.

THE ATTORNEY GENERAL said, he did not complain of his noble Friend having given him an opportunity of stating the circumstances under which these Bills were necessarily submitted to their attention, and the part which the Government felt it their duty to take in the management and carrying of them through the House. Both in the Probate Act and in the Divorce Act of last Session omissions and defects had been ascertained to exist which rendered it difficult to administer justice satisfactorily in those courts. Under these circumstances, Lord Cranworth, the Chancellor of the late Government, introduced the present Bill and the Divorce Act Amendment Bill. These Bills were submitted to a Select Committee of the House of Lords, and were minutely considered in that assembly. They came down to that House about a month ago. As these Bills emanated from the late Government it was thought fitting that a member of the late Government should undertake the conduct of these Bills through the House. His hon. and learned Friend the Member for Aylesbury (Sir R. Bethell) had undertaken to do this; but he found

that such was the pressure of public business that, notwithstanding the offer of every assistance on the part of the Government, it was impossible for him to conduct the Bills through the House. Accordingly, he (the Attorney General) had undertaken to conduct them, because he felt that if these measures were not passed, great inconvenience would result to suitors in those courts. These Bills were introduced to remedy practical defects in the previous Acts; but both in that and in the other House important Amendments had been suggested in such a way that if they were to enter upon their discussion the whole of the following week—in which they hoped to close their labours—would not suffice for the disposal of the Bill. Under these circumstances he would abandon the clauses which were not of urgent necessity, and were likely to lead to considerable discussion, as he had notified some days ago. Had he not been prepared to do so, he should not have proposed to meet that day in order to pass both these Bills through Committee. He did not, however, see that he was called upon to take the unusual course of stating before they went into Committee whether he would or would not assent to each of the Amendments put down on the paper. More especially did he say this, since the hon. and learned Member for Midhurst (Mr. Warren) had given notice of Amendments which might endanger the passing of the Act during the present Session. As to the 24th Clause, in respect to which several notices of Amendments had been given he was prepared to state the intentions of the Government. Under the Probate Act of last Session registrars were appointed in country districts to act in the grant of probates and letters of administration. It was thought that these officers should be allowed to grant probates of letters of administration to persons applying for them without the intervention of a solicitor. No powers were, however, given in the Act of last Session to enable the registrars to do this. The 24th Clause was introduced that registrars, for such fees as the Judge should think to specify, might be enabled in non-contentious business to transact the whole business themselves, and relieve the suitor from the necessity of resorting to a solicitor. Now, the noble Lord (Lord Hotham), the hon. and learned Member for Sheffield, and many others, overwhelmed him with objections to that clause. That being the case, and seeing no chance of carrying it within the brief time that remained, he would withdraw that part of the Bill. Having done so, he must press the hon. and learned Member for Midhurst to withdraw the clauses which he intended to propose. They must encounter considerable opposition, including that of the Government; for, from the late period of the Session at which they have been proposed, he had not been able to communicate with Dr. Lushington with respect to the one relating to the Court of Admiralty, and that with respect to the non-contentious business of the Court of Probate would require more consideration than could then be given to it. If those clauses were given up, he (the Attorney General) would, between that and the next Session of Parliament, consider both matters, and whatever course should be thought most consistent with public convenience and justice should be adopted. As he would give up the 5th clause of the Divorce Bill, and the superannuation clauses in both Bills, he did not think there was anything remaining that should be the subject of discussion.

MR. HADFIELD said, he thought it would have been more convenient if the Attorney General had stated his intentions with respect to this Bill on the previous evening. He hoped that the noble Lord would divide the House unless they had a distinct understanding that the Amendments to the Bill—which had been assented to by the Solicitor General, but were now opposed by the Attorney General—would be agreed to on the part of the Government.

THE ATTORNEY GENERAL said, he would have made a statement on the previous evening with respect to the clauses which he proposed to abandon, but he did not like to do so without previous communication with the Judge of the Court of Probate. He had since done so, and had obtained his assent to the withdrawal of the clause.

MR. WARREN said, that nothing he had heard from the Attorney General had altered his determination to press the clauses of which he had given notice, and on which he should, unless the Government yielded, take the sense of the House. On a former occasion, during the present Session, he had called the attention of the House to the state of the question as to throwing open to the Bar at large the non-contentious business of the Probate Court, and the whole practice of the Admiralty Court to the whole legal profession. He did not, therefore, propose again to go

into details on the subject, but he was willing to make a proposal to his learned Friend the Attorney General. He had just had a conversation with a gentleman entitled to the highest consideration, who had intimated to him that he thought it was hardly courteous or respectful to so distinguished a person as the present Judge of the Admiralty Court (Dr. Lushington), to effect so great a change in his Court as that proposed, merely by way of a clause tacked to a Bill brought in with another object. It was suggested that if the Admiralty Court were to be thrown open to the whole profession, it ought to be by a separate Bill; and in that view he (Mr. Warren) was disposed to concur. If, therefore, the Government would assent to the clause admitting the Bar at large to practise in the non-contentious business of the Probate Court, he would withdraw those clauses relating to the Court of Admiralty. This was a matter of real importance to the Bar and the public, as the House would feel when it knew that while the contentious business averaged from thirteen or fourteen hundred causes annually, the non-contentious cases actually averaged 30,000 annually. Why was all this large field of practice to be studiously confined to the Advocates? They were made free of all the Courts of Common Law and Equity, and why ought not Barristers to be made free of the whole field of business in the new Probate Court? He (Mr. Warren) neither saw, nor had heard, any real reason for preserving so unjust and invidious a distinction, and one which he could hardly believe the Advocates themselves would insist on preserving. Recollecting what had passed in the last Session, he did not choose to place himself in a similar predicament during the present; and, therefore, begged to repeat that if the Government did not concede his clause he should, undoubtedly, take the sense of the House upon it.

MR. WALPOLE said, he must appeal to the noble Lord not to press the Amendment. The objectionable clauses could be struck out in Committee.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided:*—Ayes 42; Noes 17: Majority 25.

Main Question put and *agreed to.*

House in Committee.

Clauses 1 to 4 were *agreed to.*

Clause 5.

MR. G. A. HAMILTON said, that although a fourth registrar might be appointed, yet, in consequence of the adoption of a new scale, the salaries of the four registrars would not, after the deaths of the present holders of these offices, amount to a larger sum than was now paid to the three registrars of the Court.

THE ATTORNEY GENERAL stated, that the three registrars appointed under the Act of last Session were so overburdened with work that it was absolutely necessary, in order to dispose of the business of the Court, that a fourth officer of that nature should be appointed.

MR. AYRTON said, he would withdraw the Amendment in this clause of which he had given notice.

MR. HADFIELD moved the insertion in the clause of a provision that the registrars should not accept any other office, or be engaged in any profession or business whatever, except as registrars.

Amendment proposed—

"At the end of Clause 5, to add the words 'That the registrars shall not accept or continue in any other office, or be concerned in any profession or business except as registrar.'"

THE ATTORNEY GENERAL said, that none of the registrars, except the chief registrar, had any other employment. But the insertion of these words would inconvenience the chief registrar, who held the office of chancellor of a diocese, which had never interfered with the discharge of his duties in the Court of Probate, and which he believed that Dr. Bayford was prepared to resign. He should not object to the Amendment if its application were made prospective.

MR. STUART WORTLEY said, he thought that these words could not be applied to the present holders of these offices. On the other hand, he did not think that it would be advisable to insert words prospectively forbidding the holding of other offices, because that would give the present registrars an implied sanction to combine other duties with the offices, which he thought should not be the case. He wished to suggest that a person who was now receiving compensation should be appointed fourth registrar, in order that that compensation might be saved.

MR. AYRTON contended that Dr. Bayford ought to resign the office of diocesan chancellor. He found that the Judge of the Court of Probate had, with one or two necessary exceptions, appointed to offices in the Court persons who would otherwise be receiving compensation.

MR. WALPOLE said, that the Amendment proposed by the hon. Member for

Sheffield (Mr. Hadfield) was quite unnecessary. The best security the House could have, that proper persons would be appointed as registrars was, that if an improper appointment was made, attention might be called to it in that House.

Amendment *negatived.*

Clause *agreed to;* as were also Clauses 6 and 7.

Clause 8.

MR. AYRTON said, he would suggest that persons who had been managing clerks to proctors for seven years before the passing of the Probate Act should be allowed to practise in this Court.

THE ATTORNEY GENERAL said, he would take into consideration before the Report the suggestion of the hon. Member.

Clause *agreed to,* as were also Clauses 9 to 23 inclusive.

Clause 24.

MR. AYRTON said, that with reference to the Amendment of which he had given notice, he wished to explain that his object was not to compel suitors to employ an attorney or solicitor to transact business in reference to probate and letters of administration, but to prevent the officers appointed under the Act from entering into competition with solicitors and attorneys for the practice of these Courts. When the Report came up he would move to introduce words to carry out his object.

THE ATTORNEY GENERAL said, he had already stated that he would withdraw the clause in question, as one calculated to lead to discussion. He concurred in the object of the hon. and learned Member, and should have no objection to cooperate with in him devising means to carry it into effect.

Clause *struck out.*

MR. WARREN said, he wished to move a clause enabling all serjeants and barristers at law to practise in the Court of Probate. This would place them on the same footing in regard to non-contentious as to contentious business. He did not intend to press the clause in reference to the Court of Admiralty.

THE ATTORNEY GENERAL said, he must oppose the introduction of the clause, which would have the effect of reversing the decision of both Houses of Parliament in last Session—namely, that it was inexpedient to do away altogether with that sort of exclusive practice which had so long existed in the Ecclesiastical Courts with regard to non-contentious business. He did no say that he approved that decision himself, but as it affected personal interests it ought not to be disturbed in a House containing less than forty Members.

MR. AYRTON said, he should support the clause.

THE ATTORNEY GENERAL intimated his willingness to agree to it, with the view of obviating discussion.

Clause *agreed to.*

House resumed.

Bill reported, with Amendments as amended, to be considered on *Monday,* at Twelve o'clock.

METROPOLIS LOCAL MANAGEMENT BILL.

THIRD READING.

Order for Third Reading read.

MR. CONINGHAM said, he rose not for the purpose of opposing the Bill, but in order to protest for the last time against the drainage of the metropolis being handed over to a body in whom the public had no confidence. He entered his protest also against the plan of drainage by intercepting sewers which was about to be carried out. The English people hailed with the greatest satisfaction the discovery of any new guano islands, and sent ships thousands of miles for a substance the elements of which it now proposed to throw away as useless and valueless. He protested against the wasteful and extravagant system of throwing away what had been justly called a "mine of wealth," and adopting at the same time a system of gigantic tunnels, which could only be beneficial to the engineer, while they would be most costly to the community and injurious to the public interest, and which would be setting a miserable example of incapacity to the whole civilized world.

MR. STUART WORTLEY said, he could not refrain from expressing his opinion of the very unsatisfactory organization of the Board of Works. It was most desirable, if this Bill were passed, that they should look forward to the time when the Board would be of greater weight, and would include among its members some with greater capability for carrying on the great work, and possessing in a higher degree the confidence of the country. As at present composed, the Board consisted, with few exceptions, of persons with no peculiar qualification whatever for the duties entrusted to them. He wished to give notice that next year, if the Government did not take up the subject of the local

government of the metropolis, he should feel it his duty to bring the question before the House. He wished also to correct an erroneous opinion which had been entertained of what he had said during the previous debate on this Bill. On that occasion he by no means intended to express an opinion favourable to taking the City funds and distributing them over the large area of the metropolis; what he had stated was that it would be desirable the districts formed under this Act should be converted into separate municipalities, and that from each of these a delegate should be sent to the general Board of Works which might eventually be formed for the management of the metropolis.

MR. WARREN said, that now that the Board was about to be entrusted with great and important duties he hoped they would talk less and do a great deal more than they had hitherto done.

VISCOUNT EBRINGTON remarked, that this Bill had been forced upon the Government by a panic rather than with dignity, and that it had been prepared with haste rather than with due consideration. He approved of that principle of the Bill which imposed upon the Board of Works the duty of carrying out these works without any restriction, for had it been otherwise the House would have been involved in the blame which must have resulted from the failure of the work over which they claimed to exercise supervision. He believed that notwithstanding the great array of engineering authorities in its favour the intercepting system would be found both costly and inefficient, and would, in addition, lead to the waste of a most valuable element of fertilization, and the expenditure of large sums of money upon works which would actually become obsolete before they were completed. He regretted that the existing Act had not received greater attention in the late Parliament. The present engineering advisers of the Board of Works would not, in his opinion, propose any scheme which would not be a most disastrous failure, and he earnestly hoped that the ratepayers of the metropolis, who were alone represented in the Board, would look very sharply after the conduct of their representatives.

SIR CHARLES BURRELL observed, that in dealing with the metropolitan sewage they had begun altogether at the wrong end. He believed that the old system of carting away the sewage from the cesspools at night might have been continued without inconvenience to the public, and would have avoided the wasteful throwing of the sewage into the river.

Bill read 3° and *passed*.

DRAFTS ON BANKERS LAW AMENDMENT BILL—THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."

MR. NICOLL said, that he regretted the introduction of the 4th clause into the Bill, as he believed that its effect would be to render the measure perfectly useless, except for the lawyers, for whom it would produce a plentiful crop of litigation. If this clause were allowed to stand part of the Bill, no security could be obtained for crossed cheques, and he hoped the Government would consent to withdraw the Bill; but rather than allow it to pass with this clause, he would move that the Bill be read a third time that day three months.

MR. CONINGHAM seconded the Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Question proposed, "That the word 'now' stand part of the Question."

THE ATTORNEY GENERAL said, that he did not hesitate to say he very much disapproved of the clause, but had been compelled against his own judgment to insert it in consequence of the late period of the Session. He hoped, however, that the hon. Gentleman would withdraw his Amendment and allow the Bill to pass, as it was really one which, in his opinion, would be extremely useful to the commercial and mercantile interests of the country.

MR. JOHN LOCKE said, he would suggest that the Amendment should be withdrawn, on the understanding that steps should be taken for having the clause expunged in its progress through the other House.

THE ATTORNEY GENERAL said, he would not lose sight of the suggestion of the hon. and learned Member, and would do all in his power to obtain the withdrawal of the clause.

MR. HANKEY said, that the clause was one of great value, and he hoped that the House would not rashly come to the opinion that any pledge would be given by the Attorney General to use his exertions to prevent the clause remaining part of the Bill.

MR. STUART WORTLEY said, he wished to express his opinion that the clause should be expunged.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill read 3°, and *passed.*

House adjourned at a Quarter after Three o'clock.

HOUSE OF LORDS,

Monday, July 26, 1858.

MINUTES.] PUBLIC BILLS.—1ª Militia Pay; Consolidated Fund (Appropriation); Metropolis Local Management Act Amendment; Drafts on Bankers Law Amendment; Militia (Service Abroad) Act Continuance; Militia Act Continuance (No. 2); Corrupt Practices Prevention Act Continuance; Civil Bills, &c. (Ireland) Act Amendment; Judgments (Ireland) Act Amendment; New Writs.

2ª Cornwall Submarine Mines; Friendly Societies Act Amendment; Government of New Caledonia; Clerk of Petty Sessions (Ireland).

3ª Four Courts (Dublin) Extension; Inclosure of Lands; Sheep, &c., Contagious Diseases Prevention; Turnpike Acts Continuance; Vaccination (Ireland); Police (Scotland) Act Amendment; Medical Practitioners; Public Health.

ATLANTIC TELEGRAPH COMPANY BILL.

THIRD READING. DEBATE RESUMED.

Further Debate, on Amendment moved on Third Reading, *resumed* (according to Order).

THE EARL OF DERBY begged to remind their Lordships that on Friday last he had proposed an Amendment, extending the time at which the Government would be entitled to take possession of the wires from twenty-five to fifty years; but that in consequence of some objection by Lord Redesdale the matter was postponed until to-day. He had since made inquiries and had found that the alteration to be necessary in order to enable the arrangement between the United States Government and the Company to be carried into effect. He would therefore move, to agree to the said Amendment.

Lord REDESDALE and Lord STANLEY of ALDERLEY repeated their objections to the arrangement.

Motion *agreed to* with an Amendment; Bill *passed*, and sent to the Commons.

CORNWALL SUBMARINE MINES BILL.

SECOND READING.

Standing Order No. 179. Section 4, *considered* (according to Order) and *dispensed with.*

THE DUKE OF NEWCASTLE moved the second reading of this Bill, the object of which was to carry into effect an arbitration of Sir John Patteson, which defines the respective rights of the Crown and of the Duchy of Cornwall to the lands between high and low-water mark.

LORD WYNFORD hoped that some guarantee would be given that, in any claim hereafter on the part of the Crown to land between high and low-water mark, this arbitration should not be referred to as a precedent.

THE DUKE OF NEWCASTLE said, he could give no such guarantee on behalf either of the present or any future Government. All he could say was there was nothing in the Bill to affect the rights of anybody as to property out of the county of Cornwall. Two parties had claimed certain rights as to minerals on the shore, the Crown and the Duchy of Cornwall, and this Bill would vest the rights in question in the Duchy of Cornwall. As to third parties, if anybody claimed rights adverse to those two, the Bill pointed out whom he was to sue.

LORD CRANWORTH said, it amounted merely to a private arrangement between the Crown and the Duchy of Cornwall, and the Bill clearly saved the rights of all other parties.

Motion *agreed to*; Bill read 2ª accordingly, and *committed* to a Committee of the whole House *To-morrow.*

RIGHT OF VISITATION.—QUESTION.

LORD LYNDHURST, in rising to put the Question of which he had given notice to the Secretary of State for Foreign Affairs with respect to the right of visit, said, your Lordships, no doubt, have most of you read a speech which was made by Mr. Dallas, the American Minister, a short time since, at a meeting of his fellow-subjects, to celebrate the anniversary of American Independence. On that occasion the hon. Gentleman stated that the question of the right of visiting American vessels in time of peace on the high seas had been finally settled. This is a subject, my Lords, of so much importance and such deep interest that it is material that we should receive a distinct and precise account of the terms on which that settlement is based; and I have therefore given notice of a question which I intend to propose to my noble Friend the Secretary of State for Foreign Affairs, in order that he may give us some explanation on the sub-

ject to which I have referred. Many persons—perhaps I ought not to say "many persons," but several persons, and those in a high political position—appear to think that that proceeding was not justified, and that in point of fact we have surrendered a most valuable and important right. The answer which I make to that is, that we have surrendered no right, for that, in point of fact, no such right as that which is contended for has ever existed. We have, my Lords, abandoned the assumption of a right, and in doing so we have, I think, acted justly, prudently, and wisely. Now, my Lords, with your permission, I shall proceed to make a few observations upon the general question, and to refer to some of the most eminent authorities on the subject; but I assure you that I should not have troubled you were it not that I think it is of great importance that this question should be distinctly and finally understood and settled. The first proposition which I state is this:—That in no writer on international law has that right ever been asserted; and, in the next place, that there is no decision of any court of justice having jurisdiction to decide such questions in which that right has been admitted. I wish, in making this assertion, to fortify myself by some authorities; and I cannot quote a higher or a better English authority than that of Lord Stowell, who states distinctly, in the words which I am about to read—in conformity with what I have stated—that no such right has ever been asserted by any competent authority. His words are these:—

"I can find no authority that gives the right of interruption to the navigation of States in amity upon the high seas excepting that which the rights of war give to both belligerents against neutrals."

That is a distinct statement made by that noble and learned Lord. In addition, I beg leave to refer to Wheaton, the eminent American authority on international law, who states the proposition in these terms:—

"It is impossible to show a single passage in any institutional writer on public law, or the judgment of any court by which that law is administered, which will justify the exercise of such a right on the high seas in time of peace, independent of special compact."

So that your Lordships perceive that both on this side of the water and in America, by the best authorities and by the highest jurists, that right, in the passages to which I have referred, is controverted instead of being admitted. It has been agitated long between this country on the one side and America on the other. The eminent jurist on the other side of the water makes his statement and assertion; our corresponding authority on this side of the water makes his assertion; and those assertions directly and distinctly agree. For myself, my Lords, I have never been able to discover any principle of law or reason on which that right could be supported. I will refer again to the same high English authority—Lord Stowell—upon this subject, and you shall hear what he emphatically states with respect to it. That distinguished jurist says:—

"No nation can exercise the right of visitation and search on the high seas except on the belligerent claim. No such right has ever been claimed, nor can it be exercised, without the oppression of interrupting and harassing the real and lawful navigation of other countries, for the right, when it exists at all, is universal, and will extend to all countries. If I were to press the consideration further, it would be by stating the gigantic mischiefs which such a claim is likely to produce."

I may add, that another very high authority—the American Judge Storey—in the well known case of the *Marianne* and the *Flora*, expressed the same opinion in almost the same terms and in language as emphatic. So here again is a coincidence of authority between the two parties agitating the question—the authority on this side of the water corresponding exactly with the authority on the other. But I do not think it necessary to refer to any cases in support of the question I am considering; I will refer only to the principle on which the question rests. What is the rule with respect to the high seas and to the navigation of the high seas? All nations are equal upon the high seas? Whether they be strong and powerful, or weak and imbecile, all are on a footing of perfect equality. What is the position of a merchant ship on the high seas? A ship is part of the dominion of the country to which she belongs, and what right has the ship of one nation to interfere with the ship of any other nation, where the rights of both parties are equal? The principle is so clear and so distinct that it will not admit of the smallest doubt. I am unwilling on a question of this kind to refer to any arguments of my own, or to any authority which I can possess on the subject; but hear what is said by Lord Stowell with respect to the navigation of the high seas. His language is this:—

"All nations being equal all have an equal right to the uninterrupted use of the unappropriated

parts of the ocean for their navigation. In places where no local authority exists, where the subjects of all States meet on a footing of entire equality and independence, no one State or any of its subjects has a right to assume or exercise authority over the subjects of another."

That is a confirmation of the doctrine which I have stated, that the principle on which this question is to be decided is the equality of all nations on the high seas. Admitting this principle, how can it be asserted that the ships of one nation can interfere in any way with the vessels of another? Then, having laid down this principle, the consideration next occurs that difficulties may arise out of frauds which may be practised on the high seas; and it is said that the flag of America may be assumed by another Power to cover the basest of purposes. But how can the act of a third power, or of the subjects of a third Power, by possibility affect any right existing on the part of the United States? Take this case:—By our treaty with Spain we have a right to visit and search Spanish vessels with a view to prevent the slave trade. But how can that agreement between us and Spain by any possibility affect the rights of America? Clearly in no way at all. But, then, what are our cruisers to do? They are placed in a most difficult position, because it is quite clear and plain, if one of our cruisers see a vessel bearing the American flag, and have reason to believe that that flag is assumed, he must examine and inquire into her right to carry that flag as best he can. If the result should be to give him a strong suspicion that the vessel has no right to the flag that she bears, he may certainly visit her and have an examination of her papers, and if he then find that his suspicions are correct he may deal with her in the manner in which he would be justified in dealing with her according to the relations existing between England and the country to which she belongs. The American Government has no right to interfere in this case. The matter is entirely between the English cruiser and the vessel seized. But, if it should turn out that the vessel is an American, and has a right to use the flag suspected, the situation is this,—he must of course apologize for his acts and make ample compensation for any injury done. That is exactly the position in which the two countries are placed. The American Minister for Foreign Affairs thus states the case of the United States. He says:—

"If a police magistrate gives a warrant to a police officer to seize a particular person, the officer, if he does not know the person, will make inquiries before he ventures to execute the warrant, and should the result of his inquiries satisfy him as to the identity of the individual he will execute the warrant. If his information turn out correct his proceedings are correct also; but if it turn out that he has made a mistake and arrested the wrong man he must make ample compensation for the injury which he has done."

The two cases seem to me to be perfectly analogous. A distinction has been attempted to be drawn—for which I think there is no foundation—between the right of visit and the right of search. Visit and search are two words which are always placed together in our vocabulary of international law, but they express what is conveyed by a single term in foreign vocabularies "*le droit de visite.*" What is the use of visiting if you can do nothing? How can a mere visit convey the information which you desire to obtain?—and the moment you call for an examination of the papers—the moment you ask a single question the visit becomes a search—so that the visit to a particular vessel for the purpose of inquiry, is in effect the exercise of a right comprehended in the words *droit de visite.* But suppose a party visits only in the strict sense of the word, what right, I ask, has any person to go on board a vessel to visit it without the consent of the master? The same principle applies that I have just laid down. Treaties have been entered into between England and foreign countries giving the right of visit. But why enter into such treaties if the right of visiting is a national right founded on international law? What took place in the year 1815 after the Treaty of Vienna? Lord Castlereagh applied to the French Government to establish some mutual system by which cruisers could visit the vessels of either country; but the Duc de Richelieu replied, that France never would consent to a maritime police being established over her own subjects, except by persons belonging to her own country. I think I have now gone far enough to establish the position with which I started—that there is, in truth, no such thing as the right of visit. Whatever arrangement may have been made with the American Government, we have renounced no right that we ever possessed. It would be material, if possible, to adopt some plan by mutual understanding for verifying the flag, yet maintaining the integrity of the rights of both countries. I am told that some negotiation and some correspondence is going on for that end. It is a difficult question, and I hope it may

be brought to a favourable termination. I conclude with what I stated at the beginning, that Her Majesty's Government were wise, prudent, and just in the course which they have pursued. To prosecute a claim which you cannot enforce consistently with law, or to make an attempt to enforce it which must lead to resistance, and which may afterwards lead to war, would be a most unwise and imprudent mode of proceeding. No war is so deplorable as a war founded on injustice. Before sitting down I must, in justice to the hon. Gentleman to whose statement I referred before, read to your Lordships the concluding words of his speech, because it is in complete accordance with the high character which he has always borne both in America and in this country where he acts as her representative. The hon. Gentleman said:—

"While I am able to announce to you this gratifying fact, I think it should be accompanied also by the assurance that the termination of that for which we have struggled for nearly half a century has been brought about with a degree of honourable candour and fair dealing on the part of the British Government deserving of every acknowledgment on our part."

That statement is in perfect unison with the excellent character of the hon. Gentleman to whom I have referred. My Lords, I thought it my duty to make these observations, and to bring this matter clearly before you, accompanied by the quotations which I have read—with which, no doubt, many of your Lordships are perfectly familiar—in order to afford an opportunity to any noble Lord to refute the positions which I have laid down if they are capable of refutation. The question which I wish to put to my noble Friend the Foreign Secretary is this,—whether he is prepared to lay on the table of the House the correspondence with the American Government with respect to the Right of Visitation?

THE EARL OF MALMESBURY:—My Lords, I have to thank my noble and learned Friend for having come forward, and, as I may say, made the occasion himself whereby he has given us an opportunity of hearing his opinion upon this very important subject. I think, my Lords, that that opinion must be of immense consequence and value both in Europe and in America, when it becomes fully known. Indeed, I feel I may say that that opinion must finally settle the disputed point; and that if ever a similar question should be again mooted, the opinion just expressed by my noble and learned Friend must be quoted with as great weight as my noble and learned Friend has quoted the authority of his great predecessor, Lord Stowell. It is with great pleasure that we have heard the views of my noble and learned Friend on this important subject, because they conform precisely to the opinion of the law officers of the Crown, whom we thought it our duty to consult before we sent any answer to the communications we received from the American Government. When we received General Cass's communication, which was addressed to Her Majesty's Government, we immediately consulted the law officers of the Crown, and they unanimously asserted that the international law in relation to this question was precisely as it has been just described by my noble and learned Friend. Upon that opinion Her Majesty's Government at once acted, and we frankly confessed that we have no legal claim to the right of visit and of search which has hitherto been assumed. Her Majesty's Government therefore abandoned both those claims; but at the same time they placed before the American Government the paramount necessity of agreeing upon the adoption of some instructions, perfectly identical in character, to be placed in the hands of the officers of both Governments,—and, indeed, in the hands of the officers of all maritime nations—by which all Powers should be ruled—so as for the future to avoid all obstruction to commerce; while at the same time the fraudulent use of national flags may be prevented. At all events, such instruction as would have the effect of saving us from quarrels arising out of the assertion of an assumed right. The negotiations have gone on thus far. Having given up, as I have said, the right of visit and of search, the American Government on their part have received our communications with equal frankness, and have stated to Her Majesty's Government they are ready to listen to and to consider any suggestions we may make to them with the view to the verification of the international flags. We have, my Lords, gone further than that; for we have made the same suggestions and offer to the Government of France. That Government has answered us in the same spirit, and in a manner which showed that they entirely appreciated the great importance of the question. My Lords, the Government of France have agreed to consider any proposition we shall make on the subject, and to suggest upon their part any proposition which they may consider

to be useful or conducive to the ends we have all in view. Considering the enormous dimensions that commerce generally has assumed throughout the world at the present time—seeing as we do the sea covered with the ships of all nations—I say, my Lords, I do not think there can be any doubt of the necessity of establishing some sort of security against the fraudulent use of the national flags. Further than this our negotiations have not proceeded. Although it is most unusual, in the midst of negotiations to produce any of the correspondence on the subject, nevertheless Her Majesty's Government have no objection whatever to place in your Lordships' hands the correspondence that has taken place as far as it goes. Your Lordships will understand that we have gone no further than this—that we have abandoned the right of search and visit; and that the American Government have agreed to entertain and to consider any suggestion we may make to give security against the fraudulent use of the flags of either nation; and that the French Government are ready and anxious to assist us in our endeavours to attain the same object.

THE EARL OF ABERDEEN: My Lords, it happened to me, when formerly at the Foreign Office, to have to write a great many despatches upon this subject—more I hope than will ever fall to the lot of the noble Earl (the Earl of Malmesbury). But the correspondence which then took place left the question, as I supposed, completely settled, and, therefore, it was with great astonishment I heard of anything which could give rise to complaint on the part of the American Government. It was in the years 1842 and 1843 that a long correspondence took place between the American Minister of that time—Mr. Webster—and myself, and Mr. Webster declared over and over again to the late Lord Ashburton, that the matter was perfectly and satisfactorily settled. The noble Earl talks of referring to the Law Officers of the Crown as if this were a new question. The instructions under which our officers acted—and I suppose they are the same instructions now—were drawn up under the supervision of Dr. Lushington, Sir George Cockburn, and the Admiralty authorities of the day. They were communicated to Mr. Everett, the American Minister, and I never heard a word intimated against them. I was therefore astonished to hear my noble and learned Friend (Lord Lyndhurst) quote the statement of the highly respected American Minister who is now in this country, to the effect that we had given up frankly and finally the right of visit and search. Twenty years ago the Government of that day repudiated the assertion of any such right, and therefore, what the noble Earl the Secretary of State for Foreign Affairs can have given up I am at a loss to understand. Any such right was given up then as frankly and finally as it possibly can be given up at this moment. After my noble and learned Friend's quoting the high authority of Lord Stowell, it may appear ludicrous in me to quote myself. At the same time, in order to show how the matter stood twenty years ago, I will just quote a note of my own. Though an humble authority, still I was speaking the language of the British Government, and that language was received by the American Government with acquiescence and satisfaction. My words were these:—

"The undersigned resigns all pretensions on the part of the British Government to visit and search American vessels in time of peace; nor is it as American vessels that such vessels are ever visited. But it has been the invariable practice of the British navy, and, the undersigned believes, of all navies in the world, to ascertain by visit the real nationality of merchant vessels met on the high seas, if there were good reason to apprehend their illegal character. In certain latitudes, and for particular objects, vessels are visited not as American, but either as British vessels engaged in an unlawful traffic and assuming the American flag for criminal purposes, or as belonging to States which have by treaty conceded to Great Britain the right of search, and which right it is attempted to defeat by fraudulently bearing the protective flag of the Union; or, finally, they are visited as piratical outlaws, having not the least title to any flag or any nationality whatever."

Under those three categories we have exercised the right to visit vessels so suspected. But, if our officers knew that an American vessel was full of slaves, they would have no right whatever to visit or arrest her, unless they had good ground to suspect that she was not an American vessel. No doubt the flag is *primâ facie* evidence of nationality; but the flag alone is not sufficient evidence, and is not sufficient to outweigh information to the contrary received from any quarter, or any other grounds of reasonable suspicion. No doubt our cruisers may commit a mistake and overhaul an American vessel, believing her to be a Spaniard or a pirate. But it has been found over and over again that instant and ample reparation has been offered for such an involuntary error, and that is all that can be expected between two nations acting in good faith with each other.

I saw, some time ago, an extract from a despatch of General Cass, which appeared to me to state the case with perfect fairness, and they are the very words which I used myself. As I have said already, I have written more upon this subject than I hope it will ever be necessary for the noble Earl to write, and the result of that writing has been perfect content and tranquillity for sixteen or eighteen years, until this year, when we hear for the first time of British outrages. I believe it has arisen from the zeal of our cruisers. The addition of a squadron on the coast of Cuba, instead of operations being confined to the coast of Africa, has led to a more frequent exercise of the right of visit, and I am afraid the zeal of our cruisers has converted into a rule that which was only intended to be an exception. Without any ground of suspicion, the American flag is sufficient evidence of nationality, and it is only when there are grounds of suspicion that the British cruiser is entitled to see whether the suspected vessel is American or not. That is all that ever was asserted by us; and when the American Minister declares Her Majesty's Government have given up, frankly and finally, the right of visit—a declaration which is received with great enthusiasm by his countrymen—I am at a loss to understand what is given up. Twenty years ago we repudiated the existence of such a right. We never made assertion of any such right, and therefore we cannot give it up. But the noble Earl the Secretary of State for Foreign Affairs added, that it is important some mode should be taken to verify the nationality of any vessel on the ocean, without which we can have no security whatever. The instructions to which I have referred were framed in the most careful and cautious manner, and we had the advantage of the assistance of the noble Earl now at the head of the Government. If the noble Earl the Secretary of State can make any regulations, or issue any instructions, which shall be more effectually and more carefully guarded, I shall be very glad to see them; but, notwithstanding the desirableness of the object, I doubt whether he will find it practicable. I do not complain of the noble Earl, because the subject was probably new to him, but those who advised him ought to have recollected that this subject occupied, during many months, a great deal of care and attention. At the time to which I allude, the question was at its height. It excited much more interest than it does now, and it assumed a much more serious character. I will not follow this subject further, but I will read an extract from the last despatch I wrote on this matter:—

"I have no intention to renew the discussion, and it is the less necessary because my last note has remained for more than four years without an answer, and the Secretary of State has declared to the British Plenipotentiary at Washington, that the explanations given were entirely satisfactory. The President is assured and believes that Great Britain will always respect the just claims of the United States. We have no pretensions to interfere in any manner, either by detention, visitation, or search, with vessels of the United States, known or believed to be such. But we still maintain and will exercise the right and necessity of ascertaining the genuineness of any flag that suspected vessels may carry. If, in the exercise of this right, any involuntary error should be made; if, in spite of every precaution, any loss or injury should be sustained, prompt reparation will be afforded; but that we should abandon the right itself is quite impossible."

That is the footing of common sense and common justice on which the question stands at this moment, and I was much pleased to see from the despatch of General Cass that he adopted the same opinion, and that he made the same statement and used the words which I myself employed. The exercise of our right, if it be cautiously and prudently asserted, as it has been for the last sixteen or eighteen years, will not leave us in a very bad position if no change is made. If, however, the noble Earl can improve the system which has prevailed during that time I can have no objection.

EARL GRANVILLE: I never heard that the state of the law as laid down by my noble and learned Friend had been questioned, nor am I aware that any complaint was made against the late Government for the instructions issued by them. No alterations in these instructions was made by the late Government, and I wish to know whether it is the intention of the noble Earl to abide by the instructions which have heretofore been acted upon until the communications with the American Government on this subject have been concluded. The case to be provided for is that of a vessel belonging to a nation which has conceded the right of search to Great Britain by treaty assuming the American flag for fraudulent purposes; and I wish to know whether the Government intend to maintain the existing instructions.

The Earl of Aberdeen

THE EARL OF MALMESBURY: The noble Earl (the Earl of Aberdeen) omitted to mention one very important matter. No doubt the noble Earl and the ministry with which he was connected assumed that the law was such as it has been laid down by my noble and learned Friend; but he did not say that the American Government invariably went further, and asserted that they had a right to maintain their own police, and that whatever might be on board a vessel, if the American flag were flying, we had no right to visit it. They said that they constantly carried out a visitation by their own police, and that they would not be meddled with by any other country. Then came the question of discretion. I admit that lately — I know not by whose orders—there has appeared to be an increased activity exhibited by our cruisers in searching American vessels. There can be no doubt that the accounts given to the American Government have been immensely exaggerated, and I may state that after a careful examination I have not found any instance in which our cruisers have behaved even with incivility to the officers of any American vessel which they have boarded; but at the same time I must admit that in the exercise of that discretion which is given to them under the instructions of the noble Earl there has been a want of judgment in some cases, and that our officers have visited vessels which there was no fair reason to suppose were engaged in the slave trade. The noble Earl has asked me whether I have altered those instructions. I have not done so. They remain precisely as they were. But I do not think they are so safely worded as they might be, and I think they might be improved so as not to expose our officers to the risk of making mistakes which amount to an infraction of international law, and which place them in an unfair position such as no officers, and especially young officers, ought to occupy. Pending the arrangement which I have sketched out, that English cruisers should search suspected English vessels, that Americans should search suspected American vessels, and that French cruisers should search suspected French vessels, without actually altering the instructions heretofore acted upon, we have thought it right to suspend them until the negotiations have proceeded further. We have also ordered our cruisers on that coast to respect the American flag under any circumstances. The Americans, on their part have added a considerable number of cruisers on the coast, and have promised, during this period of inactivity on our part, which, I trust, may be but short, to use all the activity they can in order that the American flag, which I fear has been several times used by slavers, may not be prostituted to the purposes of the slave trade.

LAW OF COPYRIGHT.—PETITIONS.

LORD LYNDHURST: I beg now to call your Lordships' attention to a very different subject. I rise to present petitions from the Society of Arts, from the Royal Institute of British Architects, and from a great number of painters, sculptors, architects, engravers, photographers, publishers, and others interested in the production of works of Fine Art, signed, among others, by the President of the Royal Academy, the President of the Water Colour Society, and many members of the Royal Academy, praying for an amendment and extension of the law of copyright. For a long period of years the law has recognized the principle of granting protection to works of the mind when they assume a material and useful form. Ever since the time of Queen Anne copyright has been granted to authors for the protection of their works. If a painter, not being satisfied with the remuneration for his works, should determine to engrave them, that engraving would be protected by the law of copyright. The protection of a copyright was even extended to works of design applied to manufactures. But it is a strange circumstance that to painting, the most delightful of all the arts, no protection by copyright has ever been given: and yet, by the same principle, it is an invention of the mind assuming a useful and beneficial form. In practice the effect of the present state of the law is a very extensive circulation of spurious copies of good paintings which is most injurious to artists of reputation, and which operates injuriously in many ways. The artist has lost the copyright in his works, and has been injured in reputation in consequence of their being copied by inferior artists. The public has been injured by the frauds committed. The extent of those frauds is most surprising. I have had laid before me a mass of evidence which is most extraordinary, with which I need not detain your Lordships, but which may very properly be referred to a Select Committee.

In making spurious copies, the greatest pains are taken to deceive and mislead the public. They are generally the same size as the original, are painted on similar canvass, and are subscribed with the name or peculiar mark of the artist to whom they are to be attributed. There are regular dealers in these spurious copies, who employ artists of an inferior character for the purpose of carrying on the fraud. The copies are disposed of sometimes at private sales, at others at public auctions in London, or, more generally, in large commercial cities, such as Liverpool, Manchester. &c. It is not easy for the artist to reserve the copyright, because pictures frequently change hands, and there are no means of preventing these spurious copies getting into circulation. Sometimes lawyers are consulted as to the means of remedying this state of things, and they speak with uncertainty about injunctions from Chancery and actions of law; but it is quite out of question to expect that an artist will leave his studio and involve himself in the meshes of the Court of Chancery. A lady of very large fortune, who is remarkable for the admirable manner in which she applies it, purchased a picture from an artist for £600, on the understanding that it should not be copied; and she was very much astonished on going to the Manchester Exhibition a few years afterwards to find there a painting which, with the exception of some of the subordinate details, was an exact copy of her own. One gentleman, with whom I have communicated upon the subject, says that he has known as many as seventeen copies made from one picture. A noble Marquess purchased from the Exhibition a picture of some merit, called "Second Class—The Departure," for which he paid a considerable sum. He was asked to allow it to be engraved, and with his usual kindness and fondness for the arts he consented. Some time afterwards he found that while it had been in the hands of the engraver it had been copied, and the copy sold as the original at a sale in London. At that sale it was described as a very popular work, and the evidence of its popularity was that it had actually been engraved. The painter, Morland, made a contract with a dealer to go to his shop every morning at a certain time, and work for a certain number of hours each day till he had completed two or three pictures. At the same time the dealer engaged two inferior artists, who, as soon as Morland left, assumed his place, and copied the work which had been done during the day; so that when the pictures were completed, instead of two or three, five or six came into circulation. Another story is of this description:—A naval officer, whose novels and writings of that sort are very popular, sent two pictures to be lined. They were detained a long time, and when he went to inquire after them, the man to whom he had entrusted them said that his workshop was not there—it was at a place some miles off. The officer went to this workshop, but he did not find his pictures. The servant there said that they were at another place a mile or two off; but, seeing a ladder slung under a trap-door, he ran up it, opened the door, and in the loft to which it gave access found his pictures, surrounded by copies, three or four of which were completed, and two or three more still in progress. I think I have now said enough to induce your Lordships to consent to the appointment of a Select Committee to consider this subject and to devise some means by which copyright may be extended to works of design generally, but particularly to pictures. I have mentioned engravers. I do not think that they are sufficiently protected. An engraver cannot by law copy an engraving, but he can copy the picture from which it was engraved or an exact copy of it. An eminent architect mentioned this case to me:—Eight or ten persons sent in designs competing for the construction of a certain very important work. None of them were employed to execute it; but when it was completed, it was found to be made up of parts taken from all these competing designs. In 1836, a Committee of the House of Commons investigated this subject, but owing to the close of the Session, it was obliged to make a hasty Report, recommending its reappointment in the following Session. That Committee never was reappointed, and I therefore propose that a Committee of your Lordships shall be appointed to pursue the inquiry, and to report what remedy can be applied to the relief of these petitioners. I am quite aware that nothing can be done during the present Session, but I wish to have a vote for a Committee to appoint its members, in order that they may, during the recess, direct their attention to the subject, which is rather a complicated one, and may next Session come to their work fully informed upon it, and prepared speedily to apply a remedy to the grievances complained of. I therefore move that a Committee be ap-

Lord Lyndhurst

pointed, and that its members be now named.

Petition read, and ordered to lie on the table.

Then it was *moved*, That the said petitions be referred to a Select Committee to examine the statements contained therein; and to report thereon to the House.

THE EARL OF DONOUGHMORE was fully sensible of the importance of this question, and should offer no opposition to the course which the noble and learned Lord proposed to pursue with regard to it.

Motion *agreed to.*

Committee *named.*

CHURCH OF ENGLAND SPECIAL SERVICES BILL.—QUESTION.

THE EARL OF WICKLOW said, that he had intended to ask the most rev. Prelate the Archbishop of Canterbury whether the Church of England Special Services Bill, which was introduced by him into that House, and passed on the 22nd of March, had been withdrawn from the House of Commons with his approbation, and whether such withdrawal was in consequence of his having found that the law was such as not to require the passing of this Bill. He had in writing informed the most rev. Prelate of his intention to put these questions to him, and had received an answer from his Grace, telling him that having left town it would be most inconvenient for him to return, but giving specific answers to his inquiries. His Grace informed him that it was with his concurrence that the Bill was withdrawn, and explaining that that course had been adopted because the hon. Member to whose care it was intrusted found upon inquiry that the House of Commons would not pass the Bill, because it gave to the Bishops a power which that House would never sanction. That power was a power to prevent vicars and rectors from interfering with special services introduced into their own parishes without their license. In the course of last year a committee of pious gentlemen, wishing to open religious services for the working classes in Exeter Hall, applied to the Rev. Mr. Edouart, the rector of the parish, for his permission. That rev. gentleman, apprehending that more evil than good might arise from such a system, expressed his doubts of the wisdom and propriety of the proceeding; and, after some time, conceiving his anticipations to have been unfortunately realized, he announced his determination to withdraw his sanction of these services in Exeter Hall. The committee who had originated the movement fully acquiesced in his right, and entirely admitted Mr. Edouart's power to take such a course. The consequence, however, was that the object of the parties in seeking to establish special services for the working classes was completely attained, because Westminster Abbey and other churches in that city were opened for that purpose, though Exeter Hall was closed. Early in the present Session a noble Earl who was at the head of the religious society in question (the Earl of Shaftesbury), brought in a Bill to deprive Mr. Edouart and other clergymen in the same position of the rights which the law gave them. The form of that Bill was objected to by members of the Episcopal Bench, and the most rev. Prelate introduced a modified measure on the same subject, which superseded the first, and having been ultimately agreed to by their Lordships, went down to the other House. In the other House, however, the Bill had since been withdrawn, and the committee of gentlemen to whom he had referred then determined, in spite of Mr. Edouart's remonstrance, and in violation of the existing law, to reopen Exeter Hall for religious services to be performed by clergymen of the Church of England, and which were announced to have received the sanction of the Bishop of the diocese. Mr. Edouart, thereupon, wrote to the Bishop, calling upon the right rev. Prelate to protect his rights and those of the Church from invasion. In his reply the Bishop declined in any way to interfere, but signified his intention to wait and see what legal decision was given in the case in the event of the question being tried in a court of law. Surely it was most unjust towards Mr. Edouart, whose rights were invaded, thus to refuse him any aid, and to stand idly by while the whole burden and brunt of a legal contest were cast upon him. True, this committee of gentlemen declared that they were acting under an Act of the 18 & 19 *Vict.*, and it appeared that the right rev. Prelate had allowed himself to be persuaded that under the authority of this statute these services might be carried on. The Act of the 18 & 19 *Vict.*, however, was merely an Act for the opening of conventicles, and was exclusively intended to authorize Roman Catholics, Jews, and other Dissenters to open places of worship, and had no reference to Church of England services. These gentlemen, therefore, stood

in this position, that they were either acting as Dissenters or were violating the law. The right rev. Prelate, indeed, might say that he was no party to this proceeding; but there could be no doubt that nine-tenths of the persons who attended Exeter Hall supposed that the services there had his sanction as Bishop of the diocese. The closing of Exeter Hall last year was followed by the opening of Westminster Abbey, and it seemed that this year the opening of Exeter Hall would be followed by the closing of Westminster Abbey. He trusted the right rev. Prelate (the Bishop of London) would afford some explanation of his conduct, and state why he had not taken measures to disabuse the public of the impression that these services had been commenced under his sanction.

THE BISHOP OF LONDON said, he felt some difficulty in replying to the question of the noble Earl. He really did not feel himself capable of stating what took place in the other House of Parliament; he knew nothing about it except that a Bill, to which he, together with their Lordships, gave a most cordial assent, had disappeared from the House of Commons because it was believed that it would not receive the sanction of that House. Before the noble Earl applied the words "unjust and unfair" to the conduct of any Member of their Lordships' House, he ought to be extremely sure of the facts. He believed that the only fact that bore any very distinct reference to his conduct in this matter was the statement that these services were commenced with his sanction. Now, as he believed the noble Earl held in his hands the printed correspondence to which he referred, which was very short so far as he (the Bishop of London) was concerned, and which contained distinctly these words—"these services are not with my sanction"—it would have been as well if he had read that before he stated that they were with his sanction. It was the first time he had heard it stated anywhere that these services were with his sanction. He had in the most public manner stated that they had not his sanction. He understood that the Bill referred to was opposed in the other House and by many out of the House, on the ground that it was unnecessary, because it was already lawful to do that in another form which that Bill gave an opportunity of doing in the particular form in which it passed their Lordships' House. As soon as the services to which the noble Earl alluded were, he believed, intended to be reopened, he received an intimation from certain gentlemen that they had satisfied themselves that they had the law on their side, and were determined to open these services. His answer to those gentlemen was, that he would not pretend to pronounce an opinion on the question of law. He then received an intimation from some other gentlemen that they felt that the law was equally certain on the other side. He simply referred them to another tribunal. When there was a disputed point of law, a Bishop, he thought, ought not to use private influence to prevent it from being settled. If the law was as stated by the noble Earl, the question was capable of being settled in the Bishop's court. He was convinced that any private interference of his in this matter would have merely done harm. Any one who was acquainted with this diocese knew that there was great room for such services. Their Lordships had, by a considerable majority, affirmed that there was room for such services; and if it should turn out that they were lawful, he for one should not object.

VISCOUNT DUNGANNON thought the noble Earl was perfectly justified in advocating the cause of a greatly oppressed and persecuted clergyman, who he believed had acted entirely within the law. It might be perfectly right in Dissenting ministers to perform these services in Exeter Hall, but he thought it highly irregular that clergymen of the Church of England should be brought, in defiance of the positive injunction of the incumbent, to perform these; and to perform them, moreover, in a wholly irregular manner, No use whatever was made of the Liturgy; there was extempore prayer, a hymn was sung, and then a discourse was delivered. Some of these clergymen, he believed, were incumbents in the diocese of the right rev. Prelate. He wished to know whether this was a regular mode of proceeding on the part of clergymen of the Established Church. Was it a regular course of proceeding for one clergyman to force his way into the parish of another against his positive injunction, to interfere with his spiritual influence over his flock, and to perform an irregular mode of service? [*Cries of* Order!] The noble Earl had put a question of very great importance, to which he thought a very unsatisfactory answer had been given, and he considered he had a right to offer some remarks upon the question, but if he were out of order, he would, of course, desist.

The Earl of Wicklow

THE EARL OF WICKLOW said, he had asked a question to which he had not received an answer. He wished to know whether it was true that Westminster Abbey was about to be closed.

THE BISHOP OF LONDON :—Westminster Abbey is not within my jurisdiction, although locally situate in my diocese. The Dean and Chapter act entirely on their own responsibility. These services close about this time of the year, and will commence again, with my most hearty wishes for their success, when the season again arrives. There is no connection whatsoever between them and Exeter Hall.

GOVERNMENT OF NEW CALEDONIA BILL.—SECOND READING.

Order of the Day for the Second Reading read.

THE EARL OF CARNARVON, in asking their Lordships to give a second reading to this Bill, said, that those who happened to be familiar with the very graphic accounts which had appeared in the newspapers with regard to the discovery of gold in the north-western part of British America, would feel, probably, that little justification was required for the introduction of the present measure. A complete revolution had recently taken place in that country, which was bounded on the west by the Pacific, on the east by the Rocky Mountains, on the south by the territory of the United States, and on the north by a chain of hills, lakes, and rivers, and which embraced an extent of about 400,000 square miles. That district, but a short time since tenanted only by wild beasts and still wilder savages, with here and there a hunter, had suddenly become the scene of gold discoveries, and was already the theatre of action, enterprise, and adventure. It was late in July, 1856, that information first reached this country of there being a suspicion of gold in those parts. At long intervals, and by occasional mails, some confirmation of that suspicion was brought from time to time; but it was not till March of this year that full and complete assurance was received. We then learned for the first time that emigrants were departing in crowds from the gold mines of San Francisco and were proceeding to this new El Dorado in the British territory. The account of that immigration was only to be compared to that which had taken place in former years to San Francisco itself. The hardy adventurers sailed up hundreds of miles by sea, they pierced the frontier, they found roads for themselves along the valleys, they launched their frail canoes upon the river, which was full of hidden rocks and not less dangerous eddies and currents; and though many lost their lives, were drowned in the river, or wandered from the road, or died from destitution, the great majority at length reached the scene of action—the haven of their ambition. It was to enable us to establish something like law and order, to frame something like a nucleus of civilization round which future laws and institutions might gather themselves, that he asked their Lordships to give this Bill a second reading. It might be perhaps argued that the Government had been rather precipitate in entering upon this step; but any one who was acquainted with the history of the gold colony of California must admit that in such a case it was far better to anticipate than to find ourselves in the rear. There were, moreover, certain circumstances which gave peculiar embarrassment and anxiety to this question, and which at the same time appeared to call for immediate action on the part of the Government. In the first place it must be borne in mind that the whole of this territory was at present in the main, though not actually, subject to an exclusive license to trade with the Indians which the Hudson's Bay Company had for many years enjoyed. It was true that that license expired next year; it was also true that the Government had no intention of renewing that license, and that it would, therefore, in point of law become entirely inoperative; yet the effects which it would leave behind it, and the influences which it had sown would exist, and might easily lead to complications and to serious embarrassments unless provision were at once made for some effectual machinery of government. It must also be borne in mind that we had not to deal with an exclusively white population. There was a population of native Indians there, considerably outnumbering the whites, and those savages naturally looked with distaste and aversion upon those who, as all experience taught them, must in the end deprive them of their inheritance. These were some of the elements of difficulty and danger which it was necessary to provide against, and the Bill which was introduced for that purpose was very simple. It first proposed to give power to the Crown to make laws and ordinances for the new colony. It then

assigned a limit of four years' duration to the operation of the Bill itself. It then proposed to establish a Governor, who should hold the reins of office provisionally for that period; but who should be entrusted with very full and absolute powers. At the same time it provided that the Crown, whenever it saw fit, should establish a freer Government and a more liberal system of institutions. And, finally, power was given to the Crown at any time, upon the joint address of the two Houses of Assembly of Vancouver's Island to annex that island to the new colony. It had been objected to this Bill in some quarters that we were establishing a Governor with absolute and arbitrary power, that we were departing from the path of free institutions, and adopting a narrow and retrograde policy; and it had been argued that we ought either to give complete freedom and independence to the new colony, or to prescribe in the first instance the particular form of government which we wished to see established, and to appoint a provisional Governor, holding the reins of power simply until the new system could be introduced. The advantage of giving free institutions to our colonies was undeniable, but in this case there were at present no materials for carrying them into operation; and it must be borne in mind that the settlers who resorted to the colony were not likely at first to be permanent. At present, therefore, he thought that free institutions would be a useless gift; but he should be glad if, within four years, the Government of that day should be able to announce that the materials for a freer Government existed. Of course that matter would soon be settled, if the gold was found in sufficient quantity to attract to and retain people in the colony; but he must say that the amount of gold found was not sufficient to afford a very satisfactory criterion for the future. Objection had been made to the name of the new colony; but New Caledonia was the name found on the old maps, and by that name it was designated by the distinguished philosopher Humboldt. The objection, however, was not without foundation, for there was already the colony of Nova Scotia, which was pretty much the same as New Caledonia, and, moreover, there was a New Caledonia amongst the New Hebrides. Her Majesty had, therefore, been pleased to order that the name by which the new colony should be called in future should be British Columbia and not New Caledonia. He hoped that this colony, though the newest, might prove to be one of the most loyal and devoted of those which paid allegiance to Her Most gracious Majesty.

Moved that the Bill be now read 2ª.

THE DUKE OF NEWCASTLE said, that though no opposition had been offered to the principles of the Bill in the other House, considerable doubts were entertained out of doors, by persons well acquainted with colonial matters, as to the propriety of creating a Government for this territory at this particular time. It was thought that, considering that Vancouver's Island was about to lapse to the Crown next year, and that the license of the Hudson's Bay Company would also expire very soon, it would have been better to await the course of events. He did not share, however, in those doubts. The Government, he thought, had adopted the right course in endeavouring to establish a Government of some kind for this territory. No one had advocated responsible government for the Colonies more strenuously than he; but such governments were only applicable to colonists of the English race. In this colony there were but few English settlers, except here and there a trapper of the Hudson's Bay Company. The great want in such a society was a strong Executive, and that want would be supplied by some such measure as that which their Lordships were then considering. He should, however, add that he had considerable doubt as to the expediency of their adopting the third clause of the Bill. That clause would give Her Majesty the power to grant free institutions to the colony by charter, if she should think fit. Now that was a right which Her Majesty would possess without such a provision, and he feared that, considering the Government provided by the Bill was to last only for four years, by its express insertion in an Act of Parliament unreasonable and dangerous expectations might be excited. The very unfortunate name of "New Caledonia," which had been given to the colony was, it appeared, to be altered. He was glad that such a change was to be made, although he certainly did not think that the new name of "British Columbia" was either very felicitous or very original. Very great difficulties, and dangers, and doubts were at issue in connection with the government they were about to form, arising from the peculiar circumstances of the country, and the extreme difficulty that there was in intro-

ducing any form of settled government. But there were greater facilities for the furtherance of a good system of colonization and for future prosperity than the mere irruption of gangs of gold diggers. These could not be adopted too soon. Vancouver's Island was not like some of the other gold producing districts, of an inhospitable and rocky nature, but rather of an opposite character. He believed it to be a singularly fine country for all the purposes of colonization, quite apart from discoveries of gold, and nothing would have prevented its earlier colonization except the distance at which it was located. He understood that it had magnificent wood, and that some of the finest timber for ship building was to be found in the country; that its fisheries were exceedingly abundant; that it had excellent fuel and coal of a nature to generate steam most admirably; in short, all those conveniences and elements that were calculated to render a colony prosperous. Could not, therefore, some means be taken at once for a settlement of the colony, and to induce persons to go out, not merely for the purpose of searching for gold, but to avail themselves of the advantages of a permanent settlement? Steps should be taken to lay out a town, and to adapt the lands to agricultural pursuits, and prevent the colony from becoming the receptacle for ruffians; steps should be taken to introduce habits of decency and order, to establish a certain amount of force, such as would keep the inhabitants in decency and good order, and thereby obviate the difficulties that attached to the first days of a colony of this description. There was another point to which he wished to call the attention of Her Majesty's Government. There was about the spot where the gold was discovered, and where it probably extended, a considerable number of Indians of a warlike and somewhat savage nature; and it was an undoubted fact that, whether from their communications with the Hudson's Bay Company, or from other causes, they were by no means unfriendly to the English—though they had a great dread of the Americans, who would, no doubt, come over from California, and people a large portion of these lands; and it would be one of the first duties of the Government to intervene for the protection of these aborigines. He did not mean to sentimentalize on a matter of this kind. Wherever the white man and civilization extended the red man fled before them, and eventually perished from the face of the country. This appeared to be one of the laws of God which the efforts of civilization and humanity could not prevent; and it was one of the paramount duties of a good Government, in carrying out colonization, to interfere as far as possible to prevent those cruelties and horrors that had been perpetrated in the early days of our Colonies where there were a number of aborigines, and which, unfortunately, prevailed to a great extent in the western portions of the United States. The third point to which he thought the attention of the Government ought to be directed was with reference to the military force in that country. If they established a government for the purpose of maintaining law and order among the population, they must of course have a force of that nature. Now, this was a difficult question, and it would be the business of statesmen to look to the future, as well as to mitigate and to provide for present emergencies. Now, if they sent soldiers out, they must find accommodation for them there which did not at present exist—as well in winter, which he believed was not severe, as in summer, which was not unfriendly to the English constitution. Provisions would also have to be procured, and all provisions for maintaining the required force must be carried up the country and kept in constant supply. This, owing to the distance of the colony from England, would be a matter of considerable difficulty. Another question also presented itself, as to whether they were to send organized regiments or some other kind of force, bearing in mind that, apart from this, there was another question looming in the distance—that of provision to be taken in the Bill for the eventual addition of Vancouver's Island to this colony, if the Legislature of that island desired it. It had been stated by the noble Lord the Under Secretary for the Colonies that the new colony was not so far distant from the mother country as appeared upon the map, and that the Government had had overtures from Cunard to establish a line of steamers that would bring the colony within thirty-five days' sail of this country. He did not attach any value to such a speculation, for it could not be maintained unless it paid; but whether it did or not, they must bear in mind that the communication could only exist in time and for the purposes of peace; he did not apprehend that they could transport soldiers or relieve garrisons with facility even

in times of peace, but unquestionably not in times of war; so that, practically, as far as the advance of this colony was concerned in time of war, the Government could only reinforce and strengthen any garrison *via* Cape Horn. The question was one that ought to be well and carefully weighed; and he would exhort the Government, in any military arrangements they might make, to look to the future, and to bear in mind that any military force they would be placing in New Caledonia would be in a totally different position to that of any military force they had hitherto had in any of our Colonies. It would probably not be thought desirable to maintain so expensive an establishment as at Gibraltar, Malta, or Corfu; but it must be borne in mind that this colony was not like Australia or New Zealand, as remote from great Powers as from England—it was near to great Powers, but remote from us. In conclusion, the noble Duke referred to his efforts in the House of Commons to give Vancouver's Island a constitution, when it was proposed to hand it over to the Hudson's Bay Company, and expressed a hope that now, when that event was about to take place, the Government would, in all their arrangements, look upon it as certain that the people of Vancouver's Island would avail themselves of the provisions of this Bill, and at an early date declare in favour of a junction with the new colony.

LORD WODEHOUSE believed that Nature had given us one of the finest positions in the North Pacific, and it behoved the Government to consider seriously how to take advantage of it. They ought also to take into account the position of the Russians on the Amoor river, and of the Americans in California and Oregon, and the difficulty that might arise from those circumstances in the event of a war in those parts.

Motion *agreed to.*

Bill read 2ª accordingly; and *committed* to a Committee of the whole House To-morrow.

WRECK OF THE CANDACE.—QUESTION.

LORD STANLEY OF ALDERLEY, in rising to put a question to the Vice President of the Board of Trade respecting the wreck of the *Candace*, African steam-packet, and to ask whether it is the intention of the Board of Trade to institute an inquiry, under the provisions of the 432nd section of the Merchant Shipping Act, into the circumstances attending the loss of that vessel, said the *Candace* at the time the accident happened was on her return voyage from the coast of Africa. In the middle of the night she came into collision with a Dutch ship, whereby the *Candace* was lost with the whole of her cargo. By this accident, moreover, seven lives were lost. A lieutenant of the Royal Navy and other persons competent to judge were on board, and they were of opinion that there had been great misconduct, or at least negligence, on the part either of the officers of the *Candace* or the company to which she belonged. It appeared that the vessel at the time of the accident was entrusted to the care of an officer who was not properly certificated; that the master and mate were below, and that the vessel was entrusted entirely to the boatswain. When a question was put in the other House to the right hon. Gentleman at the head of the Board of Trade, he replied that legal proceedings would probably be instituted, which would ensure a better inquiry than could be obtained by means of the Board of Trade. It was desirable that an inquiry should be instituted into the loss of all passenger vessels, particularly where lives were sacrificed. Since the passing of the Act empowering these inquiries he did not know a single case in which, where lives had been lost, an inquiry had not been instituted. If ever such an inquiry ought to be prosecuted it was in a case like the present, and as he understood no criminal proceedings had been instituted, he trusted that the Government would yet direct an inquiry to be made into all the circumstances of the case.

THE EARL OF DONOUGHMORE said, from inquiry, it appeared that the *Candace* was on her usual voyage; that she had been inspected before starting, and that it had been reported to the Admiralty that in all respects the vessel was fit and the crew fit. All the requirements of the law had been complied with. On the return voyage, not as had been said, on a bright night, but on rather a dark night and with a heavy sea, the vessel came in collision with a Dutch collier. Both the captain and the first mate had certificates, and the second mate had held a position in the navy; the crew had been shipped at Liverpool, at the best shipping office in the United Kingdom. On the return voyage the second mate was ill and was not able to attend to the ship, and the ship was in charge of the boatswain, but he was a man who had been eighteen years at sea, and

had been boatswain on board one of the *Cunard* steamers. The master was called up the moment the collision happened. The collision was with a Dutch collier, and any one who knew anything of the sea knew the careless mode in which those vessels were navigated. He believed that the accident had been entirely caused by the carelessness of the crew of the collier. The *Candace* had all her lights properly placed. The captain of the *Candace* had been since drowned, and therefore, as far as he was concerned, an inquiry was useless. Then where were they to get further evidence? How could they get the evidence of the Dutch crew? The only person who had applied for an inquiry was a lieutenant in the navy, and who stated in his communication that it was his intention to take proceedings at law against the company. What was to be got by inquiry? They had satisfied themselves that the owners of the vessel had done everything necessary, and that the captain and the mate were proper persons. He might perhaps have fished out materials for an action against the company, but that was a position in which the Government should not stand.

Lord STANLEY of ALDERLEY said, that if grounds such as those alleged by the noble Earl were to be sufficient to justify the Board of Trade in making no inquiry in a case in which a ship had been lost, no such inquiry would in future ever be held, and the valuable provisions of the Merchant Shipping Act would become a dead letter.

House adjourned at Nine o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, July 26, 1858.

Minutes.] Public Bills.—2° International Patent Right; Administration of Oaths by Committees; Leases and Sales of Settled Estates Act Amendment (1856).

3° Corrupt Practices Prevention Act Continuance; Judgments (Ireland) Act Amendment; New Writs; Probates and Letters of Administration Act Amendment; Divorce and Matrimonial Causes Act Amendment.

ADMISSION OF BARON DE ROTHSCHILD.

Mr. SPEAKER: Any hon. Member who desires to take his seat will please come to the table to be sworn.

Baron Lionel Nathan de Rothschild returned as one of the Members for the City of London, came to the table, and was about to take from the Clerk at the table a copy of the Oath prescribed by the 21 & 22 *Vict.*, c. 48, passed this Session, when

Mr. WARREN rose and said: Mr. Speaker, I rise to order. I wish to ask you, Sir, whether notice was not necessary before—["Order! Chair!"] Sir, I rise to order—

Mr. SPEAKER: Order, order! The taking of his seat by an hon. Member is matter of privilege, and ought not to be interrupted by any discussion whatever.

The prescribed form of oath was again tendered to Baron de Rothschild by the Clerk,

Baron LIONEL DE ROTHSCHILD: Sir, I beg to state that, being a person professing the Jewish religion, I entertain a conscientious objection to take the oath which, by an Act passed in the present Session, has been substituted for the oaths of Allegiance, Supremacy, and Abjuration, in the form therein required.

Whereupon the Clerk reported the matter to Mr. Speaker, who desired Baron Lionel Nathan de Rothschild to withdraw; and he withdrew accordingly.

Lord JOHN RUSSELL: My object in rising, Sir, is to move a Resolution in conformity with an Act recently passed. (21 & 22 *Vict.* c. 49). It is as follows:—

"That it appears to this House that Baron Lionel Nathan de Rothschild, a person professing the Jewish Religion, being otherwise entitled to sit and vote in this House, is prevented from so sitting and voting by his conscientious objection to take the Oath which, by an Act passed in the present Session of Parliament, has been substituted for the Oaths of Allegiance, Supremacy, and Abjuration, in the form therein required."

Mr. J. A. SMITH seconded the Resolution.

Question proposed.

Mr. WARREN: Mr. Speaker, it is with great reluctance and regret, and contrary to my own previously-declared determination not to open my lips again on this question, that I rise to address a few observations to the House. It has now arrived at a very grave crisis in its constitutional history and that of the country, and a sense of duty will not allow me to remain silent. I have already, and very lately, as an humble member of the great Conservative party, entered my most solemn protest against the step which the Legislature was about to take in this matter, and have but little to say upon this momentous occasion. This House is about to consummate that great constitutional change in the character of the House which it has so lately been empowered to effect,

and to take upon itself the entire responsibility of admitting into the representative branch of the Legislature a gentleman who has this moment declared that he cannot take—that he cannot be bound by an oath administered on the Holy Gospels—an oath which has been so long taken by all other Members of this House, with the exception of those who, though Christians by profession, were permitted, in deference to their religious scruples, to use a different form of oath or declaration. Sir, this is to me a most painful and distressing moment—but I cannot help myself; and, in accordance with what my conscience tells me is my most imperative duty, I am resolved to take the sense of the House upon the proposed Resolution. Lest, however, any one should do me the grievous injustice of supposing that I am, at a moment so painful, actuated by considerations of a personal nature with respect to either Baron Rothschild or the ancient race to which he belongs, I beg now most emphatically and truly to disclaim any such feelings. With reference to that gentleman, I must take this opportunity of declaring, that never in my life did I hear a whisper of even an insinuation against his character—of anything inconsistent with that reputation for purity, that spotlessness of character which Baron Rothschild enjoys. He occupies, deservedly, a high social position in this country; and I can only say again, that, while compelled to oppose the Resolution of the noble Lord opposite—to resist him to the last on this question—I have not in my heart one particle of animosity towards either the Jewish race or that representative of it now seeking admission into this Christian Legislature. If it be really the deliberate will of this House of Commons, as it has undoubtedly been declared the will of the Imperial Legislature that they may, if they think fit, exercise a privilege which I for one regard as so dangerous, I have nothing more to say; but in the meantime I beg, though I should go out alone into the lobby, to meet the Resolution of the noble Lord with a direct negative.

Mr. WALPOLE: I do not think my hon. and learned Friend could have caught correctly the terms of the noble Lord's Resolution. It is simply declaratory, in terms of the new Act, of a matter of fact which neither my hon. and learned Friend nor any one else will contest, and does not admit either Baron Rothschild or any other member of the Jewish persuasion to a seat in this House. I hope, therefore, that my hon. and learned Friend will not put the House to the trouble of dividing at the present stage of the proceedings.

Mr. WARREN: I am much obliged to my right hon. Friend, and shall not press for a division on this Resolution. I had not caught the exact words of it and was taken altogether by surprise by the whole proceedings of this morning. I therefore withdraw my Motion.

Resolved,—

That it appears to this House that Baron Lionel de Rothschild, a person professing the Jewish Religion, being otherwise entitled to sit and vote in this House, is prevented from so sitting and voting by his conscientious objection to take the Oath which, by an Act passed in the present Session of Parliament, has been substituted for the Oaths of Allegiance, Supremacy, and Abjuration, in the form therein required."

Lord JOHN RUSSELL: I now rise, Sir, to move a Resolution in pursuance of the Act which received the assent of Her Majesty on the 23rd instant, and which is entitled "An Act to provide for the relief of Her Majesty's subjects professing the Jewish religion." In order that the House may be fully in possession of the words of the Act I shall now read them. By the first clause it is enacted that—

"Where it shall appear to either House of Parliament that a person professing the Jewish religion, otherwise entitled to sit and vote in such House, is prevented from so sitting and voting by his conscientious objection to take the Oath which by an Act passed or to be passed in the present Session of Parliament has been or may be substituted for the Oaths of Allegiance, Supremacy, and Abjuration, in the form therein required, such House, if it think fit, may resolve that thenceforth any person professing the Jewish religion, in taking the said Oath to entitle him to sit and vote as aforesaid, may omit the words 'and I make this declaration upon the true faith of a Christian.'"

It is not necessary to read any further. I propose, in conformity with those words in the clause, "such House, if it think fit," to move a Resolution as nearly as possible in the terms of the Act itself. Of course, I shall not now raise any question as to whether a Jew should sit in this House. That question has been repeatedly argued, and it has now been decided by Parliament, at least to the extent of leaving it to either House to act as it may think fit. I therefore content myself with moving: "That any person professing the Jewish Religion may henceforth, in taking the Oath prescribed in an Act of the present Session of Parliament to entitle him to sit and vote in this House, omit the words 'and I make this declaration upon the true faith of a Christian.'"

MR. J. A. SMITH seconded the Resolution.

Motion made and Question put,

"That any person professing the Jewish Religion may henceforth, in taking the Oath prescribed in an Act of the present Session of Parliament to entitle him to sit and vote in this House, omit the words, 'and I make this declaration upon the true faith of a Christian.'"

MR. WARREN: Now, Sir, the time has arrived at which I may make my Motion, and state that I shall take the sense of the House upon it. It is, of course, not necessary for me to repeat any of the observations I have already offered, but must beg the House to regard them as having been offered in opposition to the noble Lord's present Resolution, which I now meet with a direct negative.

LORD HOTHAM: Sir, I do not intend to occupy the time of the House for more than one or two moments. My object is simply to explain the reasons of the Vote which I shall feel it my duty to give. I have always found myself conscientiously under the necessity of opposing the admission to Parliament of persons professing the Jewish religion. I have done so upon principle, and without the slightest particle of personal feeling. As Parliament, however, has decided against my views of this matter, I did not come down to the House to record any further vote on this question, but to take part in the discussion of other business; but, being here, I have to consider what course I ought to pursue. The part I have hitherto taken renders it impossible for me to concur in the Resolution of the noble Lord; while I cannot withdraw and abstain from giving any vote upon the question. I do not think it would be either an honest or a straightforward mode of proceeding, to shrink from expressing my opinion on a subject, with reference to which I think so strongly. I am therefore reduced to the necessity, without the slightest personal feeling towards Baron Rothschild, of going into the lobby with those who are resolved to meet the Resolution with a direct negative.

MR. HADFIELD said, he had never been able to account for the prejudice which influenced hon. Gentlemen opposite in their hostility to the Jews. In his opinion the world was more indebted to that particular family of the human race than any other nation or people that ever existed. Hon. Gentlemen talked of excluding the Jews as a matter of Christian principle. He would say, let them endeavour to Christianize themselves by following the example of Him they all reverenced as the great messenger of peace, charity, and toleration, and who directed that the Gospel should be preached to all men—but to the Jew first. He regretted that this prejudice towards that family of the human race, to whom we were so deeply indebted, should have so long continued, but rejoiced in the opportunity of taking part in the removal of the last of the disabilities which that prejudice had in this country inflicted upon them. He looked upon that occasion as a great triumph for the cause of religious liberty.

MR. WALPOLE: Sir, when first this question was brought before the House I expressed my opinion, and I have never shrunk from that opinion since, that it was a religious rather than a political question. I thought from the first that the Legislature of this country, being admittedly a Christian Legislature from the earliest time, was not a body into which a person professing the Jewish religion could properly or conscientiously be admitted. I merely mention that for the purpose of showing, that now that the time has come for this House to determine how it will act, it is impossible for me not to feel, while admitting that Parliament has given us the power to seat Baron Rothschild on our own responsibility, that considering the opinions I have always held, I cannot be a party to the proposed Resolution. One or two words more and I have done, for I do not wish to raise any controversy on this occasion. I cannot disguise from myself that the person whom the House is now about to seat has this very much in his favour—that throughout the whole of this controversy he has never attempted to act in a manner contrary to the law of the land or to the rules of this House. I think it due to Baron Rothschild that I should say so much. I agree in the observations made by my noble Friend (Lord Hotham) when stating the reasons which would compel him to vote against this Resolution, and I shall go into the lobby with my noble Friend. There is one other observation that I would make. The hon. Members who advocate the admission of the Jews think that they are now closing this matter; but in point of fact they are not. The course taken by Parliament in reference to this question is a course which in my opinion cannot be too much deprecated. I, for one, am extremely sorry that if Baron Rothschild, and those who like him, profess the Jewish religion, were

to be admitted into the Legislature at all, they were not admitted frankly, plainly, and honestly, by a declaration made by Parliament in the form of an Act of the Legislature, instead of in a mode which I am afraid we shall hereafter find cause to regret.

MR. SPOONER: Sir, the hon. Member for Sheffield has charged those who oppose the admission of the Jews into Parliament as so acting in consequence of a prejudice against the Jewish people. I, for one, utterly deny that. The Jews are a most interesting nation—interesting, if we look to their past history, and more so if we contemplate their future destiny. No, Sir, we are not actuated by any prejudice against the Jewish people as a nation, or from personal objection to the respectable individual who now presents himself for admission. There cannot be a second opinion with regard to that gentleman personally. He has the respect and esteem of all who know him, and especially of those who possess his friendship. What does actuate those who oppose such admission is the full and decided conviction that a Christian assembly like this Legislature should be wholly Christian, if we expect what we pray for—the blessing of Almighty God on our exertions to properly direct the affairs of a free and Christian people. The hon. Member for Sheffield (Mr. Hadfield) who so much rejoices at the House of Lords having given their consent to the admission of Jews to this House by a simple Resolution, has not made one word of objection to the Reasons which came down from that House for having rejected that clause of the Bill which permitted the Jew to take his seat in this House—which Reasons declared, in emphatic terms, that the Jew was morally unfit to sit and legislate in a Christian Legislature. I beg to express my full concurrence in those Reasons, and therefore I cannot give my vote for admitting a person whom those Reasons declare to be totally unfit for admission into this House.

MR. NEWDEGATE: I confess, Sir, I was not aware, till a few minutes ago, that this Resolution was to be proposed to-day; and having had no notice that such a course would be taken, I arrived rather hastily. It is not my intention to detain the House by any lengthened observations; but I wish to say one or two words before the Resolution is put from the Chair, in reference to the conduct of the House of Lords, which I think has been very much misunderstood. What the House of Lords have done, Sir, is this:—They have placed this matter, which affects the constitution of this House, entirely in the hands of this House, at the same time retaining the strong conviction which that noble assembly has consistently and conscientiously acted on for eleven years. They have recorded the fact that their conscientious opinion on the subject of the admission of Jews was unchanged, at the same time that they thought it quite consistent with their duty and quite consistent with the constitution of the country to cease to interfere with what concerns the composition of this House alone. I think it due to the House of Lords that their conduct should not be considered as disrespectful to this House, when they thought fit to place the constitution of the House of Commons in the hands of its Members. With regard to my own course, deprecating as I do any attempt to admit the Jews into this House, I shall continue to act on those views which have hitherto influenced me, and record my vote against the Resolution.

MR. FOX remarked, that the well-merited acknowledgment of the right hon. Gentleman the Home Secretary that Baron Rothschild had never throughout the whole of this controversy attempted to contravene the law, might with equal justice have been applied generally to the body to which he belonged, for it was a principle of the Jewish religion that, wherever they might be carried away captive, or in whatever country their lot was cast, they must respect the law as established, and pray for the peace and order of the country serving as their temporary home. To that rule they had always adhered. With regard to their moral unfitness he would remind the House of Lords, and those who used that argument, that the moral law of Judaism was the moral law of Christianity. For himself he would rather that this concession had been made upon the simple and broad ground of religious toleration instead of as a matter affecting the constitutional right of the House of Commons to make rules for the admission of its own Members. He concurred in the opinion of the right hon. Gentleman (Mr. Walpole) that the question was not closed. It must again come under consideration upon the direct ground of religious toleration. But in the meanwhile it was most absurd to talk of constitutional government while Her Majesty remained the ruler of 180,000,000 of people, not one of whom was qualified to raise his voice in that House to state the grievances of his fellow-countrymen. They

talked of the Christian character of the Parliament. There were two different ways of showing their Christianity. One way was by their words and oaths, the other and better way was by their deeds; and he was satisfied that, whatever their professions, they would never act up to the spirit of a Christian Legislature until they were influenced by feelings of toleration and respect for the opinions of others.

LORD JOHN RUSSELL: It is not my intention to detain the House, but the right hon. Gentleman the Secretary of State has made one or two observations which seem to call for some remark on my part. The right hon. Gentleman, in the first place, has objected to the mode in which this question has been settled by Parliament. I beg him and the House to recollect that that mode of settlement was not proposed by the advocates of the admission of Jews, by those who have rested the question upon the ground of civil and religious liberty, but by those who have hitherto been the chief opponents of the measure which has now happily proved successful. It was supposed—I know not for what reason—that it would prove more acceptable to those who still oppose the admission of Jews than any other mode that could be suggested; but, I repeat, it was not our choice, but the choice of the other House of Parliament. The right hon. Gentleman made another objection, which I should be sorry to think well founded. He said that this was not the end of the question. After the discussions that this subject has undergone—after so strong an expression of the opinion of the House of Commons as we have had during the present Session—I do trust none will hereafter attempt to deprive the Jews of the privilege which we are about to confer upon them. Undoubtedly it will be in the power of anybody to do so by moving to rescind this Resolution or by some other mode; but I trust that what we are now doing, being in conformity with the general wishes of this House as representing the country, there will be no change in the policy of Parliament upon this subject. I have nothing further to say. The right hon. Gentleman having frankly and truly acknowledged that Baron Rothschild has never attempted to infringe the law, I am bound to state, on the other hand, that those who have opposed the admission of Jews have done so from no personal or unworthy feeling, but simply in the discharge of a duty imposed upon upon them by their consciences. I rejoice at the success which has attended our efforts this question, and believe that the principle of religious liberty has made great progress.

Question put,

"That any person professing the Jewish Religion may henceforth, in taking the Oath prescribed in an Act of the present Session of Parliament to entitle him to sit and vote in this House, omit the words, 'and I make this declaration upon the true faith of a Christian.'"

The House *divided:* — Ayes 69; Noes 37; Majority 32.

List of the AYES.

Adair, H. E.
Akroyd, E.
Anderson, Sir J.
Ayrton, A. S.
Bagshaw, R. J.
Baines, rt. hon. M. T.
Baring, rt. hon. Sir F. T.
Bass, M. T.
Berkeley, hon. H. F.
Bonham-Carter, J.
Brady, J.
Buchanan, W.
Byng, hon. G.
Calcraft, J. H.
Calcutt, F. M.
Cardwell, rt. hon. E.
Clifford, Col.
Codrington, G.
Colebrooke, Sir T. E.
Cox, W.
Craufurd, E. H. J.
Crawford, R. W.
Cubitt, Mr. Alderman
Dalglish, R.
Davey, R.
Davie, Sir H. R. F.
Dillwyn, L. L.
Disraeli, rt. hon. B.
Duff, M. E. G.
Dunbar, Sir W.
Duncombe, T.
Dunlop, A. M.
Elphinstone, Sir J.
Forster, C.
Fox, W. J.
Greer, S. M'C.
Grey, R. W.
Hadfield, G.
Hamilton, L. C.
Hayter, rt. hon. Sir W. G.
Headlam, T. E.
Henniker, Lord
Hope, A. J. B. B.
Jervoise, Sir J. C.
Kelly, Sir F.
Kinglake, A. W.
Langton, H. G.
Lennox, Lord H. G.
M'Cann, J.
Melgund, Visct.
Osborne, R.
Rich, H.
Ridley, G.
Roebuck, J. A.
Russell, Lord J.
Russell, A.
Smith, rt. hon. R. V.
Smith, A.
Somerville, rt. hon. Sir W.
Stapleton, J.
Thompson, Gen.
Trelawny, Sir J. S.
Vane, Lord H.
Villiers, rt. hon. C. P.
Westhead, J. P. B.
White, J.
Wickham, H. W.
Williams, W.
Wilson, J.

TELLERS.

Smith, J. A.
Knatchbull-Hugessen.

List of the NOES.

Adderley, rt. hon. C. B.
Arbuthnott, hn. General
Bernard, hon. Colonel
Blackburn, P.
Bridges, Sir B. W.
Cairns, Sir Hugh M'C.
Cecil, Lord R.
Collins, T.
Cooper, E. J.
Cross, R. A.
Du Cane, C.
Du Pre, C. G.
East, Sir J. B.
Egerton, W. T.
Fellowes, E.
Gard, R. S.
Hamilton, G. A.
Hardy, G.
Hodgson, W. N.
Joliffe, Sir W. G. H.
Knatchbull, W. F.
Knightley, R.
Knox, Colonel
Manners, Lord J.
Miller, T. J.
Mills, A.
Mowbray, rt. hon. J. R.
Newdegate, C. N.
Nisbet, R. P.
Noel, hon. G. J.
Peel, rt. hon. General
Spooner, R.
Taylor, Colonel
Vance, J.
Walpole, rt. hon. S. H.
Whitmore, H.
Yorke, hon. E. T.

TELLERS.

Warren, S.
Hotham, Lord

Baron LIONEL NATHAN DE ROTHSCHILD being again come to the Table, desired to be sworn on the Old Testament, as being binding on his conscience :—Whereupon the Clerk reported the matter to Mr. Speaker, who then desired the Clerk to swear him upon the Old Testament.

Baron LIONEL NATHAN DE ROTHSCHILD was sworn accordingly, and subscribed the Oath at the Table.

CORRUPT PRACTICES PREVENTION ACT CONTINUANCE BILL.

Order for Third Reading read.

Motion made and Question proposed, "That the Bill be now read the third time."

MR. H. BERKELEY : The House might remember that early in the Session he had asked Her Majesty's Attorney General what he meant to do as regarded that Act then about to expire, and which had been deemed a failure, to which the Attorney General replied that he intended to submit it to a Select Committee ; but now at the eleventh hour taking advantage of a panic caused by a stench in the Thames, of hon. Members' own creating, the Government were, to their great delight, shuffling measures through the House at double quick time, and the Attorney General's pledge has been forfeited. Now, if that Select Committee had been moved for, he should have been enabled to lay a body of evidence before it, which at once would have shown that the Bill had been a dead failure, but he believed that it had done all it had ever been intended to do. And so thought the editor of *The Times*, who had published an admirable analysis of the Bill, when it first passed into a law, and pronounced it to be a "pompous profession meant to be inoperative." In 1854 he (Mr. Berkeley) had written to the late Mr. Coppock [*ironical cheers*]; aye, hon. Members might object to Mr. Coppock, but while they had no objection to his objectionable practices as applied to their own purposes, could they deny his great knowledge of the subject? That gentleman replies thus :—

"I have already fully given my opinion through the medium of the press as regards the Bill to which you call my attention. It is a mere tub for the whale, but you will find it greatly admired by the majority of the Members of your House, because it curtails all the legal expenses of candidates, facilitates bribery, and leaves intimidation just where it was."

Had Mr. Coppock lived, a Committee might have had that evidence, which he (Mr. Berkeley) now tendered. He would offer them the opinion of another election agent, a person of great experience and knowledge in all election matters, and registration law, well known in the west of England, Mr. Gilbert, Secretary to the Bristol Liberal Association, and the following was that person's opinion of the Corrupt Practices Bill :—

"I have carefully gone through the Corrupt Practices Prevention Bill as you have desired. Members have taken excellent care of themselves, and of candidates generally. This Bill very properly lowers the expenses of candidates, does away with banners, bands, and colours, and appoints an officer to assess the costs. All this is good, and seems to me to be a bit of sugar held out as a bait to tempt Members to stultify themselves—I must not, I suppose, use a stronger expression—by giving their sanction to clauses which have the direct effect of protecting candidates from the effects of bribery, and facilitating the sale of votes. Under this Bill there can be no difficulty in purchasing any borough open to sale. The intimidation clause is so much waste paper."

The opinion of Mr. Clabon, solicitor to charities for the Attorney General, of the firm of Fearon and Clabon, eminent Parliamentary agents, from a paper read before a law association, was to the following effect :—

"Parliament has from time to time set to work with much apparent zeal, to give a remedy for the growing evil, bribery. Acts to prevent bribery and treating have been followed by Acts to amend Acts to prevent bribery and treating ; and Parliament has done everything but one thing, but that one thing is the one thing needful. I am under the strong impression that the Members of the present Parliament presented themselves to the constituencies under the fear of consequences which were not likely to occur. The Corrupt Practices Prevention Act was a bugbear to them; but were their fears well founded? I think they were not well founded. I believe that a candidate intending to procure his return by all means, foul as well as fair, will not, now that the meaning of the Act is well known, be frightened by its provisions. In fact, what provisions are there to frighten him? What is there to prevent the candidate from sending the 'the man in the moon' with his bag of gold? What to deter the Ministerial or Opposition 'W. B.' from despatching his emissary from the Carlton or Reform with full pockets? The arrangements are made in secret at a distance. The 'man in the moon' returns to his distant home long before the day for petitions. The candidate takes good care to know nothing about the matter. Trusty friends only ask for his cheque at a remote day."

Mr. Whitehurst, the deputy chairman of the Ballot Society, said that the society had tested the opinions of agents and reliable persons in almost all the boroughs and counties which had lately been contested, and the result was as thus described. Mr. Whitehurst says :—

"You ask me if the clauses in the Corrupt

Practices Prevention Act against undue influence, as it is now called, have put down intimidation? My answer is brief but plain — Not in the least. Of course you do not expect me to give you in detail the proof of this, suffice it to say that our executive committee have carefully inquired into the intimidation practised at each election since 1854, and in no one case have we found that tenants, debtors, workmen, or other dependents, have voted more independently of their landlords, creditors, or employers, than before the Act. You of course have observed the utter failure of the remedy by legal proceedings against intimidators established by the Act. There have been three attempts to put the Act in force: one was an action—Thurston *v.* Sinkins—brought for the penalty for intimidating a voter at Frome: every species of intrigue was set on foot to prevent the action being tried, and successfully, for the record was withdrawn at the last moment, and what became of the action I could never make out. The Queen *v.* Barnwell, was an attempt to put the Act in force against a clergyman at Denbigh. There was hard swearing on both sides, and the Court of Queen's Bench refused to interfere. The last case was the Irish priests in Mayo, where in one case the jury were discharged without coming to a verdict, and in the other the Attorney General abandoned the prosecution. The Act has diminished the minor expenses of chairing, flags, music, &c., but has left untouched the greatest and most objectionable item of electioneering expenses, paid agents, especially lawyers, whose mischievous influence at elections Mr. Bright exposed in the last debate on your Motion for the ballot.

The permission to candidates to name their agents, and the provision that none others could affect their seats by bribery but those named, was directly facilitating bribery. Brown, Jones, and Robinson, might be the named agents, and of course would keep themselves clear of bribery, but Hopkins, Simkins, and Perkins, the agents without a name, would do all the bribery requisite, and if found out would suffer the penalty, but the candidate's seat would be safe nevertheless. As for attempts to so legislate as to make a man keep his butcher and baker against his will, or retain a tenant, it was too gross a farce. Such attempts must fail; all that was requisite would be caution; a customer or landlord would not be fool enough to say to his tradesman or tenant, 'I'll get rid of you because you voted against my orders:' but he would say, 'your articles don't please me, I found alum in your bread;' or, 'you are a bad farmer;' or it would be sufficient to say, 'you are an ugly man and a bad Christain; I have done with you;' or to say nothing, and then how can you prove that a man is discharged because of his vote? If you were to make it penal for a customer or landlord to ask a tradesman or a customer for his vote, even that would be evaded, he would ask through somebody else. Legislation of this kind is founded on a rotten principle, and the promoters were not in earnest in their desire to put down corrupt practices. This was a Bill "How not to do it." Hon. Members in truth had been caught, many of them, by the bait that they were to save their pockets. Bands, banners, cockades, were put down and an auditor appointed. All very good, but while they served themselves in this way they ran into a danger more concealed but of greater import. They handed themselves over to the "man in the moon," who would descend upon their boroughs with his money bag, bribe the electors, and either compel them to put their hands deeply into their pockets, or turn out of their seats. Let them remember that the next election would be a regular rugging and riving election of the old sort, the lords, lawyers, and squires, the outs trying to force themselves in. Ministers might be beaten at any moment, and then they might be sure that the truthful description of Dickens would be realized:—"My Lord Doodle would throw himself upon the country in the shape of sovereigns and beer," and the acts of the Doodles would be well emulated by those of the Foodles, the whole scenes of demoralization and debauchery would be renewed, for which this Bill would be their warrant — their Magna Charta. With agency by this Bill let loose, because defined, he cared not whether they legalized travelling expenses or not. They might be sure those expenses would be paid, whether legal or illegal—not by named agents, but by nameless agents—and the candidate for counties who did not bring in the out voters, would have a poor chance with the candidates who did. The Bill was a snare and a delusion, and he felt it to be his duty, even at the eleventh hour, to denounce it.

Amendment proposed, to leave out the word 'now' and at the end of the Question to add the words, 'upon this day six weeks.'

MR. A. SMITH said, he wished to enter his protest against the Bill, as being a retrograde and reactionary measure, inasmuch as it sanctioned expenses by Act of Parliament which even before the passing of the Reform Bill were contrary to law. He believed there was a much higher feeling prevailing among the constituent body than formerly existed; they had a far more correct appreciation of their duty, and of the responsibility resting upon them as electors; and if the House of Commons,

on their part, fostered that feeling by doing their duty when they were elected, and preserving the purity of election as Members of Parliament, they would do more to put down corrupt practices than any measure of this kind.

MR. WHITESIDE contended that the Bill introduced no new law, but made the existing law clear, while it limited election expenses and controlled the expenditure of money for election purposes. He could not understand, therefore, how such a measure could be said to increase corruption.

LORD ROBERT CECIL said, that it was easy to talk of the improved tone of electors ; but the fact was, that if the payment of travelling expenses were prohibited, it would in many counties be physically impossible for a large number of voters to go to the poll in consequence of the distance of the polling places from their dwellings. On the other hand, he would admit that the effect of the present Bill, legalizing the payment of those expenses, would be considerably to increase the expenditure for election purposes ; for he thought that henceforth the payment of travelling expenses would be exacted as a right by the voters. The whole of the evil arose out of a persistence in the antiquated plan of carrying the voter to the poll, instead of the poll to the voter. The latter result might be attained by collecting the votes at the houses of the electors by means of voting papers, due precautions being taken against fraud ; or by enormously multiplying the polling places, so that each elector should only have a limited distance to walk to the poll ; or by enabling magistrates and certain officials throughout the country at present holding appointments under the Court of Chancery to receive the votes. Such means as these, which he had just indicated, would constitute the only solution of the dilemma which was pressing upon them.

MR. T. DUNCOMBE remarked that the Bill would prove very prejudicial or at all events very expensive to candidates for large boroughs, and especially to candidates for counties. He anticipated that many country gentlemen would be ruined by the clause legalizing the payment of travelling expenses, and that the longest purse would henceforth carry the day in elections. It was said that without that clause the poor voter would be disfranchised, but that was a mere pretence, for the men whom it was difficult to get to the poll were not the poor voters, but those who were not allowed to vote conscientiously for the candidates of their own choice—namely, the £50 tenants at will. If the Bill became law the voters would require something more than the Bill gave them, and would say to the candidates, "As you have brought me all this way, you must give me something to eat." Thus the election expenditure would be still further increased. The clause he had referred to would throw the ballot back many years, because the candidates, who were compelled to convey voters to the poll, would naturally insist upon knowing how they voted. This was an important question, and there was no reason why it should not be deferred till next Session, a short continuance Bill being passed in the meantime. Just as the three branches of the Legislature were about to adjourn to Cherbourg, the Commons were going to send the present Bill up to the Lords ; but were the Lords to have no voice in the matter, and were they merely to register the decrees of the Commons, without discussion? He hoped and trusted that the Lords would understand that they could do nothing more agreeable to the country at large, or more calculated to promote the purity and freedom of election, than by rejecting the measure.

MR. KNIGHTLEY said, he wished to know why the fourth clause which, was a very important one, and had been carried in Committee by a majority of four to one, had been withdrawn. The right hon. Member for Cambridge University (Mr. Walpole) was reported to have withdrawn it because it was not introduced by himself, but that was hardly a valid reason for the withdrawal of the clause, which would have afforded relief to one class of the community hardly dealt with by recent legislation—namely, returning officers. They were obliged to provide polling booths, clerks, and the necessary paraphernalia of an election, and were enabled to recover the amount of the expense from the candidates. Formerly, when the candidates possessed property, the returning officers had something to fall back upon, but now that the property qualification was abolished it would be competent for any elector to propose a pauper in the workhouse or an insolvent debtor in gaol.

LORD JOHN RUSSELL said, he was sorry that the Bill had reached its present stage in its present shape. He thought it would have been far better to have a mere continuance Bill than to have raised this

question as to the conveyance of voters. He should object to a clause strictly prohibiting the conveyance of voters, because he thought that it would be evaded; but at the same he conceived that if the Bill had been sent to a Select Committee, several means might have been suggested by which the conveyance of voters would have been rendered almost unnecessary. He doubted whether there was any necessity in boroughs for the conveyance of voters at all; and with respect to counties, if there was, as the noble Lord opposite had suggested, a limited distance to each polling place, which the voter might walk, the providing conveyances for county voters would not be requisite. However, so long as there existed only the present limited number of polling places conveyance could not be strictly prohibited. He did not wish at the present stage of the Bill to throw an obstruction in the way of the continuance of the Corrupt Practices' Prevention Act, and therefore he should give his vote for the third reading of the Bill; but he wished the Government had confined themselves to the proposition of a simple continuance Bill for one year.

MR. ROEBUCK said, he understood that the Bill was intended not to extend the law but merely to remove certain doubts, and to continue the existing Act. That was the reason, he thought, for excluding the fourth clause, which went to add to the law. But would the Bill render the law more certain? If a voter were conveyed to the poll a distance of ten miles, he would, of course, wish to be conveyed home again; but under the Bill he could not be conveyed home again by the candidate. [*Cries of* "Yes!"] That question would be contested, and an uncertainty was created. It was alleged that the clause providing for the conveyance of voters was a provision in favour of poor electors, but it would increase election expenses to a fearful extent, and render it imperative upon every candidate who contested an election to carry up every voter to the poll. This would very much increase the difficulty of the poor man who aspired to a seat in that House. The hon. Member opposite (Mr. Knightley) was a rich man, that was evident. The hon. Member did not, perhaps, think that any poor man ought to sit in that House. [MR. KNIGHTLEY: No, no!] There were rich men in that House, but they were not its ornaments. If they excluded poor men they would exclude a great deal of common sense.

MR. RICH said, he trusted that the Government would give way to the objections made to the clause respecting the conveyance of voters, and substitute a simple continuance Bill for the present measure. He believed that the Bill, as it stood, would legalize treating. [*Cries of* "No, no!"] Conveyance was nothing but treating. It was treating the voters to a ride, and that might have the effect of gaining votes. He should, therefore, vote against the Bill in its present form.

MR. WALPOLE said, he omitted the fourth clause, not because it was not introduced by himself but because he was much pressed in debate not to introduce any material alterations in the law except such as might be absolutely necessary. He originally proposed the Bill as a continuance Bill, together with a declaration of the existing law, so that the law might not remain in uncertainty; but he added at the same time that the whole question must be brought under the consideration of the House very early next Session, and he should then be prepared to support such a clause as that which was now withdrawn, because he thought it an extremely good one. In reference to what had fallen from the noble Lord (Lord J. Russell) he had hoped to bring in a Bill on the whole subject in time to refer it to a Select Committee, but as the Session was drawing so near to a close he thought it better to defer doing so until next Session, when he would undertake to lay on the table a proposition for a permanent measure, and refer it to a Select Committee. The noble Lord the Member for the City of London wished that the present Bill was a mere continuance Bill; but it was not right that the law should remain uncertain, and, unless the law were made in conformity with public feeling, it would only be evaded. Therefore the only alternative left was to declare, under proper guards and restrictions, that those expenses which no one could contend would corrupt a voter, and those only, should be allowed. At the time the Corrupt Practices Prevention Act was passing the noble Lord himself proposed a very similar clause, which was carried in that House, but rejected by the House of Lords. This matter had now been amply discussed, and the sense of the House had been taken upon it in several divisions, and it would be disrespectful to the House rather than otherwise if he at the last moment declined to persevere in the course so sanctioned.

MR. ADAIR said, he wished to inquire whether the clause would be sufficient to allow the payment of the voter's expenses of conveyance from the polling place to his home as well from his home to the polling place?

MR. WALPOLE: I believe the words are quite sufficient for that purpose.

MR. STAPLETON said, he could not but object to the introduction of an important clause legalising expenses which were now contrary to law in what they were told was a mere continuance Bill.

Question put "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 93; Noes 60; Majority 33.

Main Question put, and *agreed to.*

Bill read 3°.

On Question "That the Bill do pass,"

MR. BERNAL OSBORNE said, he could not but express his surprise that the noble Lord the Member for London should have voted for the Bill after having objected to it. If the noble Lord thought the Government was in danger and wanted to save them, he might have recommended them to adopt Resolutions. He wished to state that the reason why the Opposition threw out the clause from the noble Lord's (Lord J. Russell) Bill in 1854 for legalising travelling expenses was that it was opposed to the opinion of all the great legal authorities of the Lords. Lord Mansfield had ruled that the payment of travelling expenses was bribery, and that ruling had had never been contravened. He could not understand why the Bill had been brought forward in its present shape. At an earlier period of the Session he had inaugurated an opposition to Her Majesty's Government, but since then that Government had done very great things. He was serious. He wished to give honour to those to whom honour was due. The right hon. Gentleman, the leader of that House, deserved the highest credit for the temperate, able, and judicious course he had pursued in office, and for the reforms which he had instituted since he had taken his seat on the Ministerial bench. He (Mr. B. Osborne) did not believe that the leader of the House would have allowed this conveyance clause to be inserted in the Bill if his attention had been called to it; because he did not think the right hon. Gentleman wished to legalise refreshments. He had observed the high spirit displayed by Her Majesty's Government on several occasions. They had passed many good measures; and he could not but have good feeling towards a Government which not only advocated, but what was much better, passed into law measures which he himself supported. He thought, however, that the present measure detracted, in some degree, from their merits. They were in this matter entering on a retrograde course, which he trusted the House would not sanction. At all events he would give the House another opportunity, by opposing the Motion for the passing the Bill, of expressing its opinion.

LORD HARRY VANE said, he could not agree with the hon. Member for Dover (Mr. B. Osborne) in the opinion he had expressed of the present Bill. He thought that unless travelling expenses were allowed they would, in effect, disfranchise the poor voters. He had voted, by mistake, in the last division with his hon. Friends near him, he should now have the opportunity of repairing his error, by voting against them.

SIR JOHN TRELAWNY remarked, that they could not have a better test of the qualification of the voter than his going up to the poll without assistance. He recommended the consideration of this point to the Government in their promised Reform Bill.

MR. BASS said, he thought if the Bill had not been brought in at so late a period of the Session it would not have passed so readily. The Secretary of State had given an incontestable argument against the Bill when he admitted that the measure was incomplete, and that he intended next Session to deal with the whole question.

Motion made and Question put, "That the Bill do pass."

House *divided*:—Ayes 92; Noes 59: Majority 33.—Bill *passed.*

CORRUPT PRACTICES AT MUNICIPAL ELECTIONS.—QUESTION.

MR. CROSS said, he would beg to ask the Secretary for the Home Department whether, as he has stated that it is his intention to refer the whole question of Corrupt Practices at Elections to a Select Committee next Session, he will have any objection to state whether he will refer the subject of Corrupt Practices at Municipal Elections to the same Committee?

Mr. WALPOLE said, he wished that there should be no misunderstanding on this subject. What he had stated was, that a permanent measure dealing with the subject of Corrupt Practices at Elections would be

brought in early next Session, and would be referred to a Select Committee. He did not use the words, "the whole question." Whether the Bill would include Corrupt Practices at Municipal Elections as well as at Parliamentary Elections, he could not now say; but his own opinion was, that the questions should be kept distinct.

THE WAR DEPARTMENT.—QUESTION.

COLONEL FRENCH said, he rose to ask whether Mr. Ramsay is still Superintendent of Clothing and Stores in the War Department, and retains his full salary and title; also, whether Mr. Webster, who was sent to Rencoi as Accomptant to the Hospital there, but who was sent back by the doctor, there not being anything for him to do, is still retained at a salary of £300 a year?

GENERAL PEEL replied, that Mr. Ramsay never held the office of Superintendent of Clothing and Stores, but he had been Assistant Director of Stores and Clothing. In consequence of some changes which had recently taken place, Mr. Ramsay had, for a time, been removed from the Department, but he still retained the office of Assistant Director of Stores at the same salary. With regard to Mr. Webster, he understood that on his return to England he was employed in examining certain accounts which were in arrear, that he was still so employed, and that whatever he might have had to do at Rencoi there was work enough in the office in which he was now engaged.

SIR JOHN LAWRENCE.—QUESTION.

MR. KINNAIRD said, he rose to ask whether it be the intention of Her Majesty's Government to recommend to Her Majesty the conferring of some signal mark of favour on Sir John Lawrence, in recognition of his long and distinguished services in India; and the more so, after his successful administration of the Provinces under his care, and the effectual aid which, by his instrumentality, was given to the capture of Delhi?

LORD STANLEY: It will, Sir, probably be remembered by the House that in November last Sir John Lawrence received the distinction of the Grand Cross of the Bath, and at the same time he received the thanks of Parliament by Resolution of both Houses. Since then a Despatch has been sent out by the Directors of the East India Company, directing that his salary of £7,200 a year as Chief Commissioner should be increased to the same amount as that of Lieutenant Governor—namely, £10,000 a year, and that its receipt should date from the 1st of January last. I mention these circumstances to show that the distinguished and invaluable services of Sir John Lawrence have not been overlooked by Her Majesty's Government. Whether any further recognition of his services should be conferred on Sir John Lawrence is a question at present under the consideration of the Government.

TROOPS FROM THE WEST INDIES. QUESTION.

MR. HANKEY said, he would beg to ask the Secretary of State for the Colonies whether it is true that orders have been sent out to the West Indies, or whether transports have been taken up in this country for the removal of the British Troops which are now remaining in those Colonies?

THE CHANCELLOR OF THE EXCHEQUER; Sir, my right hon. Friend the Secretary for the Colonies is not present, but I can answer the question. It is not the intention of the Government to remove any Troops from the British Colonies in the West Indies.

ST. JAMES'S PARK.—QUESTION.

MR. GRIFFITH said, he wished to ask the Secretary to the Treasury, whether, in any arrangement that may have been made for the sale or lease of Berkeley House to the Metropolitan Board of Works, care has been taken that sufficient space be reserved out of the premises to allow of a carriage entrance being made from Cockspur Street into the roadway surrounding St. James's Park.

MR. G. A. HAMILTON said, he was not aware that there was any intention of constructing a carriage road from Cockspur Street to St. James's Park, and no arrangement had been made on that subject with the Metropolitan Board of Works. The arrangements which had been made would, however, admit of the widening of the foot passage to about twenty-two feet, and if at any future period it should be deemed desirable to make a carriage road from Cockspur Street into the Park, such a road might be constructed to the eastward of the passage, where the property belonged to the Crown.

LAND TRANSPORT CORPS.—QUESTION.

LORD ADOLPHUS VANE-TEMPEST said, he rose to ask the Secretary of State

for War if the Report of the Committee of the Land Transport Corps has come under the consideration of Her Majesty's Government; and, if so, whether Her Majesty's Government are prepared to carry out the recommendation of the Committee, and to grant to the Officers of the Land Transport Corps the usual rate of half-pay of the ranks they held at the period of the disbandment of the Corps?

GENERAL PEEL said, the Report of the Land Transport Committee was under the consideration of the Government, but its recommendations would involve expenses which were not included in the estimate, and which it would be necessary to submit to the Treasury for their approval. He should be the last to keep any man out of the possession of what he might be fairly entitled to.

ECCLESIASTICAL COMMISSION BILL.

BILL PUT OFF.

MR. WALPOLE said, in reference to an Order of the Day which stood for twelve o'clock to-morrow, respecting the Ecclesiastical Commission Bill, he wished to say that, as his right hon. Friend the Chancellor of the Exchequer had fixed the India Bill for that time, and as he found there would be so much discussion on the measure, and as so many objections had been taken to the clauses, he did not think he could usefully press the Bill during the present Session, and he therefore proposed to move that the Order be discharged and the Bill withdrawn. He ought to intimate to an hon. Gentleman opposite, who was so much interested in the Bill, that he could give him an assurance that the principle recommended by the Committee of the House of Commons as to the renewal of leases for the benefit of the lessees would be preserved. He begged to move to discharge the Order for going into Committee on the Bill.

MR. INGHAM said, he was satisfied that if the provisions of the Bill had been more fully considered many of the objections which had been raised against it would have been withdrawn. It was a valuable Bill, though some portions might perhaps be questioned; but it contained principles which he trusted the right hon. Gentleman would in any future Bill take care to preserve.

Order read and discharged.

Committee *put off* till this day month.

Lord Adolphus Vane-Tempest

UNIVERSITIES (SCOTLAND) BILL.—LORDS' AMENDMENTS.

Order for Consideration read.

MR. DUNLOP said, that it was an unpleasant thing to be obliged to trouble the House again upon a subject which they had already so amply discussed, and which, being connected with a Scotch matter, was not likely to command any strong interest, though possibly, as the question now raised involved a general principle, it might prove an exception. But if the task were irksome to the House, how much more so must it be to himself? Being under the impression that, so far as the Government were concerned, no alteration would be made in the Bill in the House of Lords, he had gone down to Scotland with his mind perfectly at rest on the subject, when, to his surprise, he found not only that alterations had been made in this clause, which the Government having opposed in this House, they were equally entitled to oppose in the House of Lords, but that Clauses and Amendments which had been accepted by their own Lord Advocate, and agreed to unanimously by this House, had been rejected by the House of Lords upon the Motion of the noble Duke who had conducted the Bill through that House on the part of the Government. Now, with regard to these Clauses and Amendments—not the particular clause before the House—he thought that the Government having accepted them, and hon. Members having gone to Scotland relying on the good faith of the Government, it was not a proceeding that was calculated to ensure the confidence which was essential to carrying out the business of the House for the Government afterwards to consent to their omission. Reverting, however, to Clause 3, that clause, as it left this House, was as follows:—

"The Principals in the Universities of Glasgow, Aberdeen, and Edinburgh, appointed in time to come, shall not, as such, be or be deemed Professors of Divinity; nor shall it be a valid objection to any person appointed to the office of Principal in any of the said Universities that he is a layman; and no such office of Principal therein shall fall under or be included in the terms 'Chair of Theology' as used in an Act passed in the sixteenth and seventeenth years of the reign of Her Majesty Queen Victoria (chapter eighty-nine), intituled 'An Act to regulate Admission to the Lay Chairs in the Universities of Scotland.'"

The effect of this clause was that the Principals of the three Universities of Glasgow, Aberdeen, and Edinburgh, should not be required to sign a religious test, as holding

the creed and profession of the Church of Scotland, and as Members of that Church; and what he now proposed was, that the House should disagree to the Lords' Amendments to that clause, and restore it to its original position in the Bill. In England the Universities were so essentially ecclesiastical, that English Members were apt to be carried away with the idea that the Scottish Universities were of the same character; but the Commissioners who were appointed under a Conservative Government, in 1826, who were men of very high standing, the most of them being Judges, noblemen, and persons held in great estimation, and whose tendencies and feelings were certainly not opposed to the Established Church, stated that the Scottish Universities were not then of an ecclesiastical character, or, in the ordinary sense and acceptation of the term, ecclesiastical corporations. It was true that the Scotch Universities were entitled to send a member to the General Assembly of the Church of Scotland, which at first sight might appear to be the exercise of a function which was of an ecclesiastical character, but when he stated that that was a privilege enjoyed by the Town Council of any Royal Burgh in Scotland which had nothing ecclesiastical in its constitution, the House would at once see that that did not support the theory of the Scottish Universities being ecclesiastical institutions. The Commissioners also stated that the Universities of Scotland were not more connected with the Church of Scotland than any other profession; that they were intended for the general education of the people, and, in truth, possessed scarcely any ecclesiastical feature, except that they had a certain number of professors for the purpose of teaching theology in the same manner that the other sciences were taught. That being the character of the Universities in the year 1853, an Act was passed which relieved all the Professors of Divinity from taking the religious test which bound them to be members of the Church of Scotland, with the exception of the Principals of St. Leonard's, St. Andrew's, and Marischal Colleges, Aberdeen, but he presumed that it was never intended to bind the House for all time to come to maintain these Principalships as Chairs of Theology, provided circumstances rendered it right and proper to place them in a different position. He would now show the House why they should not be considered as Chairs of Theology. None of the Principals of the Scotish Universities had taught theology for two centuries, save in one single instance, in which it had been taught up to within a century and a half. They were nominal heads of Colleges. To be the Principal of Edinburgh, for instance, he was not required to be a clergyman; he was not a Professor of Theology at all. He held in his hand a Report of the College Committee of the Town Council of Edinburgh in 1847, when no question of test had arisen with regard to their powers in appointing laymen to the Principalship of the College of Edinburgh. The history of it was this, that in 1585 a gentleman was appointed as Principal of the College to teach philosophy, but not to teach theology, the appointment to which chair was an extra one; but in 1587, after giving a course of philosophy for two years, the Town Council gave him the additional appointment of lecturer on theology and an increase of salary. That continued until the year 1620, when they appointed a Professor of Theology and a Principal, who was Professor of Divinity, and this had been the practice ever since, the Principal having no charge in matters of theology and the Professor of Theology being the teacher of divinity. This was proved by the fact that in 1702 the Crown appointed an additional Professor of Theology, who, if the Principal were Primarius Professor of Divinity, would have been a third Professor of Theology. Again, at Aberdeen there were two Colleges,—that of Marischal College and King's College. In King's College, originally, the Principal was appointed to teach theology, but he had never done so until lately, when the present Principal was made Professor of Divinity. By this Bill King's College and Marischal College were to be united, and there would be only one Principal. The result would be that the Principal of the united College would be included in the term "Chair of Theology," as used in the Act of 1853, although by that Act, Marischal College and St. Leonards alone were included, and the Principals of all other Colleges, embracing King's College, were excluded. Then with regard to the Principal of the University of Glasgow, he (Mr. Dunlop) admitted that he was originally a Professor of Theology; but the Commissioners stated in their Report that, from the begining of the eighteenth century until now, he had not taught theology; but was merely the nominal head of the College, and not a Professor of Divinity at

all. He submitted that the office of Principal ought to be open to men of eminence in any faculty, whether it were divinity, philosophy, medicine, or art. It was a high honour and dignity, and the more eminent the man the better was he entitled to the seat. When distinguished foreigners came into the country, they naturally communicated with the heads of colleges; and when they did so, they ought to find them the most eminent men the country can produce. Whilst, then, he would not exclude Professors of Theology from the office of Principal, he would throw it open and not keep it exclusively for Professors connected with the Church of Scotland. In conclusion he should therefore move that the Amendment of the Lords be disagreed to.

MR. BOUVERIE seconded the Motion.

MR. BLACKBURN said, the hon. Member for Greenock complained of having been put to the inconvenience of coming up from Scotland to oppose the Amendments made in the Bill by the House of Lords. Other hon. Members likewise, besides the hon. Member for Greenock, had been put to that inconvenience; but they had come up to support the Amendments of the House of Lords. The House, he was sure, would like to know what was the opinion of the high authorities who had already inquired into this matter, and the Commissioners who were appointed in the year 1826, who had inquired into the whole subject, and upon whose recommendation this Bill was founded, so far from thinking that the Principals of Colleges should not be attached to the Church of Scotland, strongly advised that they should be attached to that Church, and stated that it would be an evil if they were not. Previous to the year 1853, the Professors in the Universities of Scotland had been obliged to take the test of the Church of Scotland; but in that year an Act was passed setting free all the Chairs, except the Theological Chairs, from the necessity of taking that test. But the Principalship of the Universities had been always held to be a Theological Chair, and the matter had been so decided after having been debated in the Law Courts of Scotland. He was sorry that the hon. Member should raise this question now; for, in the Bill as it now stood, there was not a single question of a theological nature mooted; and the hon. Member for Greenock, who was himself one of the Commissioners under the Bill, would be able, if he could get his brother Commissioners to agree with him, to lay down the rules as to the way in which these very gentlemen should teach the different branches of divinity. It was true the hon. Gentleman had brought the matter before the House when the Bill was under discussion, and had carried his clause by a majority of 58; but there was no opportunity afforded for debating it. The right hon. Gentleman (the Lord Advocate) whose loss to this House they all so much regretted, spoke in reply; but it was not expected that there would be any debate, and hon. Members for Scotland were not prepared to speak. No opportunity was afforded for bringing forward any opposition to this clause till the Bill reached the House of Lords, and then the clause was struck out. He thought it would be most unadvisable that the House should lay down any absolute rule upon this matter without having full information on the subject. It would be much better to leave in the hands of the Commissioners, of whom the hon. Member for Greenock was one, to settle what should be the duties of the Principals, rather than to lay down any absolute law upon the subject. If the House should determine to replace the clause, it would be considered by the Church of Scotland, by whom the Principalship was looked upon as a theological office, as a blow aimed at her. It was agreed on all hands that the Bill was a most important one, and it would be a thousand pities if it were lost by a difference with the Lords on a subject with which the Bill in its original state, did not profess to deal. He hoped, therefore, that the House would agree to the Amendment of the Lords.

MR. CRUM EWING said, the Principals of Colleges were not Professors of Theology, or of any other science. They were the superintendents and heads of their respective colleges, and English Members would surely think it very absurd if it were made imperative that a clergyman of the Church of Scotland should superintend the teaching not only of divinity, but of Greek and Latin, of chemistry and mathematics, and even of midwifery. The fact was, it was never contended that the Principal should superintend any of these classes. The only reason why the Church of Scotland was so grasping in the matter was the mere selfish one of keeping the good places to themselves, to prevent them going to Dissenters, or even across the Border, where the patrons sometimes went

to get persons who were not members of the Church of Scotland to fill important Chairs. He trusted that the English Members, whom the Scotch Members had assisted in resisting church rates—the Irish Members, whom the Scotch had assisted to remove many grievances, would now repay their obligations, and show that they were determined to put down this last act of intolerance.

LORD ELCHO said, he was anxious to say a few words on this question, as the terms of the Act of 1853 had been referred to, and because in the necessary absence of the Lord Advocate at that time, it was his duty, as a Member of the Government, to move the second reading of that Bill. That Bill rejected the religious test as applicable to all the chairs in the Scottish Universities except the theological chairs and the office of Principal; and, unquestionably, it was the understanding at that time that they agreed to the Bill in the light of a compromise. In proof of this, he would refer to what he said on moving the second reading of the Bill. The Bill was opposed by the late Sir Robert Inglis; but it happened that no Scotch Member opposed it, and he said he would promptly state to the House why it was not opposed by the Scotch Members. The truth was, that the measure was a compromise; and while it was opposed by the hon. Baronet, who held extreme opinions on one side, the measure was not very acceptable on the other to those hon. Gentlemen who desired the separation of Church and State. The present measure was a compromise between moderate men on both sides; and in proof that it was so, he might refer to the interpretation clause, which provided that the chairs, of which the Professors were still to take the test, would be the Chair of Divinity, Church History, Biblical Criticism, and Hebrew, and the office of Principal, with the exception of those that might at the time be held by laymen. Such was his explanation of the measure which passed in 1853. It therefore appeared to him that this clause would be a departure from what was generally admitted to be a compromise in 1853. He was still more confirmed in this when he remembered that in Committee on that measure his hon. Friend then attempted to force his views upon the House, and to open up the office of Principal to persons who were not members of the Church of Scotland, but he failed to succeed then. He was therefore disposed to resist the Motion of his hon. Friend, and to abide by the compromise agreed to in 1853.

MR. WALPOLE said, before going to a division, he wished to say a few words. He agreed with what had fallen from the noble Lord that in 1853 an alteration in the law took place with regard to the tests to be taken in the Scotch Universities. Before that the test was imposed upon all Principals and Professors without exception; but by the Bill of that year a new test was adopted and generally approved throughout Scotland, and was sanctioned by Parliament. The exceptions made were as to the Principals and Theological Professors; and if hon. Members would turn to the 5th clause they would find that the Theological Professorships were clearly defined to be the Chairs of Divinity, Church History, Biblical Criticism, and Hebrew, and the office of Principal; so that the Act of Parliament which settled the mode in which the tests were to be administered recognised the fact, which had always existed, that the Principals of the Universities were holders of Theological Chairs. The hon. Gentleman opposite (Mr. Dunlop) had made one observation which, with all deference to his superior knowledge, he thought was inaccurate. The hon. Gentleman said that the Principals were never practically teachers of divinity. Now, he had been told—and told on high authority—that the Principals of Edinburgh, Glasgow, and Aberdeen were at that moment teaching, and had long taught, classes in divinity. That he had been told; and he begged the House to notice that the effect of the Amendment would be this—that the Principals of Universities *virtute officii* would teach divinity no longer; and to that extent there would be a diminution in the teaching of divinity in the Universities of Scotland. For himself, he must frankly say that he did not see any great objection to a layman being Principal of a University. But when he found that a settlement of the whole question had been made by Parliament so late as 1853, he thought it was unadvisable to disturb that settlement now, and for that reason he was prepared to advocate—though he did no attach much importance to it—the continuance of the office of Principal as a theological office.

SIR JAMES GRAHAM said, he wished to say a few words on this question, which he found under discussion when he entered the House a few minutes before. He was

bound to say that they were living in an age of progress. In 1846, when he was Secretary of State under Sir Robert Peel, it became his duty to resist a Motion for the repeal of these tests altogether, as regarded the Universities of Scotland. He did so to the best of his ability, urging those arguments which appeared to him the most forcible against the repeal. He had to struggle against the arguments urged on the other side by Lord Macaulay and the late Mr. Rutherfurd; and he was bound to state that he did not think the arguments he urged were the most cogent, though he carried his point by a small majority. In 1853, the compromise to which allusion had so often been made, was proposed when he was in the Earl of Aberdeen's Government, and the tests taken in the Scotch Universities were repealed with the full concurrence of the Government, excepting only those tests which were applicable to the divinity Professorships and the Principals. But he must frankly own he did not see on what grounds those tests could any longer be applied to Principals, or why laymen should not be Principals of the Universities of Scotland. He would not carry the discussion further. He felt bound to say that the Bill as it was sent up from the Commons to the Lords was right and defensible; he thought the alteration made in the Bill was imprudent and indefensible. He thought that Clause 3 should be restored, and he would therefore give his vote to disagree with the Lords' Amendments.

Mr. ROEBUCK said, the right hon. Gentleman said this was an age of progress. He would use another word which perhaps meant the same thing—it was a time of change. One of the greatest changes that had ever taken place in Scotland was the change that had there occurred with respect to ecclesiastical organization. A few years ago the large majority of its population were members of the Established Church. Now the Established Church of Scotland did not number more than one-third of the population. He maintained that the institutions of the country ought to change so as to be adapted to the change in the opinions of the inhabitants. He was prepared to support the application of that principle to the national Universities. No man need tell him at this time of day that they were bound to choose the Principals of those Universities from among the clergymen of the Church of Scotland, which was supported only by a third of the population. Such a proposition was absolutely absurd. It would shut out from presiding as Principals of the Universities many of the greatest names in Scotland, and the men most worthy of the office. He would therefore oppose to the uttermost this change in the Bill which had been made by the Lords.

Mr. DUNLOP observed, he had one word to say in explanation. The right hon. Secretary for the Home Department had stated, in contradiction to a remark of his, that the Principals of the Universities of Edinburgh, Glasgow, and Aberdeen, taught divinity classes. That was perfectly true, but it was because they held the office of Professors of Theology separate and distinct from that of Principal, and what he said was that the office of Principal did not bind them to teach theology.

Viscount PALMERSTON said, he did not like and could not admit this doctrine of compromise which had been laid down, founded upon transactions which took place several years ago. This Bill was brought forward on the principle of remodelling the whole system of the Universities of Scotland, and whatever might have been agreed to in former years, that agreement must share the fate of all the other arrangements, and they must consider every point of the system as equally open to discussion. Now the question had been well debated while the Bill was before the House. The Bill passed, and that clause which had been struck out by the Lords was affirmed by a majority of the House. He thought therefore the House ought to abide by the clause, and if the Lords found that this House was firm in asserting the principle contained in this clause, he had no doubt that they would not resist the opinion of this House.

Motion *agreed to.*

Lords' Amendment *disagreed to.*

Mr. DUNLOP said, there was another Amendment the Lords had made on a clause which was adopted in this House with the full consent of the Government. He did not know whether the Government meant now to stand by the alteration the Lords had made. It was a question which referred to the election of Lord Rector of the Universities. It was resolved that the Rector should be elected by the matriculated students. It was then proposed that the Professors should be joined with the students in the election, but it was objected

that it was not desirable that the Professors should be joint electors—and often, perhaps, placed in opposition—with their students. The Government agreed that the Professors should not be joined with the students in the election, but the Professors had been re-inserted in the Lords. It was not a matter of great importance, one way or other, and he would not divide upon the question ; but he hoped the Government themselves would disagree with the Amendment, as he thought it was very undesirable that the Professors should be made co-electors with the young students.

Lords' Amendment *disagreed to.*

On Lords' Amendment, striking out Clause 26,

MR. WALPOLE said, he wished to say one word as to this clause. When it was first brought forward in this House, it was not opposed by the Lord Advocate, and as he did not think it right to oppose the clause on its first introduction to the House, he should think it was an act of bad taste if he were to act contrary to the opinion of his learned Friend.

MR. BLACKBURN said, he knew how difficult it was to object, but he was sure the House was not aware of what it was doing. The Crown had raised a question as to its right to dispose of certain property, to which Glasgow College also asserted its claim. The matter had been mooted more than 100 years ago, it was raised again in 1807, and it was before the Courts at the present moment ; and now the House was asked to decide in favour of the Crown a question which was actually at this moment a matter of litigation. He knew, however, it was in vain to divide upon the question, but he protested against the wrong that was done.

Amendment *disagreed to.*

Committee *appointed*,—

"To draw up Reasons to be assigned to the Lords for disagreeing to the Amendments to which this House hath disagreed :"—Mr. DUNLOP, Viscount PALMERSTON, Sir JAMES GRAHAM, Mr. ROEBUCK, Mr. BLACK, Mr. CRAUFURD, and Sir EDWARD COLEBROOKE.

To withdraw immediately; three to be the quorum.

LAW OF PROPERTY AMENDMENT BILL.

BILL PUT OFF.

Order for Consideration, as amended, read.

Motion made, and Question proposed, "That the Bill be now taken into consideration."

MR. ROLT said, the Bill contained thirty clauses. It was not founded on the Report of a Commission, it was not introduced by Government, and it had not received that degree of care and consideration which was usual in Bills of this sort. It was not because he thought that, if there were time for full consideration, the Bill ought to be rejected, but because he thought it ought not to be passed without careful consideration that he moved, as an Amendment, that the Bill be recommitted.

Amendment proposed,—

To leave out from the word "be," to the end of the Question, in order to add the word "recommitted," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

THE ATTORNEY GENERAL said, among the many disappointments in matters of legislation to which he had been doomed to submit during the latter part of this Session, nothing had cost him more pain than the necessity he felt under of consenting, as he most reluctantly did, to the withdrawal of this Bill. The Bill had emanated from, he might almost say, the greatest lawyer of his time in respect to the subjects to which the Bill related. It underwent great discussion in the House of Lords, and it passed the Committee of that House at last with the entire assent of all the law Lords. It was calculated, he believed, to effect many and great improvements upon points on which every member of the community was deeply interested. But he was bound to admit that, as it now came down to this House at this late period of the Session, his hon. and learned Friend had by no means misrepresented the case when he said there had been no opportunity of discussing a single clause of the Bill in this House, and he did not think it would be respectful to the House to press the Bill forward now.

MR. MALINS expressed his satisfaction at the withdrawal of the Bill.

Amendment and Motion, by leave, *withdrawn.*

Bill *put off* for a month.

ADMINISTRATION OF OATHS BY COMMITTEES BILL.

SECOND READING.

Order for Second Reading read.

MR. MOWBRAY, in moving the Second Reading of this Bill, said the object of it was to enable Committees, if they

thought fit, to administer oaths to witnesses, and also to enable witnesses to be sworn before Committees of the House of Lords, instead of being sworn at the bar of the House.

Bill read 2°, and *committed* for *To-morrow* at Twelve o'clock.

HARBOURS OF REFUGE.

COMMISSION MOVED FOR.

Mr. WILSON said, he rose to call attention to the Report of the Select Committee upon Harbours of Refuge, and move an Address for the appointment of a Royal Commission, in order to the inquiry in the terms recommended in that Report. It was not necessary for him to detain the House at any length on the question, as he believed the Government were willing to grant the inquiry he had in view. The Committee, to whose Report his Motion referred, was appointed by the House, at the request of the late Government, under these circumstances. The House and the Government had been frequently applied to for the purpose of sanctioning the erection of harbours and the expenditure of public money on the different parts of the coast. The great objections that had been raised, not only by the Government, but by the House, had been that no inquiry had been made as to those parts of the coast where these improvements were required; and contentions had taken place as to which point of the coast the harbours should be erected at. In order to remedy those inconveniences, the late Government thought it wise and prudent that a Committee should be appointed. That Committee had been appointed early in 1857, and it had investigated the subject during that and a portion of the present Session. And if hon. Members would refer to their Report, they would find that the enormous losses of life and property which took place every year on our coast were such as to fully justify any Government in taking some decided step on a matter of such importance. In five years there were 5,128 casualties on our coast, of which 2,184 resulted in wrecks or total loss, and 2,944 in damages of smaller or greater degree. During the same period 4,148 persons lost their lives, or an average of 830 every year. Moreover the mere money value of these losses amounted, according to the evidence, to an average of £1,500,000 per annum. These two facts alone, he thought, should be a sufficient inducement for this House carefully to consider the subject, and try to remedy the crying evils which resulted from the present condition of our coast. These losses were contingent to a great degree on the crowded state of our waters, arising from the great increase which had of late taken place in our shipping. In 1843 the amount of tonnage of British shipping which entered or cleared from ports or harbours of the three kingdoms was 7,181,000 tons, and of foreign tonnage 2,643,000—making altogether 9,824,000 tons of shipping. That was fifteen years ago, while last year the amount of British tonnage was 13,694,000, and of foreign 9,484,000, making a total of 23,178,000 tons. Thus the increase within fifteen years had been more than 130 per cent, and this increase had not been caused by any sudden or momentary impulse; it had been gradual and steady, and even in 1857 was equal to that of any preceding year. There was, therefore, every reason to suppose that this great development would proceed at the same rapid rate as heretofore, and if the crowded state of our waters now led to such enormous loss of property and of life, it was reasonable to expect that that loss would increase proportionately with the increase in our trade unless means were taken to afford greater facilities to shipping upon our coast. Another proof of the rapid growth of our shipping was, that in 1843 the amount of tonnage built in this country was 83,000, while last year it was 250,000 tons. What, then, under such circumstances was the duty of the Government and of this House? As a general rule, the Committee over which he presided had confined their attention chiefly to the question of harbours of refuge, strictly so called, and they had examined upwards of sixty witnesses, among whom were Captain Washington and Captain Veitch, of the Admiralty, Captain Sullivan, of the Board of Trade, professional gentlemen of great eminence, and local engineers and practical men who navigated our coast. The labours of the Committee, he thought, entitled their Report to consideration from the House, and that Report was, he trusted, a fair statement of the facts and summary of the evidence adduced. Generally speaking, they found that the coasts of the United Kingdom were well studded with natural harbours. The attention of the Committee, however, had been concentrated upon a

Mr. Mowbray

few important points. The first part of the coast which had come specially under notice was that lying between Pentland Frith and the Frith of Forth in Scotland, and in the case of that line of coast the recommendation of the Committee was, that the inquiry should be as large as possible. Of course, the precise spots at which harbours of refuge should be formed was a question upon which it was impossible for an up-stairs Committee to come to any precise conclusion; but they had indicated the locality at which it was desirable that as the coast contained no large natural harbours, harbours of refuge should be erected. The part of the coast which had come next under their consideration was that stretching from St. Abb's to Flamborough Head in Yorkshire, between which points, it appeared, there was no secure retreat for shipping. Now, this line of coast was an important one, including, as it did, Newcastle, Shields, Tynemouth, Sunderland, Hartlepool, and Whitby. In that case, also, the Committee had recommended that no precise locality should be fixed upon, but that the advantages which any portion of the coast possessed for the construction there of a harbour of refuge might form the subject of inquiry. With respect to the east coast of England, the Committee had come to the conclusion that, inasmuch as it was furnished with such places of refuge as the Wash, the Humber, Yarmouth-roads, and the Thames, it was amply well supplied in that particular, while the existence of the Harbour of Dovor—though not, he was ready to admit, so much a harbour of refuge as of defence—of the new harbour at Portland, which, when finished, would be one of the most magnificent places of refuge in the world, and of the natural harbours of Falmouth and Plymouth upon the south coast rendered it in the eyes of the Committee inexpedient that any expenditure of public money should be incurred in that quarter. Directing their attention, however, to the line of coast which lay between the Land's End and the Bristol Channel, the Committee had found that there was in that direction a great want of harbours of refuge. They had, therefore, advised the formation of a harbour at St. Ives or some other neighbouring place for coasting vessels, and another in the Bristol Channel for the foreign trade. The trade of South Wales in iron and coals was increasing so fast that the Channel would soon vie for its crowded condition with the north-east coast. With those exceptions, there was no point on the coast of Great Britain at which the Committee had deemed it necessary that expenditure should be incurred, especially when they took into account that a magnificent harbour at Holyhead was now rapidly progressing towards completion. Turning to Ireland, they had ascertained that there were three points at which it was desirable that something should be done with the view of affording greater security to shipping. One of those was Carlingford Bay, which simply required that a large sandbank at its entrance should be removed, in order to render it a magnificent harbour, capable of admitting the largest class of vessels. Then, there was Waterford Bay, to which a precisely similar observation applied; and, lastly, Portrush, on the north coast of Ireland, which, by means of natural rocks, called the Skerries, formed an almost natural harbour, but which, owing to the fact that the interstices between those rocks did not admit a sufficient amount of water to endanger vessels, would require that a sum of about £100,000 should be laid out upon it before it could be made thoroughly available as a harbour of refuge. By these means the northern route from Liverpool to America might be made as good as the southern one, which was becoming rapidly insufficient for the commerce of the Atlantic. Those to which he had adverted were the only points along the coasts of those islands which the Committee had recommended as the sites of public works; but in making that statement, he was by no means prepared to contend that the Commission which was about to be appointed might not extend beyond them the scope of its inquiry. He was at the same time of opinion that the Government should be extremely careful with respect to allowing an extension of the limits of the inquiry, because the result might be that the whole question would again be raised, and that works of urgent importance would not in the meantime be constructed with that expedition which was desirable. According to the estimates, the construction of harbours of refuge at the places pointed out would cost about £2,000,000; but if the amount should turn out to be £2,500,000 or even £3,000,000, they must remember, as he had stated, that the annual loss by shipwreck amounted in value to the sum of £1,500,000, which was the subtraction of so much money from the aggregate capital of the country, while the

loss of life amounted annually to 800 persons. The evil which the House was called upon to remedy was not one of a merely speculative character, but one which either as involving considerations, of humanity, or of pounds, shillings, and pence, demanded the most serious attention. Of the expenditure which it would be necessary to incur in order to obviate that evil, it had been suggested that the shipping interest ought to bear a portion. In that view he had concurred, because he thought the advocates of the establishment of harbours of refuge would come to that House with a better chance of success if they could state that the classes more immediately interested in the question were prepared to contribute to the attainment of the object which they sought to accomplish. There were others, he was aware, who held a contrary opinion, and he, for one, should offer no opposition to the payment of the whole of the expenditure out of the public money, should that course be deemed the one which it was most expedient to adopt. He did not, however, think that it would be wise to discuss that question at present, deeming it more advisable that it should be left for the future consideration of the Government. The inexhaustible resources of our trade and commerce had been shown by the immense increase of our exports, but our shores were limited in extent and our ports limited in number. It was, therefore, our duty to provide as much accommodation and security for the ships which frequented our coasts as ingenuity and capital could provide. He thanked the Government for the readiness with which they had met his proposal for the appointment of a Commission, and hoped that its labours would result to the advantage of the country.

MR. LINDSAY said, he rose to second the Motion, and in doing so he would observe that he had never read a Report which contained more valuable information than that of the Committee on Harbours of Refuge. He rejoiced that the Government assented to the appointment of the Commission, but hoped that the inquiries of the Commissioners would be limited to the evidence that was adduced before the Committee, otherwise there would be a constant competition of corporations as to the best sites for Harbours of Refuge. He would recommend that the Commissioners should have a steamer placed at their disposal, a competent and unprejudiced engineer, that they should be furnished with the Report of the Select Committee, with the evidence given before it, and all other necessary documents; and, thus it was provided, that they should visit the various places indicated in that evidence, and, if necessary, take any additional evidence upon the spot, the capabilities of which they could examine for themselves. The Report pointed out that the main difficulty was the question of how the means were to be raised, and he was glad to find that the hon. Gentleman (Mr. Wilson) seemed to have arrived at the conclusion that the construction of harbours of refuge was a national object, and that their cost ought to be defrayed out of the Consolidated Fund. The system of passing tolls had, he thought, been universally condemned. It might seem a small thing to impose a tax of a penny a ton upon vessels passing these harbours; but while harbours of refuge would serve also for commercial harbours the result of the application of passing tolls would be that they would tax the ships of other ports to defray the cost of a harbour which would be a rival to them. He thought, therefore, that this should be treated as a national question, and that the Government would feel that, as a great maritime people, it was our duty to provide for the security, not only of the lives and properties of our fellow-subjects, but also of those foreigners who visited our coasts for the purposes of commerce.

Motion made and Question proposed,—

"That an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to give directions for the appointment of a Royal Commission, to complete the inquiry in the terms recommended in the Report of the Select Committee of this House in the present Session on Harbours of Refuge."

LORD ADOLPHUS VANE-TEMPEST said, he could bear his cordial testimony to the ability and fairness with which the Chairman of the Committee had presided over its proceedings. He rose, however, for the purpose of remarking that one-half of the wrecks which took place on the coast of England took place on the north-east coast. He thought, therefore, that that coast had especial claim to the attention of the Commission, and he hoped he should receive from the First Lord of the Admiralty an assurance that this should be given. He also hoped to receive from the right hon. Baronet a pledge that he would see to the impartial constitution of the Commission, and that in every particular any engineer placed upon it should be free from local bias. He thought it was

impossible to regard this as other than a national question, when they looked at the waste of life and property that took place annually on our coast from the want of harbours of refuge; and, therefore, he quite concurred in the propriety of constructing these works out of the public funds, although he would be willing that a small tax should be laid on the shipping interests rather than the works should be delayed.

SIR JOHN PAKINGTON: Sir, I have stated on a former occasion that it was the intention of the Government to grant this Commission. It is, therefore, quite unnecessary that I should detain the House by following either the hon. Member opposite (Mr. Wilson) or any of the other speakers in the remarks they have made. But I cannot help saying that I agree with the hon. Gentleman opposite that the Committee to whom this important inquiry was entrusted have done full justice to the interest and importance of the subject. I have read with great interest the able Report which has been presented to the House by the hon. Gentleman opposite, who was Chairman of the Committee, and I do think, and on behalf of the Government I am glad to be able to say, that I think the Report of that Committee fully justifies the recommendation it has given, and on that ground we have felt it to be our duty to concede the Commission which the Report recommended. The wish and intention of the Government will be to constitute a Commission both competent and impartial, and I hope that on the part of the House there will be no indisposition to provide the funds necessary to carry out a work that I believe to be extremely important for the protection of that shipping which has been increasing, and is increasing with such astonishing rapidity, and which is so closely connected with the welfare and prosperity of the country.

MR. DODSON said, that he did not wish to depreciate the value of the wreck chart appended to the Report of the Committee, but it afforded, after all, a very inadequate criterion of the real loss sustained on various parts of the coast. It indicated only the number of vessels lost, and not the comparative value of the property or the number of lives; whereas, he contended, that if the value of the shipping wrecked and the number of the lives lost were taken as the test, the southern coast would have an equal, if not greater, claim for consideration than the coast between Flamborough Head and St. Abb's Head, which had been described as the most dangerous. It appeared that in the five years from 1852 to 1856 inclusive 763 vessels were wrecked between Flamborough Head and St. Abbs, while between Portsmouth and Dovor only 177 vessels were wrecked in the same period. But he found, on referring to the registers kept at the Admiralty and the Board of Trade, that the 763 vessels wrecked between Flamborough Head and St. Abbs involved the loss of 260 lives, while the 177 vessels wrecked between Portsmouth and Dovor involved the loss of as many as 218 lives. It was, therefore, clear that even apart from military considerations, the claims of the south coast upon the attention of the Committee were very great indeed. The hon. Member for Teignmouth had spoken as if the Committee had come to a decision with reference to the mode of paying the expenses that might be incurred, but he did not understand that the Committee had made any distinct recommendation that the charge of these harbours should be defrayed by a passing toll upon shipping; they had only recommended that a portion of the charge should be defrayed by the shipping interest. And he did not think that they were pledged to any particular suggestion with respect to the mode of defraying the expense of these harbours.

SIR FREDERICK SMITH said, he thought the country were much indebted to the Government for the readiness with which they had consented to the appointment of a Commission, which he hoped would be immediately appointed and would consist of competent and impartial persons. As to the mode in which the construction of these harbours should be paid for, that was a matter for the subsequent consideration of Parliament. It was premature to discuss it then, for they did not even know what the cost of these works would be.

MR. CLAY said, that the Government had done a great national service in consenting to the appointment of a Commission, and that service would be increased if they should eventually decide that the cost of the construction of harbours of refuge should be defrayed out of the Consolidated Fund. The erection of such harbours was a national duty, and the advantage derived from them would not be confined to the shipping interest alone. He hoped the Government would not, in this case, fall into the error which had so much prevailed of late years, that particular classes of the community ought to pay

for what were great national works. When the Commission reported, it would be time to consider the best mode of paying the expenses; but he hoped the fact would not be lost sight of, that these harbours of refuge would be for the benefit of the whole community, and not of the shipping interest only.

MR. M'CANN said, he agreed in all that had been said in praise of the Committee, but complained that they had overlooked an important part of the Irish coast, near Skerries, in the county of Dublin. He hoped that the attention of the Commissioners would be drawn to that harbour. For many years past petitions had been presented to that House, from Scotland as well as Ireland, in favour of a harbour of refuge at Skerries, which was easy of approach, and a good hauling ground. He would therefore move an addition to the Motion, directing the Commissioners to extend their inquiry to the harbour of Skerries, as regarded its capabilities and circumstances as a site for a harbour of refuge.

Amendment proposed,—

At the end of the Question to add the words, "and to extend their inquiries to the Harbour of Skerries, in the county of Dublin, as regards its capabilities and circumstances as a site for a Harbour of Refuge."

Question proposed, "That those words be there added."

MR. INGHAM said, he had no doubt that, under the terms of their Commission, the Commissioners would have full power to institute the inquiry suggested by his hon. Friend. He hoped, however, that the whole body of Commissioners would not be expected to inquire into the four divisions of the question which had been recommended for consideration, but that the work would be distributed among them in such a manner that their inquiries might be brought to a simultaneous conclusion.

MR. YOUNG observed, that only one hon. Member connected with the ports on the eastern coast had been placed upon the Committee; but, as representing Yarmouth, he might state that his constituents regarded this subject with considerable interest. The harbour accommodation at Yarmouth was amply sufficient for the trade of the port; but, as the most easterly point on the coast, the place was in time of war a naval station of great importance, and an immense amount of shipping passed through the roads every year. He thought, therefore, that the attention of the Commissioners ought to be specially directed to that part of the coast. As many as 2,000 ships had been known to pass through Yarmouth Roads in a day; there were frequently from 1,000 to 1,400 vessels of various sizes at anchor in the roads, which comprised the space of water between the mainland and some sands which lay about two miles out at sea. He was sorry to add that there was scarcely ever a gale, especially from N.N.E. or S.S.W., in which loss of life did not occur. Efficient shelter for shipping might be provided by comparatively small expenditure, and he hoped the attention of the Commissioners would be directed to the subject.

MR. RIDLEY said, he wished to express his satisfaction at the statement of the hon. Member for Devonport, and his conviction that, if the Commissioners followed the course of inquiry suggested by the Committee, the result of their investigations would be most advantageous, not only to the maritime interests of Great Britain, but to those of the whole world.

MR. GRANT DUFF said, he wished to express his thanks to the right hon. Gentleman for having promised that the Commission should be both impartial and competent. He also wished to observe that the Committee did not receive any evidence as to the desirableness of constructing small tidal harbours of refuge. He wished to know whether there would be any opportunity of laying such evidence before the Commission. Many parts of the coast of Scotland required small harbours of refuge, and it was owing to the want of such that forty-two seamen lost their lives some months ago on the Banffshire coast.

MR. G. A. HAMILTON said, he was unable to explain why it was that no evidence had been taken before the Committee with regard to the harbour of Skerries; but he believed it was the opinion of nautical men who were competent judges, that there was no place on the eastern coast of Ireland the fitness of which as a harbour of refuge ought more to be inquired into. As he understood his hon. Friend (Mr. Wilson), he did not wish to exclude the Commission from inquiring into any particular locality within the four divisions which they might conceive to be fit and proper to convert into a harbour of refuge. And, of course, it would be an important question auxiliary to that to inquire how far the smaller harbours might be assisted. It would be the first duty of

the Commissioners, however, to follow the line which was chalked out in the Report of the Committee, and direct their attention to such great harbours of refuge as were necessary for the protection of life and property along the coast. He felt that the utmost credit was due to his hon. Friend (Mr. Wilson) for the part he had taken in reference to this important subject. His hon. Friend had been instrumental in the first instance in promoting this great inquiry; and all he (Mr. Hamilton) would say on behalf of the Government was that in the selection of the members of the Commission the greatest possible judgment would be exercised, and those only appointed in whose experience, efficiency, and impartiality the public would have the greatest confidence.

MR. PHILIPPS observed, that it would be inexpedient to add any particular harbour to the Motion; for if that were done in one instance, hon. Members might wish to do it in others. At the same time he was anxious that the question of improving existing tidal harbours should not be neglected by the Commission.

MR. HATCHELL urged an inquiry into the necessity of establishing harbours of refuge on the coast of Wexford, the evidence taken by the Committee on that part of Ireland being very meagre and unsatisfactory.

LORD HARRY VANE said, he wished to express his gratification at the determination of the Government to appoint a Royal Commission to inquire into the best points for the construction of harbours of refuge along the coast, as the loss of life and property owing to the increase of commerce had greatly increased of late years. He anticipated the most gratifying results from the Commission, but he trusted that the inquiry which the Commission were to institute would embrace all the circumstances connected with the different localities.

ADMIRAL WALCOTT said, he thought that great praise was due to the Committee for the ability and judgment with which they had fulfilled their task. The formation of these harbours would unquestionably effect a great saving of life and property, and that was the duty of all Governments. He knew from his own experience that to avoid the payment of harbour dues ships had been wrecked and lives lost, and therefore he trusted that the Commission would direct their attention to those dues. He was confident that when the Commission made their Report the House would not be niggardly in the performance of its duty.

MR. WILSON said, he hoped that the hon. Member for Drogheda (Mr. M'Cann) would not persevere with his Amendment; because, although he did not deny the merits of Skerries Harbour, the authorities of the harbour had been exceedingly remiss in not bringing the case before the Committee. He had no doubt that it would not be overlooked by the Commissioners; but it was obvious that if the Motion went beyond the limit to which the Committee went in their Report, there would be no end to the inquiry.

MR. J. H. HAMILTON said, he also would recommend the hon. Member to withdraw his Amendment.

SIR JAMES ELPHINSTONE said, he did not think they ought to look forward to any part of the expense of the proposed harbour being met by passing tolls. The advantage of harbours of refuge would be greatly reduced if they were not thrown open freely to every flag and every vessel that passed our shores, and he for one would never consent to levy a passing toll upon shipping for their support; but he would be ready at any time to vote a large sum of money to be laid out for the purpose of averting that national scandal, the enormous loss of life which now annually took place along our shores.

CAPTAIN MANGLES said, that unless the Commission which was about to be appointed exercised a good deal of caution, a large amount of money would be wasted to very little purpose. The idea of harbours of refuge was remarkably popular with shore-going men, and with hon. Members who represented seaports—and no doubt it looked very pretty upon paper—but until both the foreign and the coasting trade should be carried on much more generally than it was at present by steamboats, harbours of refuge would be really vain and useless things. An experienced seaman navigating a sailing vessel always avoided the shore when a gale came on, and he did not think, therefore, that the advantages which kind and philanthropic people were apt to attribute to harbours of refuge were likely to result from their more general establishment. He cautioned the Government to be careful how they listened to representations from the county of Wexford and distant ports, the inhabitants of which were all anxious to have harbours, and not to be led away by the idea that the in-

surance upon vessels which had to pass harbours of refuge would be lessened in consequence. He pointed to the hardship imposed upon London shipowners in having to pay duties for passing Ramsgate Harbour, when it was notorious that ships of a certain burden could not enter it, and instead of multiplying the occasions for these imposts, he called upon the Government to diminish those which already existed.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Resolved,—

That an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to give directions for the appointment of a Royal Commission, to complete the inquiry in the terms recommended in the Report of the Select Committee of this House in the present Session on Harbours of Refuge.

House adjourned at Ten o'clock.

HOUSE OF LORDS,

Tuesday, July 27, 1858.

MINUTES.] PUBLIC BILLS.—2ª Militia Pay; Consolidated Fund (Appropriation); Metropolis Local Management Act Amendment; Drafts on Bankers Law Amendment; Militia (Service Abroad) Act Continuance; Militia Act Continuance (No. 2); Corrupt Practices Prevention Act Continuance; Civil Bills, &c., (Ireland) Act Amendment; Judgments (Ireland) Act Amendment; New Writs.

3ª Local Government; Joint Stock Banking Companies; County Property Conveyance; Legitimacy Declaration; Chelsea Bridge Act Amendment; Returns to Secretary of State; Detached Parts of Counties; Lunatics (Scotland) Act Amendment; Herring Fisheries (Scotland); Copyhold Acts Amendment.

INDIA.

THE EARL OF ELLENBOROUGH, referring to the Correspondence which had been presented to the other House of Parliament, moved that there should be laid before their Lordships copies of a letter addressed by himself, as President of the Board of Control, to the Court of Directors, on the 28th of April last, and of a memorandum, written by Sir G. Clerk, Secretary of the India Board, on the subject referred to in that letter.

Ordered.

THE BANKRUPTCY COURT AT MANCHESTER.

LORD STANLEY OF ALDERLEY presented two petitions, one from the Directors of the Chamber of Commerce, and the other from the Law Association of Manchester, complaining of the conduct of William Thomas Jemmett, Esq., a Commissioner of the Court of Bankruptcy in Manchester, in contracting debts which he is not able to pay; and praying for the adoption of measures for the purpose of removing the said Thomas William Jemmett from the said office.

THE LORD CHANCELLOR was obliged to his noble Friend for having informed him of his intention to present these petitions and communicated to him their contents. It was with the greatest pain he had read the statements contained in them, more especially as the gentleman to whom they referred was one with whom he had been on terms of intimacy. As Lord Chancellor, however, he had no power to interfere in the matter, for although the appointment of Commissioners of Bankrupts rested with him, he could not remove them for misconduct.

VOTE OF THANKS TO GOVERNOR GENERAL OF INDIA, &c.

SIR JAMES OUTRAM AND MR. HALLIDAY.

THE LORD CHANCELLOR acquainted the House that he had received a letter from the Viscount Canning, Governor General of the British Possessions in the East Indies, inclosing letters from Major General Sir James Outram, G.C.B., and the Hon. Frederick James Halliday, Lieutenant Governor of Bengal, in return to the Thanks of this House and to the Resolutions of the 8th of February and 16th of March last, communicated to him in obedience to Orders of this House of the said 8th of February and 16th of March.

The said letters being read, were ordered to lie on the table, and to be entered on the Journals.

LOCAL GOVERNMENT BILL.

THIRD READING.

Bill read 3ª (according to Order).

Amendments made.

THE EARL OF CARNARVON to add at the end of Clause 44—

"In any District where the provisions of the said Act for the Prevention of Smoke are not now in force in which the Local Board shall resolve that any one or more of such processes should be exempted from penalties for not consuming all Smoke for any time specified in such Resolution, not exceeding ten years, which may be annually renewed for a similar or any shorter period, if the Board shall think fit; and any Justice or Justices before whom any person shall be summoned may remit the Penalty in any Case within such District

Captain Mangles

in which he or they shall be of opinion that such person has adopted the best known means for preventing any nuisance from smoke, and has carefully attended to the same, so as to consume as far as possible the smoke arising from any process so exempted during such time as any such resolution shall extend to, unless an order shall be issued by one of Her Majesty's Principal Secretaries of State directing that such exemption shall no longer be continued in such district to such processes or any of them after a time specified in such order."

LORD REDESDALE opposed the Amendment, and drew attention to the provisions of the clause incorporated in the Bill the clauses of the Towns Improvement Act (1847) with respect to the prevention of smoke, subject to the qualification that they should not extend to any of the following processes—namely, the coking of coal, the calcining of ironstone or limestone, the making or burning of bricks, earthenware, quarries, tiles, or pipes, the raising of any mines or minerals, the smelting of iron ores, the refining, puddling, shingling, and rolling of iron or other metals, or to the melting and casting of iron into castings, or to the manufacture of glass. The noble Lord said that the effect of this qualification would be practically to repeal those beneficial clauses in the Towns Improvement Act which compelled a great variety of noxious trades to consume their own smoke. Because the great manufacturers who were engaged in these trades choose to say that they could not consume their smoke, they were to be exempted under this Bill without any sufficient cause being shown, and the result would be to bring the smoke nuisance into many places where it had not existed before. He remembered, when they first attempted to legislate upon this subject, that the potteries on the south side of the river declared that they would not be able to carry on their business if they were compelled to construct smoke-consuming furnaces; but experience had proved that there was really no practical ground for these exemptions. He moved that the whole of the qualification should be omitted from the clause.

THE EARL OF DERBY defended the clause, on the ground that if it were altered as proposed it would lead to a great interference with private rights.

LORD REDESDALE pressed his objection, and urged at all events that earthenware works should be excluded from the exemption.

THE EARL OF CARNARVON refused to alter the clause.

LORD REDESDALE: Then I warn your Lordships that this Bill is a mistake, and that it will throw the greatest obstacle in the way of the consumption of smoke that can well be devised. After the passing of this Bill we shall rapidly fall into every one of the old nuisances with regard to smoke from which, after many years of struggling, we have at length succeeded in emancipating ourselves.

THE DUKE OF NEWCASTLE suggested that it would be prudent not to pass the Bill at present. It was all very well to say that private interests were concerned. No doubt they were; but they were concerned in bringing back a most objectionable nuisance. He reminded their Lordships that when they began to legislate upon this subject every trade without exception declared that it would be impossible to conduct its business if it were compelled to consume its own smoke. Step by step, however, trade after trade had been drawn within the meshes of the law, until at last all had found that they were able to do what the law required. He earnestly entreated the House not to take any retrograde step in this matter, and not to exempt any trade which was at present within the law for the prevention of smoke. If they did they would have all their work to do over again, and it might be years before they could pass an effectual Smoke Prevention Act. The difficulty in which they now found themselves involved afforded another illustration of the inconvenience of deferring important measures of this nature to so late a period of the Session.

THE DUKE OF BUCCLEUCH also expressed a hope that some Amendment would be made in this Bill to compel manufactories in large towns to consume their own smoke.

After some further conversation,

THE EARL OF DERBY suggested that the passing of the Bill should be postponed until to-morrow, in order that an Amendment might be agreed on which would carry out the object desired.

Further Debate adjourned till *To-morrow.*

METROPOLIS LOCAL MANAGEMENT ACT AMENDMENT BILL.

SECOND READING.

Order of the Day for the Second Reading read.

THE EARL OF DERBY: My Lords, the Bill to which I now invite your Lordships

to give a second reading is one of considerable importance, and, as those must admit who have recently experienced the state of the river, of great urgency. Fortunately, the manner in which it has been sent up by the other House does not involve the necessity on our part of entering into a discussion of all the various schemes which have been proposed for remedying that which is an undoubted nuisance. The first question to be considered in dealing with this great subject was, at whose expense the necessary works for the purification of the Thames and the better drainage of the metropolis ought to be carried on. It was contended, on the one hand, that it was merely a local work, affecting the metropolis alone, as similar works affected other great towns; while, on the other hand, it was argued that the metropolis stood in a position quite apart from all other towns—that it was the seat of the Legislature, of the courts of law, and of the various public offices, and that, consequently, there was a fair claim on the part of the metropolis that some portion of the expense should be borne by the general public. It was thought, and justly thought, by the House of Commons, however, that, although it is quite true that the metropolis is an object of general interest, yet that, inasmuch as the presence of all the great public Departments brings a great concourse of persons to the metropolis, and adds materially to its wealth, there is no ground for not applying to the metropolis the same principle in this respect which is applied to all other towns. I cannot but express my opinion that the importance of the step now to be taken can hardly be overrated, because it is an experiment upon a gigantic scale which certainly will serve either for an example or a warning to all the other great towns of the country. Not the Thames only, but all the other rivers in this country have become polluted to a degree which renders it absolutely necessary that some steps should be taken for their purification. On a small scale I believe that successful operations have been conducted with this view at Leicester, and that the inhabitants of Glasgow—much to their credit—are endeavouring to carry out important works of the same kind. If the metropolis, therefore, were to receive a certain portion of assistance from the public funds, I can hardly conceive on what grounds applications for similar assistance from Edinburgh, Dublin, and what I may term the "provincial metropolises" generally, could be refused. I confess that my own opinion is, that this is a work which should be performed by the metropolis for the benefit of the metropolis, and, considering the immense wealth of the immense population among whom the expense is to be divided, it does not seem to me to be beyond what might fairly be expected from the inhabitants of a great city like this. If, then, the principle be adopted that the inhabitants of the metropolis should pay for carrying into effect this great work, it seems to follow as a necessary consequence that the persons to whom its execution should be intrusted should be those who possess the confidence of the metropolis itself; and as there exists a Board elected by the ratepayers of the different districts only two or three years ago for carrying out great works of local improvement, it seemed to the House of Commons that that Board—so constituted and maintained by the payment of rates—should be the body to carry out the intentions of Parliament with regard to the purification of the river. That Board since its original establishment has certainly not been very effective or very operative; but it must be remembered that it never either had any absolute discretion as to the carrying out of works, or any funds for the execution of them. It is, therefore, not very surprising that the Board failed to accomplish any work of importance; for its powers were so limited as to be absolutely and entirely worthless. The House of Commons then determined that if you are to have a Board of that kind, it was necessary that you should intrust it with sufficient funds to execute the purposes which it had to perform, and that the responsibility which it owed to the ratepayers in the disposition of their funds should be interfered with as little as possible by extraneous authority. The House, therefore, resolved to delegate the absolute and entire trust of executing this great work to the Metropolitan Board, which has been elected by the ratepayers of London, out of whose funds the expenses are to be provided. It has been thought wise not to encumber the provisions of this Bill by precise limitations with regard to any particular scheme, to the exact point where the outfall is to take place, or to any precise regulations to be carried into effect; but to leave the utmost possible latitude to the Metropolitan Board of Works for abating, on their own responsibility, out of the funds of their constituents, that which has become an intoler-

able nuisance. There can be very little doubt that that nuisance has been very materially aggravated by the sanitary regulations of the last few years, by which we have purified the houses and the sewers of London, but have poured the whole collective filth into the river, and have thereby produced an amount of pollution which is now perfectly intolerable. The Board of Works, as I have already intimated, are by this Bill constituted the sole authority for executing the works which may be necessary for the purification of the river. It is generally understood—although there is no express provision in the Bill to that effect—that the *modus operandi* is to be by intercepting sewers whereby the sewage of the metropolis will not be allowed to be poured into the river until it shall have undergone at such place or places as may be determined on the process of deodorization. No doubt it would be a great object—and I think it is one to which science ought to be immediately and urgently directed—to ascertain whether it would be possible to reconcile the two great ends of deodorizing the sewage of great towns and of obtaining from it at the same time the valuable product of manure. I believe that all the experiments which have been hitherto tried have unfortunately failed to reconcile those two objects; for in proportion as you deodorize you deprive the sewage of those fertilizing qualities which it possesses, and thereby diminish the value of the manure. It certainly does seem to be an incredible fact that we should be paying enormous sums of money for the importation of manure from foreign countries at the same time that we are pouring into the river, to corrupt and pollute the stream, an immense amount of manure, the value of which can hardly be calculated or exaggerated. It is to be hoped that hereafter science will arrive at the means of reconciling these two objects. If it do we shall derive a vast pecuniary advantage coupled with the greatest possible benefit to the health and comfort of the metropolis. The provision by which the Board are to be enabled to undertake and carry out these works is that they shall be entitled to levy by rate upon the various districts of the metropolis a sum of £3,000,000, the interest upon which together with a sinking fund, it is proposed to raise by means of a rate of 3*d.* in the pound for forty years. Though the Government do not intend to grant any money from the Consolidated Fund in aid of this undertaking, yet considering the magnitude of the works, they have interposed to a certain extent the credit of the Government to enable the Board to borrow money at a more advantageous rate than would otherwise be in their power; and there is also a provision in the Bill enabling the Exchequer Loan Commissioners to lend money to the Board on the security of the rates. The provisions of the Bill, as I have described them, are such that it would be scarcely possible for your Lordships to make any material alteration in them; for the whole Bill, as it stands, is of a pecuniary character, making pecuniary arrangements for carrying these great works to completion. At the same time I do not anticipate that your Lordships will be disposed to interfere for the purpose of throwing any obstacle in the way of endeavouring to remedy a state of things which has grown to be unbearable. It must be admitted that this, to a certain extent, is an experiment; but the Board of Works have now had three or four years to consider the question, and they have had the advice and assistance of most experienced engineers. They have expressed their satisfaction with the powers which we are about to confer on them, and they are of opinion that they will now be able to restore the river to some portion at least of the purity which it formerly possessed, but which it has lost by the effects of our recent legislation.

Moved that the Bill be now read 2ª.

THE DUKE OF NEWCASTLE said, that he did not think it at all likely that any opposition would be offered by their Lordships to the passing of the Bill. The noble Earl had told them that the Government had abstained from proposing any particular scheme; but he should remind the noble Earl, that although the Bill did not lay down any particular scheme of drainage, yet as it imposed the duty of carrying out the undertaking on a body which was pledged to one scheme, and therefore it did practically ask the assent of Parliament to that particular scheme. He had no intention of entering into any discussion as to the merits of the respective schemes proposed by the Board and by the Government referees. He had no doubt that they both had their defects as well as their merits. But he felt convinced that it was better to proceed at once with the matter, even at the risk of making a false step, than to continue in the present state of

complete inaction; for the time was now come when something or other must be done to remedy the present state of things. He concurred with the noble Earl as to the wisdom of abstaining from giving assistance from the Consoldated Fund, for he had always been of opinion that the undertaking was one the cost of which ought to be borne by the metropolitan ratepayers; but when the noble Earl prided himself upon adopting the popular principle in this case he (the Duke of Newcastle) should observe that that principle was embodied in the constitution of the Metropolitan Board to the smallest possible extent? What was that Board? It was not a body, like the corporations of our great towns, elected by the ratepayers. It went through all manner of processes in order to divest itself of the principle of direct representation. The first process in its formation was an election not by the ratepayers, but by the vestries, which were not themselves, in all cases, chosen by the ratepayers, and which were formed not for municipal but parochial purposes. But the men elected by the vestries had to make another election for the purpose of filtering, and, as it were, deodorizing themselves from the taint of popular representation; the object of that second election being to obtain a body of forty-three gentlemen who formed the Board. He had thought it proper to state those plain facts with respect to the constitution of that body; but, at the same time, he was not prepared to complain of the proposal that to them, in the absence of any more popular body, should be committed the superintendence of that undertaking. He believed that one result of entrusting to the Board so great a work would be to revive the question of the propriety of creating one municipal body for the whole of the metropolis; and, for his part, he felt convinced that such a step must before long be taken. One of the great evils of the present Board was its numbers. It appeared to him that those forty-three gentlemen would form too large an executive body; and he feared that when they came to consider the details of that undertaking, discussions must arise among them which would justify the nick-name they had already received of "the Board of Words," instead of the "Board of Works." He understood that it had at first been proposed that those gentlemen should be enabled to form from among their own number a subcommittee of six, which should preside over the execution of those works; and he regretted to perceive that that provision had been removed from the Bill. Indeed, he should himself have preferred that the executive body in that case consisted not of six, but of three members. He was glad, however, to find that the clause giving the Government a power of inspection and control in the execution of the works had been struck out, for the less intrusive interference there was on the part of the Government with the Board the more likelihood there would be of some practical result being arrived at. He was also sorry to perceive that the present conservators of the river, of whom the Lord Mayor was at the head, were to have a power of controlling the action of the Board; but he could not feel much surprised at the introduction of clauses for effecting that object, after he had read in the newspapers the ominous announcement that the Conservators, with a party of their friends and supporters, the City Remembrancer, and all the *paraphernalia* of office, had paid a visit to the Chancellor of the Exchequer. The natural result of that visit was the introduction of provisions into the Bill which would throw in the way of the Board impediments which it was, in his opinion, most desirable should not exist. Those provisions would give considerable control in that matter to the Lord Mayor and the Corporation of London. He remembered that the present Lord Mayor was reported to have said, not long since, that he had long and devoutly prayed that he should, in the capacity of chief magistrate of the City of London, have the honour of receiving at his feet the noble Earl opposite as the head of Her Majesty's Government. That prayer had been granted, and he did not grudge the Lord Mayor the great gratification to which its fulfilment must have given rise but he believed that even in the utmost paroxyism of his piety the Lord Mayor could never have contemplated the passing of a measure which would give the body of which he was the head the power of controlling an outlay of £3,000,000 and thwarting the execution of a great public work. He should say that he looked at the introduction of those clauses with great distrust and anxiety, and that he could see no reason for a special reservation of the rights of the Conservators of the Thames more than those of any other body upon such a subject as that which their Lordships were then considering. But, under all the

circumstances of the case, he was glad that the present measure had been introduced, for he was convinced that unless some course of action was immediately adopted, we should run the risk of being exposed in some less salubrious season than the present to some frightful public calamity.

LORD CRANWORTH was glad that it was wholly left to the Board to find out the proper points at which the sewage should fall into the Thames, and that the words were omitted which indicated the place "not higher on the north side than Barking Creek, and not lower on the south side than Erith." He was the last to complain of relieving the metropolis from what was likely to be an increasing nuisance, but they ought not to discharge the whole of the sewage just opposite Erith, or any other village on the borders of the Thames, which suffered enough from the effects of the London sewage already. He was, therefore, glad also to see, that the Bill would enact that the Board should not do anything to create a nuisance. It was some sort of security, although he believed medical men were of opinion that deodorization would not remove the injurious and insalubrious effects of the sewage.

Motion *agreed to.*

Bill read 2ª accordingly, and *committed* to a Committee of the whole House *To-morrow.*

DRAFTS ON BANKERS LAW AMENDMENT BILL.

SECOND READING.

Order of the Day for the Second Reading read.

THE LORD CHANCELLOR, in moving the second reading of this Bill, said the necessity for it had arisen from defects in preceding legislation. To prevent dishonest persons making an improper use of cheques it was the practice to cross them with a banker's name, which was supposed to give the security that a cheque so crossed would only be paid through a banker. The matter, however, having been brought before the courts of law, it was decided that the crossing did not amount to a direction to the banker only to pay through another banker, but merely to excite his vigilance. Under those circumstances, what was supposed to be a security turned out to be no security whatever, and in 1856 an Act was passed which enacted that where any draft or cheque on a banker had an addition of the words "and Company," either in full or abbreviated, it should be considered as a direction to the banker only to pay through a banker. The Act was brought to the test at the latter end of last year. A person sent a crossed cheque through the post. The cheque was abstracted from the letter. The words crossed were obliterated; it was presented to the bankers having all the appearance of an uncrossed cheque, and the money was paid. An action was brought by the customer against the bankers, and the Court of Common Pleas first and the Court of Exchequer Chamber afterwards decided that the words of the Act of 1856, that the crossing should be a direction to the banker only to pay through a banker, were applicable not to the time of drawing, but to the time of presentment, and that the crossing was no material part of the cheque. Again, what was supposed to be a complete protection to the customer was found to be no security, and the intentions of the Legislature were frustrated. It therefore became necessary to introduce this measure, by which it was proposed to enact that the crossing of the cheque should be a material and essential part of the cheque, that it should amount to a direction, not from the time of presentment, but from the time of crossing, to pay through a banker, and that an erasure of the crossing should amount to a forgery. He believed there was no doubt as to the propriety of the measure, except as to the fourth clause, which provided that bankers paying a cheque which did not plainly appear to be crossed, or to have been obliterated, should not incur any liability. He understood there was some objection to giving bankers that protection. He had considered the point, and he could not help thinking that the clause was a very reasonable and a very proper one. It should always be borne in mind that a cheque which got into dishonest hands, got there through the negligence or fault of the person who drew it. It was either lost through negligence, or intrusted to a person unworthy of confidence, or stolen. In the great majority of cases the banker could not protect himself, but the customer could, and therefore it would be a most unfair thing if, when giving protection to crossed cheques, they withdrew the protection which bankers now possessed, in the event of a crossed cheque being presented to all appearance an uncrossed cheque, and in such a state as would defy any amount of vigilance to detect the fraud.

Moved, That the Bill be now read 2ª.

LORD OVERSTONE was understood to express his approval of the Bill. He earnestly hoped that the Government would not yield to the representations that had been made to them against the protection which was given to bankers by the fourth clause of the Bill. The clause had been inserted with the consent of all the most eminent men engaged in banking, trade, and commerce, and was concurred in by the law officers of the Crown.

Motion *agreed to*.

Bill read 2ª accordingly, and *committed* to a Committee of the whole House *To-morrow*.

CORRUPT PRACTICES PREVENTION ACT CONTINUANCE BILL.

SECOND READING.

Order of the Day for the Second Reading read.

THE EARL OF HARDWICKE, in moving the second reading of this Bill said, its object was to give to those who had the franchise the power of enjoying it. Any one who had witnessed the contested elections in English counties since the Act was passed with reference to corrupt practices must have seen that if the old Acts of Parliament were religiously obeyed the poor voter could not enjoy his right. There was furthermore the temptation at every contested election to endeavour, either on the one side or the other, to convey surreptitiously the voter to the poll, and to charge the cost among the other expenses of the election. It therefore became a question what was to be done? Were they to deprive the electors, under the circumstances of the case, of the means of enjoying the elective franchise, by not providing them with the means of going to the poll, or would they enact some mode by which the candidate might, without committing any improper act, give them the opportunity of recording their votes? The Bill before the House effected that, and enabled the candidate to convey the voter to the poll. There were means also provided in the Bill for registering the votes, and for providing for the expense incurred. The Bill appeared to him to remedy a great difficulty that had heretofore occurred, and he thought that if it was adhered to by one party and the other no corruption or bribery could occur.

Moved, That the Bill be now read 2ª

EARL GRANVILLE thought, that the noble Earl had not succeeded in giving their Lordships any very clear explanation of this measure. He wished to make an earnest appeal to the noble Earl at the head of the Government to reduce this to a mere continuance Bill. It was now a continuance Bill, but with one or two Amendments, and one Amendment was very important, its object being to enact that that which had been considered bribery for many years should no longer be such. Of course the matter would affect both sides equally, and therefore it ought to be treated without any party feeling at all. He well recollected that when a very similar clause was strenuously endeavoured to be introduced into a measure four or five years ago it was rejected on the Motion of the noble Duke (the Duke of Newcastle) by an overwhelming majority, and he thought it would not be wise in the absence of the two noble and learned Lords —Lords Brougham and Campbell — who took a prominent part in the discussion— and of Lord Lyndhurst, Lord Wensleydale, and Lord St. Leonards, who entirely concurred in their views—to settle a question which the House then refused to decide. This matter had been very much canvassed in the House of Commons, and it now came before their Lordships on the last day when it was possible that by the Standing Orders it could be read a second time, so as to be passed this Session. He did not wish to go much into the matter of the Amendment, but he would say that there was no doubt some advantages in conveying voters to the poll, especially in some constituencies, though there were, on the other hand, great disadvantages. He knew that there was a provision in the Bill intended to obviate some of the inconvenience by providing that the voter might be offered the means of conveyance, but not the money to pay for it. It was perfectly certain that under this Bill the expenses of elections would be enormously increased, if every voter thought that he had a legal right to be conveyed to the poll. Feeling that this was a subject which should be referred to a Select Committee, and as a Bill was to be introduced by the Government to deal with the whole question next Session, he trusted that the noble Earl would consent to make this a mere continuance Bill.

THE EARL OF DERBY said, he could not accede to the suggestion of the noble Earl on the subject of this Bill, which had for a considerable time engaged the attention of the House of Commons, and where

a Bill of a much more extensive character than the present had been originally introduced and very much discussed. It was true that it was the intention of the Secretary of State for the Home Department, early next Session, to bring in a still more extensive measure; but it was absolutely necessary that a Bill should pass in the present Session, because the existing Act, being only a temporary measure, expired next month. But there were certain provisions introduced on which there were great differences of opinion, but which were ultimately decided by a majority; and amongst them the provision alluded to, which, although it might be said to introduce a new law, in point of fact it hardly went so far, because it was a point on which for a long time there had been very great doubt, and on which Election Committees had come to conflicting determinations and contradictory reports; and he believed that in the case of Slade, in the case of the Cambridge election, the decision had been reversed by one of the superior Courts. He considered that the settlement of the question in one way or another was a matter of considerable importance, and this Bill proceeded to settle it in the most equitable manner possible; and, although in certain cases the expense might be considerably increased, he did not think the payment of the travelling expenses of a voter was a point of such comparative importance as the enormous injustice of practical disfranchisement, which the present system inflicted on a large portion of the electoral population. The noble Earl had said that the Bill would virtually give the voter a legal claim to be conveyed to the poll; but that was not so, as there was no obligation on the part of the candidate to incur the expense, and his not doing so did not render him punishable. The measure did not involve the question of bribery, but provided that no money should pass into the hands of the voter; and although the candidate might provide the means of carriage for voters, he had to give a return of the expenditure to the auditors. He thought this was a question which it was most desirable to have settled, and that the House of Commons had settled it by their vote in a manner consistent with justice and sound policy; that being the case, he was unwilling to consent to abandon the clause sanctioned by the Commons.

THE DUKE OF NEWCASTLE observed, that the noble Earl was incorrect in speaking of this as a settled question; for if he understood the matter rightly, the Secretary of State for the Home Department, having charge of this Bill in the Commons, had expressly stated that he considered it was no settlement of the question, and so little did he so consider it, that he intended next Session to introduce another Bill on the subject for the express purpose of referring the matter to a Committee of the Commons for a settlement of the question. He thought that at this period of the Session they could not do better than simply pass the Bill as a continuance Bill without any Amendments. It was said the Bill did not involve any question of bribery; but the fact was that a candidate with plenty of money would be able to take possession of all the carriages for conveyance at once, and thereby virtually commit an act of bribery, and destroy all his antagonists' facilities for bringing his voters to the poll. This Bill could not be a satisfactory adjustment of this question. It might, indeed, answer well enough as regarded those voters who lived in the immediate neighbourhood of the election, and who therefore did not really require to be carried at all. But in the case of the outlying voters, properly so called, the provision could not possibly work. How was the Middlesex voter living in Yorkshire to come up to the poll from so great a distance if he was not to be repaid the expense of his railway ticket. But the principle of legalizing travelling expenses in any shape was highly questionable. They might pass what laws against bribery they pleased, but they would never fully accomplish their object until they subjected the elector to those moral influences which would convince him that he was exercising a solemn trust, and that it was his duty to put himself to the trifling inconvenience of going to vote for the person whom he thought fittest to represent him. Under all the circumstances, it was most undesirable to pass at that period of the Session a measure on a subject which the Government proposed to submit early next year to a Select Committee, who would probably upset all that they were now doing. Under this Bill they were likely to see every voter in a borough insisting on being taken to the poll in a chaise-and-four; and thus they would have revived all the worst extravagances which marked elections in former days. He trusted, therefore, that the Bill would be passed as a mere continuance Bill.

THE DUKE OF SOMERSET observed that it was the opinion of the Commons that it was undesirable to pay the conveyance expenses of the voter, and that before they settled the law either one way or the other, an inquiry should be instituted. It would be a great misfortune if they were to sanction a reversal of the course adopted for many yeary past in curtailing election expenses. They had done away with a great many expenses connected with elections, and pretexts for bribery such as colours and ribbons; but he thought that this system of conveying electors to the poll opened the door to greater bribery than any other. Suppose the case of a voter for an election at Plymouth desirous of being brought from York, and of taking the opportunity of seeing his friends, the candidate had no choice but to send for him and for all other out-voters similarly situated, and that would be the working of the measure. The voters would claim a legal right to be brought, and that was objectionable.

LORD EBURY earnestly joined in the appeal which had been addressed to Her Majesty's Government to make this a mere continuance Bill. The clause relating to travelling expenses was not originally proposed by the right hon. Gentleman who introduced the measure into the other House, but emanated from a private Member of Parliament. He had himself, when in the other House, used his best exertions to persuade that assembly to put down treating at elections, by disallowing refreshment to voters at the charge of the candidates. And though the gloomiest predictions had been uttered as to the result of such a step, he had succeeded in inducing the other House to adopt it. He had never been able to understand why a candidate should be saddled with the personal expenses of the voter, and, although he had asked the question repeatedly, he had never obtained a satisfactory answer to it. He reminded their Lordships that the clause with regard to travelling expenses had been rejected by that House four years ago, when it had been sent up by a much larger majority than that which had sanctioned it in the House of Commons upon the present occasion.

Motion *agreed to.*

Bill read 2ª accordingly, and *committed* to a Committee of the whole House on *Thursday* next.

House adjourned at a quarter past Nine o'clock, till To-morrow, half past Four o'clock.

HOUSE OF COMMONS,

Tuesday, July 27, 1858.

MINUTES.] NEW WRITS—for Devon (Southern Division), *v.* Sir John Yarde Buller, Bart., Steward of the Manor of Hempholme; for Chester County (Northern Division), *v.* William Tatton Egerton, Esq., Steward of the Manor of Northstead.

PUBLIC BILL.—3° Administration of Oaths by Committees.

PRIVATE BUSINESS—STANDING ORDERS. REPORT.

COLONEL WILSON PATTEN said, he wished to call the attention of the House to the Report of the Committee appointed for the revision of the Standing Orders. It was unnecessary, however, for him to enter into the details as the Report was in the hands of hon. Members, but he wished to state that the recommendations of the Committee would have the effect of lessening the expense of private Bill legislation, and of shortening the time devoted to inquiries before private Bill Committees. He would not say but that the labours imposed upon hon. Members by the private business of the House were extremely severe and onerous. During the present Session they had amounted to a positive grievance, and the object of the Committee had been to provide a remedy for the future. They had altered almost every stage through which a private Bill had to pass, putting forward the preliminary stages a week, and shortening the period between the first and second readings, and between the second reading and the time for going into Committee. Private Committees would be appointed earlier in the Session, and the House of Lords had agreed to take a portion of the private business shortly after the meeting of Parliament in each year. It was proposed, also, to diminish the number of tribunals. The general opinion was, that the number of Committees on railway Bills ought not to exceed five, and he was glad to state that already three of their best Chairmen had expressed their willingness to devote themselves next Session to carrying out the recommendation of the Select Committee in this respect. The railway Committees had hitherto been so numerous that any uniformity of decisions was utterly impossible. The Committee, however, had not been able to carry out all that they had desired, having found in some matters insuperable difficulties. This was the case, for instance, in respect to the presentation

of Reports from the public departments to Committees. The Reports of public departments did not frequently come before the Committee till they had almost concluded their business. He thought these Reports were highly important, and a Standing Order had been framed that every Committee that rejected a recommendation of a public department should report that circumstance with the reasons. They had, however, been unable to frame any Standing Order to meet the evil arising from the delay in presenting the Reports, from the extreme difficulty of doing so without trenching on the privileges of the Crown. It would, therefore, be necessary to bring the matter before the House next Session, and in effecting this and other requisite changes they hoped to receive the assistance of the Government, without whose concurrence they would be unable to do anything. He had only further to state that the Standing Order moved at the early part of this Session, that any Member taking his place at prayers should retain it through the sitting, would now be incorporated with the other Standing Orders. He moved that the House agree with the Report of the Committee, and that the several other Standing Orders relating to private Bills, as amended by the Committee, be agreed to.

LORD ROBERT CECIL said, he thought it was impossible to exaggerate the extreme onerousness of the labours which Committees on private Bills imposed upon hon. Members. He regretted that the Committee on Standing Orders had not proposed more sweeping changes in the present system of transacting private business, and recommended that hon. Members should be relieved from duties for which they were, for the most part, unfit. The objection stated by experienced witnesses was, not that private Bill Committees were too numerous, but that they were too fluctuating and too weak, rendering impossible anything like fixity or uniformity of decision; and this was only what was to be expected from tribunals composed of men who were in many cases totally inexperienced in the conduct of investigations, such as were carried on by Committees of that House. Litigation before a private Bill Committee was described by Mr. Hope Scott, the eminent counsel, as an absolute lottery. The Chairman of the Great Northern Railway Company recommended that the private Bill jurisdiction should be taken out of Parliament altogether, and, although Mr. Serjeant Wrangham and Mr. Scott did not go quite so far, they agreed in thinking that permanent Chairmen ought to be appointed. He regretted to say that a proposition to that effect was rejected by the Committee on Standing Orders. He did not believe that the proposal of the Committee to reduce the number of tribunals for the investigation of railway Bills to five would be found to answer the purpose intended. It would be necessary for five Chairmen to sit fifty days in every Session for four hours a day—an amount of work which Members could not be expected to perform gratuitously. Yet the Committee on Standing Orders had refused a proposition for the payment of Chairmen, though it was difficult to say why. The refusal was chiefly rested on the "constitutional objection," but for his part he wished that the "constitutional objection" was either better defined or else altogether laid aside. One evil to which the hon. and gallant Gentleman had not alluded was the double examination of witnesses before the two Houses. He was sorry that the Committee had declined to make any recommendation upon that subject. He felt convinced, upon the whole, that the alterations proposed by the Committee would not meet the case, and that it would be necessary three years hence to have another revision of the Standing Orders.

MR. D. GRIFFITH said, he hoped that in any change that might take place on this subject the enormous and extravagant remuneration paid to Members of the legal profession would be revised. The fees on consultation were the same each day as for the attendance, and both were fixed at a scale extravagantly high, and altogether disproportionate to the services rendered.

SIR DENHAM NORREYS said, it was a great hardship that an hon. Member who attended for a couple of hours at the most interesting part of the evening, and then went away to dinner, should be enabled to return at a later hour and turn out an hon. Member who had borne the whole brunt of the debate. He considered that Members who attended the whole of the evening should be secured in their seats to the end of the sitting, and he would propose to move a change in the Standing Orders to that effect next Session. He would also move certain alterations in the Standing Orders regulating the proceedings in Committee of Supply. He thought much of

the private business which now came before the Committee on private Bills might be more satisfactorily and more economically transacted by county boards.

COLONEL WILSON PATTEN said he had objected to the Resolution of the noble Lord (Lord R. Cecil) in the Committee on the constitutional ground that he proposed to give to a certain number of permanent Chairmen—Members of that House—salaries of £1,000 a year each. One of the propositions of the Committee, which would much facilitate the business and lessen expense was, that the evidence taken before a Committee of the one House should be available in the Committee of the other House.

THE CHANCELLOR OF THE EXCHEQUER said, he was sure the House must be deeply sensible of the valuable labours of the Standing Orders Committee, and particularly of those of the hon. and gallant Gentleman the Chairman. The recommendations of that Committee were of an extensively remedial character, and he (the Chancellor of the Exchequer) could not but believe they would in practice remove many of the objections urged by the noble Lord the Member for Stamford (Lord R. Cecil). The acuteness and attention to business of the Committees of that House had long been recognized, and as they advanced in experience many objections would disappear. The suggestions of the Standing Orders Committee with reference to the reports of public departments would receive the attention of Her Majesty's Government, and he thought he might assure the House that the inconvenience complained of by the hon. and gallant Gentleman (Colonel W. Patten) would not arise in future.

Report *agreed to.*

Resolved, That the several other Standing Orders relating to Private Bills, as amended by the Committee, be agreed to.

Resolved, That this House will not insist on its privileges with regard to any Clauses in Private Bills sent down from the House of Lords which refer to tolls and charges for services performed, and are not in the nature of a Tax.

To be a Standing Order.

GOVERNMENT OF INDIA (No. 3) BILL.
LORDS' AMENDMENTS.

Order for consideration of Lords' Amendments read.

Motion made and Question proposed, "That the said Amendments be now taken into consideration."

COLONEL SYKES: Sir, to put myself in order with respect to the observations which I shall address to the House upon the Lords' Amendments to the India Bill, I shall conclude with a Motion "That the Amendments be read this day three months." Sir, the acceptance of those Amendments would put the seal to the final extinction of that glorious Corporation, which ought to have secured the lasting gratitude of our country, by having added an empire to the Crown of England which would have excited the envy of Alexander the Great and Augustus Cæsar—and that, too, without the cost of a shilling to the Home Exchequer!—a Corporation, Sir, the narrative of the exploits of whose armies will constitute some of the brightest pages in our annals, and the names of whose servants, military and civil, will rank amongst the most illustrious of those of which our country is proud. Sir, the progress of the debates upon the several India Bills has only tended to strengthen and confirm the opinion I expressed to the House on the proposed introduction of the first India Bill by the noble Lord the Member for Tiverton, of the impolicy of any change in the Government of India until the existing lamentable mutiny and rebellion had been entirely crushed, and the country restored to complete tranquillity. Sir, this opinion was plainly in unison with that of Her Majesty's present Ministers and their supporters, as was evidenced by their having gone to a division, when in Opposition, upon the proposition of the noble Lord the Member for Tiverton. Sir, Her Majesty's Government are now promoters of a measure which, in its introduction, they vigorously opposed; but I do not attach blame to them for so doing, considering that the noble Lord the Member for Tiverton's Bill has been continually suspended over them like the sword of Damocles; they had no alternative but to produce their own measure, backed as the noble Lord's Bill had been by a large majority in a division—a majority produced, however, by some mendacious newspapers, which had misled Parliament into a belief that the popular voice was in favour of immediate legislation for India. Now, Sir, the British public are not slow to make their wishes known, nor to enforce those wishes by public demonstrations, and more particularly so, by addressing petitions to Parliament. The House must learn, therefore, with some surprise, that up to this day 481 petitions have been addressed to the House of Commons upon matters re-

lating to India during the present Session; and out of that number, approaching to 500, only four petitions have asked that the Government of India should be transferred from the East India Company to the Crown! It was utterly untrue, therefore, as had been repeatedly asserted, that the popular feeling had been expressed in favour of either the India Bill of the noble Lord the Member for Tiverton or that of Her Majesty's present Government; and Liberal Members who support the Bill must bear in mind that they are not only destitute of popular support, but they are violating popular feeling, in crushing the old Saxon principle of representation, which is an essential element in the constitution of the East India Company. Moreover, those hon. Members who clamour for the ballot are, nevertheless, extinguishing the ballot, to which every member of the East India Company has a right in voting, whether in his capacity of an elector or while sitting at a Court of Directors. In closing, also, the Quarterly and Special Courts of Proprietors of the East India Company, the Princes and Natives of India who have hitherto made their wrongs, or supposed wrongs, known to the public through the medium of those Courts, will be driven to appeal to Parliament, to find their complaints neglected, from the constant pressure of public business, or only to be taken up for party purposes. Sir, the withdrawal of confidence from the East India Company, and the consequent introduction of the India Bills, is attributed by a party to a system of mismanagement which has resulted in the mutiny of the Bengal army; but for that atrocious outbreak the East India Company are no more responsible than they are for the rising at the "Sicilian Vespers," or the massacre on the eve of St. Bartholomew at Paris, under Charles IX. To the Court of Directors and the Governments in India the mutiny was an overwhelming surprise. It commenced in local circumstances, and its immediate cause was the refusal of some soldiers to obey orders which they considered as opposed to their religious convictions; and they preferred death to dishonour, and, unhappily, their spirit and example spread to the Bengal army at large. There is no justification, therefore, for fixing upon the Home Government the responsibility for the mutiny, and crushing the Company for events over which they had no control. Sir, if rumour be believed, there would not have been an India Bill at all, had the universally-expected Reform Bill been prepared, or even intended to be produced, and the occurrence of the mutiny in India permitted of public attention being diverted from a subject of intense interest at home to one of intense interest abroad. But, Sir, no circumstances justify the present measure; for in no point whatever has the East India Company failed in the efficient execution of their great duties. Although taken by surprise, no operation has failed in India, nor has any failed in the hands of the Home Government. Before reinforcements arrived in India, Delhi was stormed and won by a comparative handful of men; and since then the Court of Directors have transmitted from England reinforcements to the extent of 58,399 men, in fifty-five steamers and one hundred sailing vessels, without accident or loss, and with the greatest expedition; manifesting that the efficiency of the Company has continued to the last. Sir, I, who have passed the best years of my life in the military service of the East India Company, should despise myself did I not at the last moment of the existence of that body bear testimony to the uniform liberality and justice with which their servants have always been treated by the Court of Directors; and my position as a member of the Executive Home Government of India for the last eighteen years, enables me further to bear witness to the paternal, just, and forbearing views of the Court of Directors. That body has always been animated by a desire, as their despatches show, to discourage wars—their policy has been one of abstinence from aggression, and it ever has inculcated the maintenance of the rights of the people of India. Wars and annexations have been caused, not by the East India Company, but by successive Governor Generals, whose powers of self-action have always been too great and unchecked, and who, supported by the Board of Control, whose nominees they were, left the Court of Directors the only alternative of acquiescence or fruitless remonstrance, an acquiescence, however, which has exposed the Court during the debates upon the India Bill to the invectives of the hon. Members for Radnor (Mr. Cornwall Lewis), Birmingham (Mr. Bright), Kidderminster (Mr. Lowe), and to undeserved odium in England, and particularly on the Continent. Sir, what is the present state of India? There are no armies of rebels in the field to contend with, no fortresses

to be besieged and taken; nevertheless, resistance springs up on all sides. In our conflicts we have crushed our opponents; but the results are like the attempt to place the finger upon a globule of quicksilver; we think we have it under the finger, but it is only to find it in numerous globules all around: and such is the present state of our warfare. And why is this? Because that which was a mere military mutiny is converted into an infinitely more formidable danger, by the recent universal distrust of the people of our intentions in the change of Government with respect to religious questions; and by the animosity engendered by the manifestations of our vengeance. We have, therefore, now more dangerous enemies to deal with than the mutineers, namely, a distrustful and exasperated people. Nor are the grounds wanting for distrust. 481 petitions have been presented to this House upon matters relating to India. 126 of those pray for the removal of the system of caste in India; eighty-nine are against idolatry; and 145 are for the extension of Christianity; so that 360 petitions pray for some action of the House of Commons or of the new Government of India touching religion. Now, the notices of these petitions, the phraseology of which admits of but one construction by the people of India, however harmless may be the views of the petitioners, find their way into the hundreds of Native newspapers, and touch the deepest feelings of the people of India, whether Hindoos or Mahomedans, and excite their alarm. This alarm has been increased by the numerous proclamations of the disaffected, who have asserted that the British Government propose to make the people of India Christians by force. Incendiaries, too, are fanning the flame of distrust in districts where there has hitherto been little disquiet. We read in the *Calcutta Englishman*, received by the last mail, an article headed "Eastern Bengal:—

"There can be no doubt that rebel emissaries are scouring all the districts of Bengal, north and south of the Ganges, which have hitherto remained quiet, and with these scoundrels have originated the different reports, calculated to discontent the Natives, which have been in circulation for some time past. The Natives generally have all been told that Government intend taking away their caste; some probably believe it; nearly all fear it. A few days since, in the Furreedpore district, a Mussulman Fakeer was overheard to say that he had been through Burdwan and Rungpore; and when at Burdwan, he met another Fakeer, who, accompanied by many people, came from up-country, and remained about fifteen days consulting his book, with a view to discover when and where it would be advisable to fight for the faith. In the Jessore district, very lately, a gentleman's servant told the children that they would soon all be killed."

Another cause for distrust is the remarkable fact, that in all the discussions which have taken place in Parliament respecting the transfer of the Government of India from the India Company to the Crown, the feelings, wishes, and rights of the twenty nations who were to be transferred from one authority to another, have not only not been paramountly considered, but have not been discussed at all. The people, therefore, may well think that they are out of sight; and that a scramble for patronage between conflicting political parties is a more important matter than their interests. The people also see that in the present India Bill there is an omission of that clause or those clauses which characterized all former India Bills —namely, legislative protection for their rights, usages, and religion; an omission which they may construe as significant of the future. One of the chief features of the hon. Mountstewart Elphinstone's proclamation on assuming the sovereignty of the Deccan, was the guarantee to the people of their rights, usages, and religion, as far as was reasonable and just. But another great cause of the present distrust of the people is the European cry for indiscriminating vengeance. The able correspondent of *The Times*, in his last letter, says, the cry is "Kill, kill, kill! blood, blood, blood!" and I read in last *Saturday Review* the following passage, which chills one's blood with horror:

"A Baptist up-country newspaper elaborately demonstrates the lawfulness of taking away life, and adds, 'the reason why we have attempted to show that the shedding of blood is in itself no sin, except where it is expressly forbidden is, that a contrary opinion leads to that wishy-washy policy which produced the Rohilcund proclamation. Does Lord Canning ever reflect that by his tenderness to murderers he is actually disobeying the commands of God? 'Whoso sheddeth man's blood by man shall his blood be shed,' is as much a precept of God as 'Blessed are the merciful, for they shall obtain mercy.'"

Again, the up-country editors argues—

"That 1,000 Hindoos ought to be put to death for every Englishwoman killed. Are the lives, he asks, of 1,000 of those beings, whose life is mere sense, to be compared with the agonies of mind of a delicately nurtured and educated woman condemned to such a fate?"

Are not such statements, Sir, sufficient to produce permanent and ineradicable feelings of animosity and dread in the minds

of the people? and would ten times the amount of the European troops England could possibly supply be sufficient to keep in subjection peoples justly exasperated against us? No, Sir, a very different policy must be pursued. Let missionaries pursue their praiseworthy objects unostentatiously. There are now 460 of them, of various denominations, labouring in various parts of the country to which they have unrestricted access; but let them be kept free from Government patronage or association; for working with the suspicion in the Native mind of official prestige, they would prove the greatest enemies to the holy cause they are advocating. Let Native education be vigorously pursued and extended, and the edifice of superstition, which now obstructs progress, will be silently and unsuspectingly undermined and fall, without damage to our Government; let all religions be tolerated and, their ceremonies uninterfered with, where they do not offend public decency and propriety; let the chiefs and gentry of India be maintained in their estates and immemorial rights—for there can be no safety to a Government where the most important links of the social chain are wanting; let the usages, feelings, and prejudices even of the Natives be respected as far as may be reasonable and just; and then, with the introduction of the Queen's name and authority let there be a discriminating amnesty for the past; and, under Providence, the disposer of kingdoms and empires, we may hope that there will be a restoration of that mutual confidence and goodwill between the rulers and the ruled, which has charactized the prosperous government of the East India Company for the last hundred years, and without which confidence and goodwill there can be no peace in India, and no safety for our dominion there. Sir, I move that the Lords' Amendments to the Government of India Bill be taken into consideration this day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day month."

Question proposed, "That the word 'now' stand part of the Question."

MR. MANGLES said, he was satisfied that anything he could now say against the principle of the Bill would not have the smallest effect, but as it was probably the last opportunity he should have of addressing the House he was anxious to vindicate the character of that Government with which he had been so long connected, first as a servant, and afterwards as a master. He was especially anxious to vindicate the character of that noble service of which he had been a member—the Civil Service; for it had been spoken of in that House with a disrespect which men of high honour acutely felt—and he could not but regret that those hon. Members who had brought the charges were not present to hear his reply. The finances of India had been referred to as not being in a sound state, and the amount of the debt, approaching to £60,000,000, had been instanced as a proof; but it was hardly fair for Englishmen, with a debt of about £800,000,000, to taunt the East India Company on that point. Then it had been said that there was a chronic deficiency in the Indian finances. The Company, however, had been urged for years to expend large sums in improvements, and having done so, they ought not, in justice, to have this imputation of a chronic deficiency thrown out against them. During the last four years, ending in 1856-7, if no public works had been undertaken in India, there would have been, instead of a deficiency, an aggregate surplus of more than £1,000,000, and in 1856-7, the deficiency, after paying £1,500,000 for public works, was only £240,000. Many of the works so undertaken would add greatly to the wealth and prosperity of the country. The landed revenue had been characterized as an oppressive system of taxation; but he maintained that, with partial exceptions, the landed revenue could be proved to be a moderate tax. Excessive landed assessment in India was the exception, and not the rule. The assessments in Bombay and Madras had been revised and lowered, while in the Presidency of Bengal and the North West Provinces there was no case in which the landowner did not derive from his land double the amount of the assessment which he paid to the Government, or, in other words, that the man who paid 500 rupees to the Government received 1,000 from the land. The late disturbances in India had been assumed as a proof of the unpopularity of the Company's rule, but the rising in India was a military mutiny, and not an insurrection of the people, though the worst portion of the population of some large towns might participate in it from love of plunder. Where there were no Sepoys there was no insurrection, and except in Oude the whole of the Hindoo population not connected with the military

service was in favour of British rule. A very large portion of the more respectable Mahomedans also had, during the insurrection, shown themselves well disposed, and in more than one instance had rendered very important services to the Government. It had been said that the people had been driven by the exactions of the Company to general rebellion, but, had that been the case, we could not have held our position there for an hour. Turning to the civil service, he must express his regret that that service should have been spoken of so unjustly in that House. That service was most efficient, and all connected with it were most devoted to their duties. The existing system in that service was to begin from the bottom—that was, that the officer should begin at the lowest position and rise according to merit. That system had been the salvation of India, and he trusted it would be continued. It had been alleged that large salaries were thrown broadcast over India for the civil servants, and that they were paid on the same scale as Cabinet Ministers at home. Now there were only two high officers in India—the Governor General and the Commander in Chief excepted—who received salaries equal to those paid to the Cabinet Ministers in this country. These two were Sir J. Lawrence and the Resident of Hyderabad, and the latter was not a civil but a military officer. But when they spoke of the high salaries received by the civil service of India they must take into account the nature of the service and of the climate in which it was to be performed. They had to give higher pay to the troops while serving in India, the men engaged on the railways received double what they did here, and it was the same in all departments. They could not expect men to be content with the same salaries in India as in this country. The mutiny admittedly came upon us by surprise, and yet the right men were everywhere in the right places. There was Sir John Lawrence in the Punjab, Sir Henry Lawrence at Lucknow, Colonel Edwardes at Peshawur, Colonel Treen at Scinde. Were not all these men in the right places? It was marvellous what these, Major Chamberlayne, and others, had achieved, considering the nature of the difficulties with which they had been surrounded. The highest praise was due to our troops, who had with such valour and determination vanquished immense numbers of rebels in the field. But ought not equal credit to be given to these men, who, against fearful odds, had succeeded in conquering our enemies in remote stations before our army arrived? Indeed there was not a single instance of failure on the part of any one of the Company's servants, civil or military, throughout the whole of these trying events. Another question was whether the East India Company had done their duty in regard to the religious question. In his opinion it was not the duty of a Government to take a missionary part. Nothing could be more dangerous in a country like India for it to be supposed that the Government itself undertook the task of proselytising. Their duty was to hold the scales even, to protect the Christian against the Mussulman and the Hindoo, to place all religions on a footing of equality, and to support them in that position—leaving Christianity to make its way by the labours of the missionaries, aided by the support of charitable persons, and by its own inherent merits. In India the Natives had a great respect for the missionaries; and as a general rule, he thought there was no danger whatever of religious disturbances so long as it was believed that those who were engaged in disseminating the principles of Christianity were doing so independently of the Government. Stories had been raked up of what occurred when he was in the nursery to show that the Directors were hostile to Christianity; but at all events in recent times, the Government of India never mixed themselves up with, or supported Hindoo worship. All they had done was to maintain religious toleration. He might refer to the authority of Sir J. Elphinstone and Sir J. Lawrence in proof of that statement. Circumstances might occur which would render that the last time he should have the honour of addressing the House; and he thanked hon. Members for the attention with which they had heard him on the present occasion. He earnestly trusted that the new Government for India would prove even more beneficial for that country than the one now about to cease; but he thought that the step taken by the noble Lord the Member for Tiverton was an unwise concession to a popular outcry. The noble Lord fancied, no doubt, that he would long have the *popularis aura* swelling his sails, but he must by this time have found how mistaken he was. And he believed that if all that had passed could be sunk in the waters of Lethe, not a majority, not even a minority, would desire to

Mr. Mangles

interfere with the government as it had been for 150 years so successfully carried on. They had found how much easier it was to pull down than to build up. He expressed his conviction that there was a great future in store for India, but that could only be secured by the new Government of that country following as closely as possible in the footsteps of the old.

MR. WARREN said, that unwilling as he was to interfere at a moment when the House was evidently bent upon discussing the details of the Bill before it, yet as this was the last opportunity he should have for making any general observations on it, he wished to do so. He thought he had earned a right to be heard, for a few moments, by having been present at and listened attentively to every discussion on this and the other Bill, and voted in every division. He was equally responsible therefore with every other Member of the House for the proper character and future well-working of the Bill. It was one of unspeakable importance, involving as it did the construction of a system of Government for so vast a section of the human family. The welfare of India, ever since this country had undertaken to be responsible for it, ought to have been cared for in moments of the calmest and profoundest consideration it could bring to bear on such a subject. Yet, how stood the fact? A sort of fatality had seemed to attach to our Indian legislation, as far as related to the times when it took place. Let the House glance back at five periods of it, beginning with the year 1784 and ending with the present year. In the first-mentioned year the existing system was established amidst, so to speak, the red-hot heat of faction, the remarkable contests between Pitt and Fox and their respective partisans. Let any one refer to the debates of that day, and he would be greatly struck by the character of them. The next period, was the year 1813, when after a thirty years' interval, the system was again under the consideration of Parliament, which gave it a twenty years' longer lease of existence; and we were then in the convulsive excitement and agonies of the war then raging in Europe. The third period of interference was in the year 1833, when this country was still agitated with the great revolution effected in the Parliamentary constitution of the mother country the year before. The fourth period was in 1853, happily a fitting one of peace and quiet; but the fifth and last was in 1857-8—in the very midst of that fearful outbreak and hurricane of rebellion and insurrection still raging around us; for the vast intended change in our system of Indian Government, on which we were at that moment engaged was absolutely announced to the country in a leading article of *The Times* of the 27th of November last, and he (Mr. Warren) well recollected the astonishment with which the announcement was received. Having anxiously watched the course of discussion in that House, from the period when the noble Viscount opposite, then at the head of the Government, introduced his Bill, he (Mr. Warren) begged to say that he had heard speeches delivered by some distinguished Members of that House which he should not be afraid to place by the side of some of the greatest efforts of modern Parliamentary times; there was, however, one Member to whom the House and the country were under incalculable obligations for having interposed at a critical moment to withdraw the discussion of this momentous question from the disturbing forces and blinding mists of party and faction, and bringing to bear upon it the whole combined intellect, sagacity, and experience of Parliament—he meant the noble Lord the Member for the City of London. From the moment that most important and timely suggestion was adopted by this House, the course of Indian legislation appeared to him (Mr. Warren) to run comparatively smoothly and satisfactorily. And there was another hon. Member of that House entitled also to the lasting gratitude of the House and the country—he meant the noble Lord the President of the Board of Control (Lord Stanley). Between the noble Lord and him (Mr. Warren) there at present existed grave differences of opinion on certain political and social questions of the highest importance, but that should not for one moment prevent him from bearing willing testimony to the unvarying firmness of purpose, the unruffled temper, the clear-sightedness, tact, and courtesy, and the fertility of resources, with which he had conducted thus far the Bill before the House. He (Mr. Warren) most ardently hoped for a prosperous issue of their present legislation; that the system they were constructing would work long and well, and might be administered by wise and experienced men, so as to promote the welfare not of this country only, but of the vast multitude of those whom

it would soon bring under the direct government of the Queen. The responsibilities attending the assumption of that government were already felt and seen to be growing greater and greater the more closely the future was scanned; and the noble Lord and the Government might depend on every movement of theirs being watched by the country at large with unsleeping vigour—he might say a stern solicitude—in which he (Mr. Warren) himself so largely shared, that he could not resist rising to utter what he had now taken the liberty of submitting to the House, and he begged pardon for having occupied even so much of the time and attention of the House at that stage of the Bill.

MR. VERNON SMITH said, that being desirous that they should proceed to the consideration of the Amendments as soon as possible, he would postpone the questions of which he had given notice till Friday next, on which day he understood from the noble Lord the President of the Board of Control he would be prepared to make a statement. These questions were:—"Whether the 17,000 men sent to India since January last included any troops requested to be added to the establishment in India by the Directors of the East India Company? Whether he will state the terms and objects of the Commission to inquire into the reorganization of the Indian army? What is the amount borrowed under the Indian Loan Act of this Session, and whether the amount allowed to be borrowed under the act will cover the expenses of the current year, or if Bills are now drawn upon India in the usual method? And whether any instructions have been sent, or will be sent, to proclaim Her Majesty's name and authority in India, and to announce the intentions of the Government as to non-interference with the religion of the Natives?" If this was to be the last time they were to hear the voice of the hon. Member for Guildford in that House, though he was sure there could not be a more efficient member for the new Council, yet he should be sorry to lose him from the House. But with regard to his statement that blame had been cast upon the civil servants of India, and that the late Government had brought forward the Bill with the sole motive of obtaining popularity, he was bound to say that great praise had been given to the civil servants of the East India Company, and that the late Government had not not been influenced in any way by a desire to court popularity when they brought forward the first India Bill.

LORD JOHN RUSSELL suggested that it was not desirable to prolong a debate on the general government of India, and that it would be desirable to proceed with the Lords' Amendments. He had the speech of the hon. gentleman the Member for Guildford with much pleasure, and he regretted that his acceptance of a seat at the Indian Council would deprive him of his seat in the House. They had often received from him valuable information on Indian questions, and it was in that respect he (Lord J. Russell) continued to think the Bill was defective.

GENERAL THOMPSON considered the choice of the present moment for this change to be well described by a popular writer as "a crowning madness," to be paralleled only by that of the ship-captain who should choose the moment of a gale of wind at sea for shifting his lower masts; and he hoped the mover would go to a division, that he and those who held the same opinion might have an opportunity to record it. He believed that if there was any chance of preserving India, what would have more effect than 20,000 men, would be to bring a Mohammedan Indian to the table of the House, as was done yesterday with a Hebrew. This would be something like a guarantee to the 180,000,000 of British subjects an hon. Member (Mr. Fox) had named on a late occasion. He had himself talked theology with a sovereign Prince, and at Jidda with the Legate of the Sherif, and knew of personal knowledge that the well-informed Mohammedans were more tolerant than most Christians. In the Crimean war, when there was an interest in conciliating the Mohammedans, a Bishop had declared that Mohammedanism was an offset of Christianity, or words to that effect; and it was indeed true, if stripped of the prejudices of ignorance, that the difference was not greater than between the Established Church and the Unitarians, or perhaps the Catholics. Among other offers of service himself had made at that time, one, as known to officers present, was to go to the Sherif of Mecca, the Mohammedan Pontiff, and negotiate for what might be called a Concordat to authorize the enlistment of Mohammedans under British officers in Turkey; and he was persuaded it might have been done. The cry of Mohammedan intolerance was an invention of the enemy; the vulgar were

everywhere intolerant. For his part he would with great pleasure accompany a Mohammedan friend to that table if he would take the oath "on the true faith of a Christian;" which he knew no reason why he should not.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Several Amendments *agreed to.*

Amendment page 9, at the end of Clause 27, read a second time.

LORD JOHN RUSSELL said, he wished to propose an alteration in the words introduced by the Lords into Clause 27. The clause provided that orders, which were now sent to India through the Secret Committee, might in future be sent by the Secretary of State, without communication with his Council; and the words inserted by the Lords were,—

"But no such order shall be sent without being previously communicated to the Vice President and one other member, to be from time to time selected by the Secretary of State."

Now, he doubted whether this Amendment would provide the security wished for, and he would therefore propose to strike out the words "the Vice President and one other member," and substitute "a committee consisting of the Vice President and four other members," adding the following words to the end of the sentence, "and the opinion of the committee in respect of such order shall be recorded in writing."

Amendment proposed, to insert after the words "communicated to," the words "a Committee consisting of Four."

LORD STANLEY said, he must oppose the alteration proposed by the noble Lord, which would have the effect of dividing the responsibility of the Minister, besides imposing upon him a very invidious duty of selection. He could not defend the Amendment of the Lords, for his own opinion was either that absolute secrecy should be secured to the Secretary of State, or that he should be allowed to communicate with the whole of his Council.

SIR JAMES GRAHAM said, he objected to the Lords' Amendment, and would support his noble Friend (Lord Stanley) if he moved that the House do not agree to that Amendment. He had supported the principle that all secrecy should be at an end, and that all despatches should be communicated to the Council; but, failing in that, he could not support an Amendment which would confer secret powers upon five members of the Council, as he saw no alternative between an open Council and complete secrecy in the Secretary of State.

THE CHANCELLOR OF THE EXCHEQUER said, that the suggestion of the right hon. Baronet could not be carried out, unless the noble Lord the Member for the City consented to withdraw his Motion. He thought, for his own part, that the original arrangement of the House of Commons was the best; and if the noble Lord withdrew his Amendment, he should not be prepared to press the adoption of the Lords' Amendment.

MR. MANGLES thought the Amendment of the noble Lord was an improvement on the Amendment of the Lords. It was better to have two, and still more to have five, members of the Council who should be responsible, than to leave the matter entirely in the hands of the Minister. There never was, however, a more preposterous humbug than this Secret Committee, and why it was to be continued he could not conceive.

SIR EDWARD COLEBROOKE said, the Secret Committee, if there was to be one, should be selected by the Council itself, and not by the Minister.

MR. BOWYER remarked, that the Amendment proposed by the noble Lord was an improvement upon that adopted by the other House, though the number of the committee was perhaps too large.

MR. VERNON SMITH said, he must object to the Lords' Amendment. The Lords said that they would not trust the Secretary of State, and what did they do? They compelled the Secretary of State to consult two gentlemen nominated by himself. At the same time, he could not conceive any arrangement more embarrassing to the Secretary of State than the proposition of the noble Lord the Member for London. He was glad that the Chancellor of the Exchequer would not support the Lords' Amendment, if that of the noble Member for London was withdrawn, for both Amendments would have the effect of re-establishing the Secret Committee—and a very bad Secret Committee—to record their protests against every act of the President of the Board of Control.

MR. RICH said, he would rather have the Secretary of State restrained by the words in the Bill than not restrained at all; but he should desire that the members selected by the Indian Minister should have the power of recording their opinions.

COLONEL SYKES said, he also thought that, if those persons were to have the power of recording their opinions, it would be a great improvement; but it would be a

greater improvement to make the whole Council a Secret Council when necessary.

MR. WILSON said, he could unde rstan the argument that there should be a responsible Minister, and that all should be left to him; but when they gave to that Minister a Council specially selected for their knowledge and information, he could not understand why they should not be consulted, the more particularly upon questions of peace or war, or questions involving important points of policy. On the other hand, there was a reason why they should adopt some such limitation as that proposed by the House of Lords. Up to a certain stage of the Bill in that House, it was understood that bankers and other persons in trade should not be appointed to the Council. However, since then, all that had been changed. Bankers and traders were now eligible to seats on the Council, and therefore he could not think it advisable that the whole Council should be included in the Secret Committee. If they had had a Secretary of State for India this spring, who was bound to communicate with a Council, or a Committee of a Council, did anybody believe that the Ellenborough despatch would have gone out? If they were to have a Council, surely that Council ought to be consulted on those questions which, in their character and results, were of the greatest importance. Under these circumstances, he would support the Amendment of the noble Lord, which limited the number of the Secret Committee, though not to so great an extent as that of the House of Lords; but, in case his noble Friend's Amendment was not adopted, he would support that of the House of Lords, as better than no limitation or than undivided responsibility on the part of the Minister.

VISCOUNT PALMERSTON said, he confessed that he was surprised that his noble Friend the Member for the City of London, who had been so long connected with official life, and who knew so well what were the duties and responsibilities of those in high office, should have proposed such an Amendment. He apprehended that the foundation of the measure assented to by Parliament was, that the government of India should be transferred from the double organization of the East India Company and the Board of Control to the single responsibility of the Minister of the Crown. A great deal of the mistakes and confusion which had occurred on this part of the subject arose from the circumstance of hon. Gentlemen using the word Secretary of State instead of Ministry of the day; for although the power would be given nominally to the Secretary of State for India, the fullest responsibility would be shared by the whole Cabinet of which that Minister was a member. If he wanted an illustration of the correctness of this view, he might refer to a case which had lately taken place, in which a Minister of State, having acted without his colleagues, had resigned his seat in the Cabinet, and the Government to which he belonged had accepted that resignation in atonement for their colleague having violated what might be termed the strict line of official duty. The real object of the Lords' Amendment, and of that proposed by the noble Lord the Member for London, was that, instead of leaving the entire responsibility with the Secretary of State and with the Cabinet—and who alone were responsible for declaring peace or war—that responsibility should be shared with other persons who were not in the same position, who were not appointed by the Crown, and who were not responsible to, or dependent upon the support of Parliament, but held their offices for life, and were not even bound by an oath of secrecy like the Secret Committee. If this principle were once adopted, the same obligation might be imposed upon the Minister for Foreign Affairs, the Secretary of State for the Colonies, or the First Lord of the Admiralty, upon whose acts might depend the question of peace or war. He (Viscount Palmerston) utterly denied the logical conclusion of the argument that if this Amendment were not carried the Secretary of State would be precluded from communicating with his colleagues at the Council in all the more important matters which would occupy his attention. There was nothing in the Bill to preclude the Cabinet from consulting any person in the Council or out of it from whom they might be able to derive information or advice. But what he objected to was, that it should be defined in the Bill that the Secretary of State for India should consult any particular individuals. Then it was said that those persons were to record their opinions; but suppose they did, and that the Cabinet declared war and the Secret Committee agreed with them, was it to be said that the Cabinet was to shelter itself under that sanction. Or, on the other hand, if the Secret Committee did not approve, was it to be said that a Government was to be impeached because the Secret Committee

had recorded an opinion against them? In his opinion, the House was bound, having decided upon abolishing the double Government, to do so unconditionally. Holding these views, he should vote against the Amendment.

Question, "That those words be there inserted," put, and *negatived.*

Motion made and Question put, "That this House doth agree with the Lords in the said Amendment."

The House *divided*:—Ayes 38; Noes 106: Majority 68.

Amendment to Clause 29, read a second time.

SIR JAMES GRAHAM said, he could well understand the whole of the patronage of the Indian Government, after that Government was transferred to Her Majesty, being vested in Her Majesty. But the terms of the clause, as amended by the Lords, vested that patronage entirely in the hands of the Secretary of State for India in Council. Clause 23 would show what the power of the Secretary of State in Council was. The Secretary of State moved any matter before the Council; but the Council could not contradict him whatever might be their opinion; the decision in all cases remained with him. As the clause went up, the patronage was in the hands of the Secretary of State it was true, but with the concurrence of the majority of the Council. The words struck out were material. He was in favour of leaving the patronage in the hands of the Secretary of State, under the control of the majority of the Council, or in the Crown, upon the responsibility of the whole Cabinet. He considered that this patronage was far too large to entrust in the hands of any Minister, that Minister not being the chief of the Government, and as he thought the Lords' Amendment objectionable in a constitutional point of view, he should move that the House do reject the Amendment in this clause.

LORD STANLEY said, he concurred with the right hon. Baronet in thinking there was a constitutional anomaly in the clause as it then stood, and he should not consequently feel justified in asking the House to agree with the Amendment of the Lords.

Motion made, and Question, "That this House doth agree with the Lords in the said Amendment," put, and *negatived.*

Several other Amendments *disagreed to.*

Further consideration of Lords' Amendments *adjourned* till *this day* at six o'clock.

MILITARY HOSPITAL AND MEDICAL SCHOOL AT ALDERSHOT.

QUESTION.

SIR HARRY VERNEY: Sir, the Royal Commission having shown the necessity for a General Military Hospital and Medical School, and a new Hospital being about to be erected at Aldershot, will Her Majesty's Government take into consideration whether this Hospital might not be used for the purpose contemplated by the Royal Commission.

GENERAL PEEL: Sir, in reply, I have to state that the question of erecting a General Military Hospital and Medical School is now under the consideration of the Government, and at some future period no doubt it will be necessary to erect a Hospital at Aldershot, to which a Medical School might very properly be annexed. But no money has been taken for the purpose in the Estimates, and the matter is still under consideration.

SCOTTISH SHERIFFS.—QUESTION.

SIR WILLIAM DUNBAR said, he would beg to ask the Secretary of State for the Home Department whether it is the intention of Her Majesty's Government to take advantage of any vacancies occurring in the Sheriffships in Scotland to effect the full accomplishment of the object of the Act 16 & 17 *Vict.*, c. 92, for diminishing the number of Sheriffs in Scotland, by transferring any of the Sheriffs of the Counties to be united into one Sheriffdom to such other Sheriffdoms as may become vacant by death or promotions, and thus save to the Public Revenue the Salaries payable to the former, as was contemplated at the passing of the Act 16 & 17 *Vict.*, c. 80, by which the Salaries of all the Sheriffs in Scotland were increased?

MR. WALPOLE: Sir, I am not aware that any such expectation has been held out as has been referred to in the question of the hon. Gentleman. The Act of Parliament is quite clear, its provision being that with reference to fourteen Sheriffdoms held by fourteen different Sheriffs, whenever a vacancy occurs in one, the holder of the office in another should take the duties on himself, so that the number of Sheriffs may be gradually reduced from fourteen to seven in the smaller Counties in Scotland. Some vacancies in the smaller Counties have occurred since the passing of the Act, and in six out of the fourteen smaller Counties one Sheriff is discharging the duties of two Counties, which makes

a reduction of three out of the fourteen Sheriffdoms. The question which I suppose the hon. Baronet wishes to put is, whether if a vacancy occurs in one of the larger Counties, the Sheriff of one of the smaller ones shall be put into the office, so as to enable that small County to be united to others, with a view to the diminution of the number? In any case where a Sheriff of a small County is of such known ability as to render it advisable to promote him to a larger one, that course may be taken; but I could not advise the Crown not to select the best man to appoint to the larger County merely to facilitate the reduction of the number of Sheriffs in the smaller Counties.

BREACH OF PRIVILEGE.—THE ATTORNEY GENERAL.—QUESTION.

MR. SCHNEIDER said, he wished to put a question to the hon. and learned Gentleman the Attorney General which involved a question of the Breach of the Prileges of that House. It was his intention to have brought the matter forward at length, but he did not wish to stand between the proceeding with the India Bill, and he should content himself with asking a question of the hon. and learned Gentleman, and bring the matter before the House on Friday. He would therefore beg to ask the hon. and learned Gentleman whether in his capacity as Attorney General, and in the discharge of his duty to Her Majesty, he has received any fee in reference to any Bill in the discussion of which in the House he has taken part, and on which he has voted on a division?

THE ATTORNEY GENERAL: Sir, it has been the practice from very early times, whenever a Bill is brought into Parliament, whether it is brought forward by any Department of the Government, or is a Bill brought before the House at the instance of an individual Member, which involves any question of the rights of the Crown to any property of any description, to submit the Bill, or the clauses which relate to the rights of the Crown, to one or other, or both of the Law Officers of the Crown, the Attorney General and the Solicitor General. That practice is well known—must be well known to the Members of every Government who have sat in the House in the present century, and must be and is known to the hon. Gentleman who put the question. During the present Session two Bills, one of which was recently before the House, directly affected the rights of the Crown to property of considerable value. Those Bills, in conformity with ancient practice, were submitted to the Attorney General, and I believe to my hon. and learned Friend the Solicitor General, under the usual circumstances and with the usual fees attached to them; and certainly and undoubtedly in the discussion on that Bill the Attorney General and the Solicitor General, as they felt bound in duty to the Crown to do, did take part, and on one, two, and, I believe, three divisions, I myself, and I believe my hon. and learned Friend the Solicitor General divided in support of the particular views they had taken respecting it.

GOVERNMENT OF INDIA (No. 3) BILL.

LORDS' AMENDMENTS.

Amendment to Clause 31 read a second time.

SIR HENRY RAWLINSON said, that he entertained great objections to this Amendment. The clause provided for the competitive examination of the civil service and the medical service. By the Amendment the latter was passed over, and the medical service became nominative. At present, although theoretically there was a system of competitive examination in the medical service, practically there was none at all. Thus, in the May examination, though there had been twenty-five appointments to fill up, there were only seventeen candidates, and of these only ten passed. In the last month there were forty medical appointments, but only thirty-seven candidates, of whom thirty-one had passed the *minimum* examination. In reality, therefore, there was not a competitive examination; the candidates only passed a *minimum* examination, as was done previously under the system of nomination. What led to the small number of applications for these appointments he did not know; perhaps the remuneration was considered inadequate, or perhaps this particular service was unpopular. At the same time, he presumed that the House would wish the system of competitive examination to be maintained in the medical as well as in the civil service, and he himself was quite in favour of that system.

LORD STANLEY said, with regard to the system of competitive examination generally, he had not the least desire to avoid discussion upon that subject, and he should be prepared at the proper time with an explanation respecting it, as he thought

what had passed elsewhere had been greatly misunderstood.

Lords' Amendment *agreed to.*

Amendment in Clause 32, by which were struck out the words:—

"And the candidates who may be certified by the said Commissioners or other persons as aforesaid, to be entitled under such regulations shall be recommended for appointment according to the order of the proficiency, as shown by such examination, and such persons only as shall have been so certified as aforesaid, shall be appointed or admitted to the civil service of India by the Secretary of State in Council."

Read a second time.

LORD JOHN RUSSELL: I trust the noble Lord the President of the Board of Control will, before the House disposes of this Amendment, give us that explanation which he has just been good enough to promise. It was my wish, as well as the wish of many other Members of this House, that the principle of competitive examinations should be more generally sanctioned in this Bill, and that it should be extended beyond appointments in the Civil Service and in the scientific branches of the army. The noble Lord the President of the Board of Control has frequently declared himself to be in favour of that principle, and has assented to the insertion in this Bill of a provision sanctioning its adoption. He has, however, at the same time stated it to be his opinion that to introduce such a principle in the case of all appointments in the army in India would be premature; that such a proceeding would be open to the charge of being precipitate legislation; and that it was, therefore, expedient to confine the system of competitive examination to admission into the Civil Service and into the scientific branches of the army,—namely, into the artillery and engineers. Now, I confess it appears to me that that was a very fair view of the question to take, although the proposal of the noble Lord does not quite go to the extent which I should desire. That proposal, however, affords, I think, some earnest that her Majesty's Government would not be found averse hereafter, should experience be found to establish the success of the competitive system, to its further extension. But while in this Bill the other House of Parliament have left in the clause all the words which relate to the maintenance of the principle of competition in certain cases, they have struck out all those words under the operation of which persons undergoing an examination of this description should, as a matter of course, receive the reward which they might be entitled to expect; the result being that the power will be practically vested in the Minister of the day to put an end to those examinations altogether or not as he may deem expedient. Now it is obviously of no value that it should be enacted that a certain system of examinations should be established unless the young men who may happen to compete at those examinations obtain those rewards, which, if successful, they were led to suppose they would receive. Under these circumstances it is, I think, absolutely necessary that we should restore the words which have been omitted from this clause in the other House of Parliament, inasmuch as it would be, in my opinion, most objectionable that the discretion to which I have adverted should be left altogether in the Minister of the Crown. The noble Lord at present at the head of our Indian Administration is, it is true, favourable to the principle for which I contend, and would, I have no doubt, carry into effect the clause as it stands in a fair and liberal spirit. Another Secretary of State for India might, however, entertain entirely different views upon the subject of competitive examinations. He might say that he required practical men for the public service in that country, and that he would not adhere to a system under which young men had merely shown themselves to be proficient in certain departments of learning. To prevent the possibility of such a state of things as that hereafter arising, it is, I think, our duty to disagree with the Lords' Amendment.

LORD STANLEY: Sir, I hope the noble Lord has done me no more than simple justice in the observations which he made in reference to myself personally — observations which are equally applicable to the other Members of the Government, when he said that he believed me to be favourable to the principle of unrestricted competition. I supported that principle five years ago, at a time when it was far less popular than I am happy to say it is at present, and when a strong feeling in opposition to it prevailed in more than one quarter. I have not since altered with respect to it the views which I then entertained; and nothing, I may add, during the progress of this measure through Parliament, afforded me greater pleasure than the circumstance that I was placed in the position of one whose duty and privilege it was to extend that principle of which the noble Lord is to-night the advocate to

the scientific branches of the army in India. I therefore can assure the noble Lord that if the alteration which has been introduced into the clause under our notice were in my mind calculated to have the effect of destroying or impairing that right of free competition which we in this House have asserted, I would rather resign the office which I have the honour to hold than give to that alteration my assent. I do not, however, believe that the Amendment will have any such operation, and I may, perhaps, be permitted to state to the House in a few words the circumstances under which it was introduced. In the first place, the clause as it now stands, or rather as it will stand, if this alteration be agreed to, will leave the question of competition for the civil service upon the same footing as that upon which it has stood ever since 1853, when the right hon. Gentleman, who was then President of the Board of Control, introduced a Bill which was understood, and rightly understood, to sanction the adoption of the principle of competition in the case of appointments for the civil service; but which still does nothing more than give to the Crown the power to establish the system of competitive examinations by means of an Order in Council. If, therefore, the Amendment under our consideration should be agreed to, no existing right would be impaired under the operation of this clause. The change which, during the progress of this measure, I proposed to introduce with respect to the principle of unrestricted competition was simply to recognise in an Act of Parliament instead of in an Order in Council the right to admission into the public service which might be thus acquired. When that change was proposed, we were told that it would be quite opposed to constitutional practice, inasmuch as its effect would be to give to administrative and executive appointments the sanction of a Parliamentary title. There is, as far as I can ascertain, no precedent for adopting such a course. We therefore felt ourselves obliged to admit that the objection was a valid one. Then arose the question by what other provision could we secure the adoption of this competitive principle? The clause under consideration was passed as affording the best means of attaining that object. The noble Lord, however, says that if this alteration which has been introduced into it in the other House of Parliament be assented to, it will altogether depend upon the discretion of the Minister of the day whether the system of competitive examinations is or is not carried into effect. Now, I do not think that the matter stands precisely upon the footing which the noble Lord seems to suppose. It must be borne in mind that the regulations under which those examinations are to be conducted must be laid down by means of an Order in Council. That Order in Council may, it is true, be subsequently altered or modified by another, but then you will always have this check upon the action of the Minister, that that subsequent Order in Council must, within the shortest possible time, be laid before this House, which will thus be challenged to express its opinion with respect to it. Now, knowing as we do that the great majority of the Members of this assembly—as will, I have no doubt, be the case in every successive Parliament — is favourable to the principle of unrestricted competition, we may, I think, confidently trust that the feeling which pervades the present will animate every future House of Commons, and take that feeling as a sufficient guarantee that no Order in Council will be sanctioned, the object of which may be to modify or repeal the principle of unrestricted competition. Let me suppose, for instance, that the Minister should, by means of a new Order in Council, attempt to sweep away that principle, and to return to the old system of nomination, without or without an examination test. What, I ask, would be the result? The Order in Council would be laid upon the table of this House. The propriety of issuing it would be discussed. A Motion would be made expressing the views of the House on the subject, and a division would be taken upon the question; and how, I should like to know, could it be possible that any Minister would have the power to carry his own views in favour of the principle of nomination in opposition to the feelings and wishes of the House of Commons? If, by any possibility, any future Minister should possess such a power, how, I ask you, will the rejection of this Amendment afford any additional security against its exercise? You have now, it is said, the security of an Act of Parliament. But such an Act can always be repealed, if Parliament should change its mind. The practical guarantee for the maintenance of the principle of free competition rests now, as it has done hitherto, in the known feelings and opinions of the House of Commons upon the subject. I

may also be permitted to remind the House that when a system of this kind is once established it cannot be swept away at a moment's notice by any Minister, however desirous he may be to dispense with it. When you have the system in operation, and men are undergoing a process of training with the view of availing themselves of the advantages which it presents, no change subversive of it could be introduced without a notice of at least twelve months, or more probably two years. A challenge would thus, as it were, be thrown out to this House which would be thus afforded an ample opportunity of asserting their opinion in respect to the question which it may happen to entertain. The House will have that opportunity, and whether its opinion be expressed in one form or another appears to me to be quite immaterial. The clause was drawn to meet the difficulty of constitutional law, and it is a great difficulty. But I must state my firm belief that whether these words be omitted or retained, the principle of unrestricted competition is equally safe, and equally certain to be maintained. Upon no other understanding could I be induced to consent to the Amendment that has been made in the clause.

SIR DENHAM NORREYS said, that in his opinion the House ought to insist on some further safeguard for the continuance f unrestricted competitive examinations than a mere Order in Council. No doubt if they could have the assurance that the noble Lord would always be at the head of the Indian Government, they might trust to his support of the principle of unrestricted competition. But suppose the noble predecessor of the noble Lord who had so recently attacked that system in so strong a manner, were restored to office, what would be the value of such assurances in that case? He should, therefore, vote for the retention of the clause.

SIR JAMES GRAHAM: If the noble Lord the Member for London divides the House upon this point, I shall feel it my duty to divide with him. I have the utmost confidence in the assurance of the noble Lord the President of the Board of Control, for I well remember the vote which he gave in 1853, when I had the honour of voting with him when this principle of open competition was not, as he has truly said, nearly so popular as it is at present. I ventured last night, on another question, to say, that this was the age of progress, and I was told by the hon. and learned Member for Sheffield (Mr. Roebuck) that I should have said an age of change. Now, this Amendment of the Lords is certainly not progress, but it is change. It is really and substantially a reversal of the decision which this House, after full discussion, has adopted. The noble Lord (Lord Stanley) had very correctly described what took place in 1853. It was considered by the Government of that day that the civil service of India should be opened to direct competition; but no such provision was inserted in the Bill itself. It was given effect to by an Order in Council issued in the following year. But after full deliberation on this question, it was thought expedient to give a statutory recognition to the principle, which did not before rest on statute. The noble Lord, however, says he can see no difference as concerns civil appointments, of which alone we are talking at present, between an Order in Council to be laid upon the table of this House and a statutable recognition such as was contained in this Bill when we sent it to the House of Lords. I must differ with the noble Lord upon that point. To repeal an Act of Parliament which confers a statutable recognition is a long and serious operation; but by a single vote depending upon the presence of hon. Members and a variety of accidents a decision may be given upon an Order in Council. I believe the principle of unrestricted competition embodied in the Bill as we sent it to the other House, at all events as regards civil appointments, was a sound principle. I do not think it would be safe to depart from that principle; but it would be an act of retrogression upon a most important point—the management of the civil patronage of India. I have the highest confidence in the success of the competitive system. We have the opinion of Sir John Lawrence, the highest authority in India, whose recent experience of these civil appointments, which have taken place under a system of open competition, has been, I am told, so favourable, that he earnestly desires, in conformity with the gallant General below me (Sir De Lacy Evans) that that principle may be extended to the scientific branches of the army. Thus we have experience, authority, and the decision of this House in favour of the system, and I can see no reason for the alteration that has been made by the other House, for I cannot conceive the reason that has been suggested—that it was supposed the sons of the middle classes were not so well

fitted for the appointments as the sons of the nobility and gentry. Upon these grounds, therefore, I shall certainly give my vote with the noble Member for London.

MR. WALPOLE said, he thought there would be no controversy between his right hon. Friend (Sir J. Graham) and the Government on one or two points; especially would there be no controversy between him and them as to the last point he mentioned —that the sons of the middle classes were fully as much entitled, if they were found equally qualified, to these appointments as the sons of the nobility and gentry. That was a point on which there could be no controversy whatever. Another point on which there would be no controversy between them was that the competitive system, which was first introduced by regulations prescribed under the Act of 1853, though not by the Act itself, was intended by the Government to be as fully and fairly acted upon for the future as it was at the present moment. The question that was raised between them was this, whether they were to tie up the operation of that system within the four corners of an Act of Parliament, or whether they were to allow the Government a liberty, under certain circumstances, of subjecting that system to alterations and modifications. The danger of inserting a clause of that kind in the Act was, that it tied up the matter altogether and left no latitude to the Government, however important or necessary it might be, to effect any modifications in the system or in the mode of carrying the principle into effect. He took leave to say that such a power had never been taken in any Act of Parliament yet. But the security they had already for the continuance of the competitive system was as great as it well could be short of the objectionable system of inserting it in the Act; for by the words of the clause itself the regulations made upon that question by the Secretary of State in Council must be laid upon the table of the House within a month, so that the House had the most complete power to pronounce an opinion on the alterations that might be made, while they retained to the Government the additional power of considering whether under certain circumstances it might not be expedient to alter or modify the system. His right hon. Friend said this was an age of progress, while the hon. and learned Member for Sheffield called it an age of change. Well, his right hon. Friend was a great constitutional authority; and if he were sitting on that (the Ministerial) bench—as he heartily wished he was—he would say that nothing could be so unadvisable as that the Crown appointments should be made in such a way as to deprive Ministers of the responsibility in making those appointments. But if they restored the words which the Lords had removed, that responsibility would be, to some extent, taken away; and, therefore, in his judgment the omission of these words was better than their insertion, not because the omission did away with the principle of competitive examination, but because the insertion deprived them of the power of regulating it afterwards.

MR. WILSON said, the argument of the right hon. Gentleman necessarily led to the conclusion that the principle of competitive examination was to be given up altogether. It reserved a discretion to the Crown, leaving that discretion as wide as any Minister chose to make it, and the whole object of the clause would be lost. He could understand that the Government should wish to abandon the principle of competitive examination, but he could not understand why the whole world should be invited to compete, as they were in the opening of the clause, if there was to be no security that the successful candidates should be appointed. But if any person were not appointed after being successful in the competition, it would give rise to a charge of unfairness and partiality against the Government, which ought, above all things, to be avoided. He would, therefore, give his vote for restoring the clause to the shape in which it had left that House.

THE SOLICITOR GENERAL said, he thought the hon. Member for Devonport (Mr. Wilson) hardly appreciated the measure which the Government had presented to the House. His objection was, that if the clause as amended by the Lords were passed in this House, the result would be, that there would be no security that those who were successful in the examination would be appointed. Now, they had this security, as his right hon. Friend had explained; they had the security of the existing Order in Council, until that order were revoked or modified. But it could not be revoked or modified without the modification being laid on the table of this House, so as to invite the opinion of the House upon it. Therefore, any person who was successful in open competition

had this double security for his appointment—first, the Order in Council; and second, the veto of the House of Commons upon any change in that Order; and he ventured to think that that was a security which all the candidates for examination would consider perfectly satisfactory for the future, as it had been considered satisfactory in the past. The House was quite agreed about the principle of competitive examination; and, as he believed, quite satisfied with the declaration of his noble Friend that he was prepared to carry out that principle to the utmost. But then there stepped in this objection to the Bill as it left that House, that they first declared in the Bill that all appointments were vested in the Crown, and then they had a Parliamentary declaration that such persons only should be appointed as fulfilled certain conditions. It was a mockery first to give the appointments to the Crown, and then to say that those appointments should be conferred solely by a Parliamentary title altogether independent of the Crown. That was a constitutional objection, of which he thought hon. Members opposite would feel the force; and it was on that ground that his noble Friend had proposed that the Amendment of the Lords should be assented to.

SIR EDWARD COLEBROOKE said, he wished to remind the House that the question was in a very different position now from what it was in 1853. They had now changed the Government of India, and one of the chief dangers that had always been apprehended by those who had seriously considered that question was, that which might arise from placing of the Indian patronage wholly in the hands of the Crown. Now, in 1853, if the competitive system had been abolished, the patronage would have fallen back into the hands of the Directors of the Company, where it had always been; but if it were abolished now, it would fall into the hands of the Crown. He did not feel much confidence in the duration of the Council which was about to be established, and it was against the abuses of future Parliaments that they had to guard. If in future times Parliament should relax its vigilance—and he had no great confidence in their watchfulness—the same danger would arise which had for so many years made successive Governments shrink from abolishing the system of double Government which had hitherto existed.

MR. VERNON SMITH said, he had never been a great enthusiast for the competitive principle, but having had some experience of the competition in the civil service, he was bound to say the young men who had been selected for offices in that service were admirable specimens. He thought that, having agreed on that principle, no one could hesitate to say that an Act of Parliament would afford the strongest security for carrying it out, now that an issue had been raised as to whether its operation could be best secured by that means or by an Order in Council. An Order of Council might be overlooked or be left to sleep on the table of the House; but once having got the principle within the four corners of an Act of Parliament, it could only be set aside by an Act of the Legislature; and there would be then no risk of the system of competition being destroyed without such an examination of its merits as would show that its destruction was due to a manifest change in public opinion. He would, therefore, urge the House to adhere to the Bill in this respect as it was sent up to the Lords.

Question put, "That this House doth agree with the Lords in the said Amendment."

The House *divided*:—Ayes 60; Noes 73: Majority 13.

Amendment in Clause 34 read a second time.

SIR DE LACY EVANS said, that the system of competitive examination was as good for the scientific branches of the army as for the civil service; and he had a Motion to submit with regard to the scientific arrangements of the army. He therefore proposed to reinsert the words omitted by the other House after the word "examination," as follows:—

"And the candidates who may be found entitled under such regulation shall be recommended for such cadetships according to the order of their proficiency, as shown by such examination."

LORD STANLEY said, it was clear that the principle involved in the former discussion was equally applicable here, and after the expression of the opinion of the House in the recent division he would not contest it further. In taking leave of this subject, he could only express his hope that, though the House had preferred one mode of establishing this principle to another, they would not believe—what, certainly, was not the case—that it was the intention of the Government to abandon a principle that had been so frequently and so distinctly affirmed.

Amendment *disagreed with.*

Amendment in Clause 35 read a second time.

SIR JAMES GRAHAM said, he was extremely unwilling to raise slight objections to any portion of this Bill, which he was ready to acknowledge had been conducted through the House by the noble Lord (Lord Stanley) and the Government with remarkable fairness and candour; but it appeared to him that the insertion in this clause of the words "preventing or" would constitute a very great difference in its meaning. He approved the spirit and object of the clause as it left that House, because, as it then stood, it gave no encouragement to unnecessary wars. All the aggressive wars that had taken place in the history of India had been carried on under the pretext of repelling threatened invasion. He need only allude to the Affghan war in illustration of this statement. He was quite confident that if these words, "preventing or" were allowed to remain, the clause would be rendered altogether nugatory. Take the case of Nepaul. The Governor General might raise the question that in his opinion invasion was intended on the part of that State, and with the view of preventing such threatened invasion hostile proceedings might be undertaken at a great cost to the revenues of India. It had been said, however, that these words were a solecism, as if it was absurd to send troops out of the country to repel an invasion when the enemy must be actually in the country. He had to state that the clause was drawn by a skilful dialectician, and one too that had no mean skill in logomachy, and these were the terms that occurred to him to use. He did not say that in repelling invasion they ought not to take troops beyond the external frontier. This was done on the very last occasion on which their Indian provinces were invaded. The Sikhs crossed the Sutlej, thereby invading our territory. Lord Hardinge repelled the invasion, and drove them across the Sutlej and carried the troops beyond the external frontier. This was a sort of operation which it would not be desirable to prevent, for to meet invasion by going beyond the frontier was a legitimate mode of carrying on hostile measures. On the other hand, taking hostile measures to meet threatened invasion was precisely the course of proceeding which had led during the last century to the most offensive, profligate, and aggressive wars, and it was most desirable that every precaution should be taken, as far as enactment could do so, to prevent recourse being had to such a policy. On these grounds he objected to the introduction of the words "preventing or" by the Lords.

SIR FREDERICK SMITH said, he thought that when the Governor General had reason to believe that preparations for the invasion of our Indian territory were being made near the frontier, he ought to have the power of sending beyond the frontier a force sufficient to frustrate the designs of the enemy, because by so doing he might, by a speedy blow, prevent that expenditure of blood and treasure which would be occasioned by an actual invasion. Every man at all acquainted with the art of war must know perfectly well that nothing could be more foolish than to wait until an enemy who contemplated invasion had completed his preparations before you attacked him. The hands of the Governor General ought not to be tied up in such matters by an Act of Parliament. Lord Hardinge was disinclined to believe that the Sikhs intended to invade the empire, but had he been certain of that he would have crossed the Sutlej, and brought that war to a much speedier end.

GENERAL CODRINGTON said, there could be no doubt that our Indian army would be placed at a great disadvantage if it were not permitted to cross a river for the purpose of attacking an army that was making preparations to invade our territory. An attack of that nature might be the best mode of defending our territory.

LORD STANLEY said, that with all deference to his right hon. Friend, he did not think that the words "preventing or repelling actual invasion" would have covered such a case as that of the Affghan war, because that war was carried on at a great distance from our then frontier in India for the purpose of establishing a safeguard, not against actual invasion, but against a nation that at some future time might have attempted to invade our territory. He had reason to believe that the intention of inserting the words objected to was to remove the objection of some persons who said that there was a contradiction of terms in saying that you were not to cross the frontier except for the purpose of repelling invasion. Speaking strictly, there could be no invasion to repel until the enemy had crossed the frontier. But the truth was, that the clause was

more a declaration of the intention and opinion of Parliament than anything else. The words "except in case of urgent necessity or actual invasion" were, in fact, so wide that a court of law would construe them so as to make them cover everything which could possibly be imagined. He believed that if the Governor General could establish the fact that in directing the Indian army to cross the frontier his object was *bona fide* to prevent invasion a court of law would hold that he was justified in acting upon his own judgment. It would be impossible to hold him guilty of a breach of the clause if he could establish the honesty of his intention. He thought the first part of the clause was such as to render it superfluous for the House to criticise minutely the legal effect of the other part, and therefore he should recommend the House to adhere to the clause as it stood.

MR. RICH said, he agreed with the right hon. Member for Carlisle that the word "preventing" would cover almost any military operation in India. The words "urgent necessity" would meet the case of an army assembled on the frontier for the purpose of invasion. He was in favour of adhering to the original words, as he thought it desirable to impose every restraint on a Governor General, in resorting to the dreadful alternative of war.

COLONEL SYKES observed that he was afraid that the phraseology of the words of an Act of Parliament was not likely to prevent wars in India. Past history told them that every Governor General somehow or other found himself engaged in a war, and the Home Government always felt themselves compelled to support him.

Question put, "That this House doth agree with the Lords in the said Amendment."

The House *divided:*—Ayes 95; Noes 28: Majority 67.

Committee *appointed,*—

"To draw up Reasons to be assigned to the Lords for disagreeing to the Amendments to which this House hath disagreed:"—Lord STANLEY, Mr. CHANCELLOR of the EXCHEQUER, Mr. SOLICITOR GENERAL, Lord JOHN RUSSELL, Sir JAMES GRAHAM, and Mr. VERNON SMITH.

To withdraw immediately; three to be the quorum.

REASONS.

"The Commons disagree to the Amendments in page 9, line 2 and line 7, for the following Reasons:

"'Because they tend to divide the responsibility of the Minister; and because they create anew the Secret Committee, which under the new Government will be no longer necessary.'

"The Commons disagree to the Amendments in page 9, lines 21 and 22 and 32, for the following Reason:

"'Because it is undesirable to increase the patronage of the Minister without providing a check upon its exercise.'

"The Commons disagree to the Amendments in page 10, line 23, and page 11, line 6, for the following Reasons:

"'Because they desire to assert and secure the principle of open and unrestricted competition in a manner not admitting of doubt, and because they think this end would be better attained by legislative provision than by an Order in Council.'

"The Commons disagree to the Amendment in page 17, line 8, for the following Reason:

"'Because the period of three months allowed, if Parliament be sitting, is inconsistent with that of one month after the meeting of Parliament, which meeting may take place immediately after the issuing of the Order to which this clause relates.'

"With the preceding exceptions, the Commons agree to the Amendments made by the Lords to the Bill."

LEASES AND SALES OF SETTLED ESTATES ACT AMENDMENT BILL.

COMMITTEE.

Order for Committee read.

MR. AYRTON said, he should like to have some further explanations from the hon. and learned Attorney General respecting this Bill, because when the Bill was in its last stage a question was asked as to whether it was intended by this Bill to enable Sir T. M. Wilson to enclose Hampstead Heath, and the Attorney General said there was no intention. Since then, however, the hon. and learned Member for Gloucestershire (Mr. Rolt), had given notice of his intention to move the omission of a clause, the omission of which would have the effect of depriving the public of the enjoyment of that heath. He thought before they went into Committee they ought to have an assurance that the Government would not lend their support to any attempt to carry out that object. If that question were brought on now, it would take the House by surprise.

THE ATTORNEY GENERAL observed, that he had already stated with perfect sincerity, that he had no intention, in carrying this Bill through the House, to make any important alteration whatever in the law beyond that which was expressed in the Bill itself. It was not a Government Bill. It had come down from the other House, and understanding that Lord Cranworth desired the Bill to pass, he had moved the second reading of it. He had attentively considered the clauses, and was of opinion that they were not only expe-

dient but necessary to remedy the defects in the former Act. With respect to any clause of which notice might have been given, he had to remind the hon. Member that he had no control over any hon. Member in such a matter. All he could say on the part of the Government, who, however, had nothing to do with the Bill, was, that they knew nothing of any such clause as that referred to.

MR. GILPIN said, that their objection was, not to the Bill itself, but to the proposition of which notice had been given by an independent Member, the effect of which would be to permit the enclosure of Hampstead Heath. They wished for an assurance from the hon. and learned Gentleman to the effect, that neither he nor the Government would support such a proposition. Many hon. Members who had depended on such a clause not being brought forward with the support of the Government were absent from the House.

THE ATTORNEY GENERAL said, he had no authority from the Government to offer any assurance on the subject. As for himself he had stated on a former occasion that he had no intention of supporting any clause which, by leading to discussion, might, impede, if not prevent, the passing of the Bill.

MR. ROEBUCK said, he must protest against any attempt to take the House by surprise by a proposal such as that of the hon. and learned Member for Gloucestershire. Not that he objected to the proposition in itself, but there were circumstances under which not even a good thing ought to be done.

MR. ROLT said that, as there seemed to be a general feeling that it would be a breach of faith to press on this occasion the Amendment of which he had given notice, he would consent to withdraw it.

House in Committee.

MR. ROLT said, that from the reasons he had already given, he should not now take the sense of the Committee on the rejection of the 21st clause of the Act of 1856, the effect of which was to preclude the Act from applying to those cases in which an application had been made to Parliament; but he should bring it before the House on the first opportunity next Session, feeling satisfied that it was impossible to justify an enactment which, pretending to be founded on general principles, was aimed at a particular individual.

MR. COLLINS said, he thought that exceptional legislation of this kind was injurious to the character of the House, and he would therefore assure the hon. and learned Gentleman of his support on such an occasion.

MR. KNATCHBULL-HUGESSEN denied that the clause was aimed at a particular individual.

MR. MALINS said, that the framers of the Act had not the courage to say expressly that the clause applied to Sir T. M. Wilson, but there could not be the slightest doubt that the 21st clause was aimed at him. Such a clause, excluding a particular individual from the benefit of a general measure, not by name, but by a sort of sidewind, was most unjust.

MR. KNATCHBULL-HUGESSEN said, he might refer to the Earl of Derby as an authority, to show that when Parliament had once decided a question of this kind the Court of Chancery ought not to be allowed to upset that decision.

MR. COX said, he should be quite prepared, whenever the hon. and learned Member raised the question, to go into the whole subject, in order to show that they were justified in insisting in retaining the clause in question.

Bill passed through Committee.

House resumed.

Bill *reported* without Amendment; read 3° and *passed*.

WELLINGTON MONUMENT.
RESOLUTION.

MR. STUART WORTLEY said, he rose, pursuant to notice, to call the attention of the House to the competition relative to the Monument to the late Duke of Wellington. He was induced to do so, not because he placed any presumptuous reliance upon his own authority as a judge in matters of taste, but because he believed considerable mistrust prevailed among the public with respect to the arrangements into which it was supposed the Government had entered in reference to the erection of that monument. He had no desire, in submitting the matter to the notice of hon. Members, to embarrass his noble Friend the First Commissioner of Works in the difficult position in connection with the subject in which he was placed; neither, in the course of the observations which he was about to make, did he wish to say a single word which might be supposed to be depreciatory against any of those artists—some of them men of great distinction in their profession—who had upon a late occasion unsuccessfully com-

peted for the execution of the proposed monument. In using the word "unsuccessfully," he simply meant to imply that no one of the designs which had upon the occasion to which he referred been exhibited had been of so high a character as to have at the time been selected as a fitting model for the great work which was in contemplation. On the contrary, he conceived that he was vindicating the cause of those artists since, if he had rightly understood his noble Friend the First Commissioner of Works, it appeared that he now proposed to commit the execution of the Wellington Monument, not to the person who had obtained the first prize at the late Exhibition, but to an artist who had obtained a prize, and that he was about to take that course notwithstanding that since the competition had been entered into the site upon which it was intended to erect the monument had been completely changed. It was under those circumstances perfectly open, he thought, to those artists who had already sent in designs to say that they had been cramped with respect to the extent of the space which it was proposed to allot for the erection of the monument, and that under the more favourable circumstances in that respect now presented they would have produced better models than those which they had previously exhibited. Now, in the case of those models which had been previously exhibited, the right hon. Baronet the Member for Marylebone (Sir B. Hall) had wisely guarded himself against being compelled to take any one of them as the design in accordance with which the proposed monument was to be constructed; while his (Mr. S. Wortley's) noble Friend the present First Commissioner of Works seemed to be of opinion that he was bound to employ in its construction some one of the artists who had already competed. He had not, however, taken the design of Mr. Marshall, which gained the first prize, but had (no doubt with able assistance) selected that of Mr. Stevens, which did not stand higher than sixth in the list of prizes, and then, either not being entirely satisfied with that, or not being convinced that Mr. Stevens could execute it, he had called on Mr. Marshall to execute some of the sculpture round the monument; and, moreover, apparently with the view of giving it an architectural character, he proposed, in addition, to obtain the assistance of Mr. Cockerell and Mr. Penrose, the official architect of St. Paul's, to superintend the execution of the monument. That was a course which appeared to every one to be inconsistent with the original notice given to artists, and also inconsistent with the ordinary course adopted upon occasions of competition upon other subjects. If a prize were held out for the best essay or the most valuable agricultural implement, the writer of the one, or the inventor of the other, whose production was deemed by the judges to be the best, received the prize. That had not been the case in the present instance, and the departure from the usual course had created great dissatisfaction, if not disgust. He did not in the least desire to undervalue the model of Mr. Stevens. He had had the pleasure of being introduced to that gentleman since this subject had been mooted. He had also communicated with the judges who acted upon the competition, and also with several of the leading artists, in order that it might not be supposed that he had anything to do with the selection of a particular artist for the execution of this work. He might say, however, that he agreed with his noble Friend in his estimate of Mr. Stevens's model, and when he first saw it, before any decision upon the point had been made known, he was of opinion that it was almost the only model in Westminster Hall that could be chosen. He did not say that Mr. Stevens was neither an architect nor a sculptor, for that gentleman had informed him that he had studied both those branches of art, but certainly he had produced no great work—had erected no great building to which he could point as evidence of his capabilities. That was no disparagement to Mr. Stevens, who was a young man doubtless destined to achieve future fame, but to take a model solely because it was graceful and elegant, standing in advantageous contrast with some of the little creditable models exhibited in Westminster Hall, without knowing whether the designer was able to execute the architectural and sculptural portions, was acting with a great degree of uncertainty. Some parts of the model had been pointed out as showing a want of knowledge of the human form, and opinions were entertained by good judges very adverse to Mr. Stevens's model. In those opinions, he (Mr. Wortley) did not concur; but, in a pamphlet written by a gentleman of great attainments, and who was engaged to instruct the students at the South Kensington Museum in some branches of study closely connected with art, it was stated that Mr. Stevens's

monument was the least worthy of any of the nine selected. That proved that there were those who did not approve the selection which had been made. He (Mr. S. Wortley) had also made it his business to consult the opinions of the judges. The opinion of the chief of the judges, the Marquess of Lansdowne, was known, because that noble Lord, in his place in Parliament, had declared that, with respect to the designs sent in, "there was not one of such commanding merit as to induce the Commissioners to recommend it for adoption." He (Mr. S. Wortley) was authorized by every one of the judges with whom he had communicated to say that their opinions were in complete accordance with that of the noble Marquess. It had been, in fact, intended to state so much in the Report, but consideration for the artists induced them to refrain from doing so. Every hon. Member who mixed with artists or the lovers of art must be aware of the difference of opinion which existed as to the propriety of the selection that had been made. As far as his own observation had gone, the proposed arrangements of his noble Friend were regarded with dissatisfaction and mistrust. Having changed the site and selected Mr. Stevens's design, the next step of his noble Friend was to place the whole business in the hands of Mr. Stevens, who, with the help of Mr. Marshall and the assistance of Mr. Penrose, was, under the authority of his noble Friend, to decide what sort of a monument should be erected in St. Paul's Cathedral. He did not think, however, that either that House or the country would consent to leave the erection of the monument to an irresponsible committee of three, however eminent they might be. But, unfortunately, none of these gentlemen were much known. Of Mr. Stevens he had already spoken. Mr. Penrose was an able, accomplished, and efficient man, but being still a young man, his talents had not as yet become universally acknowledged. He had no wish to be understood as expressing any doubt as to the wisdom of the change of site. The original site was under one of the arches of the north aisle of St. Paul's, but that arrangement would have destroyed the beautiful architectural balance of that edifice unless there was a monument to be placed under each of the other arches. The public generally agreed in the change of site, and the one now chosen was admirably adapted for the purpose. The Consistory Court was of a shape similar to those large chapels in Roman Catholic cathedrals which were selected for the monuments of great men. It was a noble position, and had the recommendation of being spacious enough to receive other monuments, and he hoped that in time there would be within it memorials of such men as Nelson and Collingwood. There was one much injured man, to whom the nation owed a heavy debt of gratitude, who sacrificed his life in the Crimea in the cause of his country, and at an age when he might well have refused to engage in active service—Lord Raglan—whose monument he should wish to see in that place. He had no doubt his noble Friend had been actuated by the feeling that he was bound to give something to the prizemen who took part in the general competition. He might have supposed that they had a moral claim on the Government, but looking at the terms of the contract, he (Mr. S. Wortley) contended that not a single word was used in it signifying an intention of carrying into execution any one of the prize models. The only passage in the contract from which such an intention might possibly be inferred had to his mind a directly contrary meaning. He referred to that in which it was stated that if the artist to whom the highest premium was awarded should be employed to execute his design, he would not be entitled to receive any premium. Therefore, so far as the contract went, and indeed, having regard to the general feeling among the artists themselves who competed, he believed no complaint of injury could fairly be made on the ground of none of the prize models having been carried into execution. The Marquess of Lansdowne, moreover, who had acted as the chief judge, had stated in the other House that the judges did not feel bound to recommend the competitors for employment, nor had he ever, except in one pamphlet, seen it contended that the Government were bound to do so. It was important to trace the history of this competition. So long ago as the funeral of the Duke, in 1852, the idea of a monument was propounded. The Earl of Derby was then in office, and his (Mr. Wortley's) noble Friend (Lord John Manners) was First Commissioner of Works. The first thing that was done to give effect to the suggestion was, after a change in the Government, when the late Sir W. Molesworth, who had then succeeded to the Board of Works, invited four of the principal artists in this country to furnish models of a monument to the Go-

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vernment—namely, Mr. Bailey, Mr. Foley, Mr. Gibson, and Baron Marochetti. The first two gentlemen accepted the invitation; Mr. Gibson refused, but gave no reasons for so doing, except that he made it a rule not to expose himself to competitions of that nature; Baron Marochetti also declined, assigning as a reason that in such a competition it would be scarcely less painful to succeed than to fail. Mr. Foley and Mr. Bailey each sent in a model to the Government, but neither was deemed satisfactory. They then endeavoured to ascertain from the Chief Commissioner what was wanted, so that they might, if possible, modify the models they had sent in in accordance with the views of the Government; but that was denied them, and eventually £50 a piece was given by this great nation to those two eminent men for all the trouble and expense they had been put to in the matter. He believed that if Sir W. Molesworth had at that time entrusted this great work to those distinguished men—Mr. Bailey, one of our oldest sculptors, and Mr. Foley, the author of the magnificent statue of Viscount Hardinge—they would have executed a monument in every way worthy the illustrious subject of it, and satisfactory to the country. That course, however, was not taken, and when the right hon. Baronet (Sir Benjamin Hall) became First Commissioner of Works he came to the determination to submit the matter to public competition, which it was universally admitted had failed. The judges could find no work of sufficient merit to recommend for adoption, and it was necessary to restrict the competitors so closely as to size that the judges could not look at a model sent in by one of our most distinguished artists because it was half a foot too wide. He (Mr. Wortley) did not regret that competition, however, though it had failed. The principle of competition in such cases had recently been discussed before a Committee of that House on the erection of a Foreign Office, and there was a paragraph in the Report of that Committee in which they gave a decided preference to the principle of limited competition, on the ground that where the competition was limited the highest class of artists might be expected to compete, and where it was otherwise the probability was that such men would not come into it at all. The principle of unlimited competition, on the other hand, had this advantage, that it sometimes elicited talent which might otherwise remain unknown and unappreciated. He believed the public were little aware of the hardships which it inflicted on many artists. When the public looked at an exhibition of models of any great work of art, they little knew that many of the poor artists from whom they emanated had been obliged to borrow, and almost to beg, in order that they might be enabled to execute them. A good model of some great works of art could not be made for less than £200 or £300, and any one could imagine the grievous disappointment that ensued when, besides failure, the artist received no remuneration for all the labour, money, and time he had bestowed on his work. The necessary consequence was, that men who had an established reputation refused to come into a general competition, and, instead of attracting the best and greatest minds of the country, the competitors in such a case were men, generally speaking, of inferior experience and skill. The principle of open competition was not applied to any other profession. No one expected thus to get the best work from a lawyer or a physician. What would be thought of a Sovereign who, when ill, threw open his case to public competition, and offered a fee to the physician who gave the best advice? Or what would have been said if the Earl of Shrewsbury had attempted to select counsel by open competition? The fact was, artists felt that this mode of dealing with them was an insult, because it was one pursued with respect to no other liberal profession. See what had been the result of open competition in the case of the Nelson Monument. At the time that monument was built the principle of open competition was newer, and more artists of reputation competed. But a builder got the prize, who on the death of Mr. Campbell, the artist, had had the good fortune to pick up, among the many valuable remnants of his studio, a magnificent design for a Nelson monument with four beautiful lions. He turned out, however, to be incapable of executing anything but the masonry. Other persons, therefore, had to be called in, and the result was that they had a pillar which everybody abused, and a statue of Nelson which no one could see. The monument had been raised at an expense, besides subscriptions, of £30,000 or £40,000; and such was the manner in which the work had been done, that some of the *bas relievos* had been filled with lead or zinc. If they had had high artists who had been responsible for their work, this

would not have happened. He begged leave to subscribe entirely to the opinion of the Marquess of Lansdowne, that the Wellington Monument should be considered not a departmental but a national work, for which the Government should be responsible. In his opinion, the principle by which rivalry should be guided for this great work should be emulative, not competitive—that principle which had produced some of the greatest works of the sixteenth century. This was the principle in which originated some of the greatest works of Italy—St. Peter's, and most of the great pictures and statues of that age. The *Transfiguration* itself was the result of competition in that sense. The rivalry between Michael Angelo and Raffaelle led to the production of the *Raising of Lazarus* by Sebastian del Piombo—not the competition of a lottery, but competition in the sense of a noble and a generous emulation—a principle which he thought, if judiciously applied, would do much towards developing the artistic taste and genius of this country. His noble Friend might with justice refer to the difficulties with which this question was surrounded, and ask what it was he proposed. He fully appreciated the difficulties which his noble Friend had to contend with, and could assure him that it was in no hostile spirit he had taken up the question. On the contrary, he had done so in the hope that he might be able to render him some assistance by eliciting opinions in the House that would be of use to him in arriving at a conclusion on the subject. But if the noble Lord had great difficulties to encounter, he had also great facilities in forming a sound opinion. He had shown that he need have no difficulty in finding capable artists, and he might add that he had also abundance of money. We had £20,000 of the sum granted for the funeral of the Duke of Wellington. The highest estimate he (Mr. Wortley) had yet heard of the expense of a statue was £10,000, and the remainder might be spent in architecturally ornamenting the site of the statue or in purchasing models. The noble Lord should call in the most eminent artists to give him the best designs they could produce, without tying them down to so many feet, and all classes of artists should be invited. It was of the very greatest importance that architecture and sculpture should go together as sister arts, without which success in the production of high works of art could not be expected. They all knew that in old times artists were not merely statuaries, or sculptors, or architects, but often combined all these together in their own persons. There was no jealousy of sister arts. The artist consulted the architect, and often studied that branch for himself, and it was in this way those works were produced which had astonished the world. Michael Angelo was a great painter, a great architect, and a great sculptor. Raffaelle was, as well as being a great painter, an architect, and was, indeed, appointed architect of St. Peter's. In our day, however, there was among artists an unworthy jealousy of architects. Some, indeed, were themselves architects; but, generally speaking, it was the vice of the artists of this day to confine themselves too exclusively to their own professions, and to regard with jealousy that of the architect. He trusted that state of things was passing away, and the sooner it did the better for the progress of high art. He could not look on this as a departmental question. It was one for which the whole Government was responsible, and not the Board of Works alone. They must be held responsible for the manner in which the whole of this duty was discharged. It was of the utmost importance that a high tribunal should be appointed, for the higher the tribunal the less chance was there of favouritism. Of course, the Government would have to be assisted, and he could not see any real objection to artists themselves having a share in naming a tribunal, whatever it might be, to assist the Prime Minister in the selection he might make or the course he might take. In the Resolution which he was about to move, he had embodied the proposition that the best way of creating emulation would be to employ a certain number of the most distinguished artists, and remunerating them for the labour, time and attention they devoted to the subject, and thus making it worth their while to produce the best models in their power. One point which had been started was whether the competition should be extended to the artists of foreign nations? The occasion was peculiarly a national one, and a great deal was, therefore, to be said against giving opportunities to foreigners to compete, though, as far as he was concerned, he should be inclined rather to take the opposite view, and throw it open to the whole world. He would suggest that, putting aside all that had hitherto been done, and as they had a plenty of money

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at command, £300 a piece would amply compensate every one of the artists for the models or designs they sent in; and it should then be the duty of the Government to select one or more artists to carry into execution the design upon which their choice had fallen. If they took that course they would call out all that was grand and noble in the genius and artistic taste of the country, and he had not so bad an opinion of the artists of England as not to believe that, if they were selected for the work they would give their whole soul to it; for it was a matter which was calculated to stir men's blood more than an ordinary subject—the memory of the Duke of Wellington being still fresh in the hearts of the people, and no class feeling it more strongly than artists themselves. In conclusion, he thought if they acted upon the suggestions thus humbly and respectfully put forward, they would not have a mere statue but a noble monument in the greatest sense of the word —an ecclesiastical and architectural monument, worthy of the hero whose memory it would celebrate, and of the country to whose glory he had so largely contributed.

Motion made and Question proposed,—

"That by the terms of the competition under which the models for the monument proposed to be erected to the memory of the late Duke of Wellington in St. Paul's Cathedral were lately exhibited in Westminster Hall, the artists competing were not entitled to expect that any of their works would be executed at the expense of the nation, unless on the ground of their intrinsic merit; and whereas the judges have not recommended for execution any of the works so exhibited, and a new and wholly different site has since been determined upon for this great National monument, it is therefore expedient that a limited number of distinguished artists should be further employed by Her Majesty's Government to furnish models with especial reference to the new site and altered circumstances, and that those artists should be remunerated for their labour, and their models purchased for the country."

The Question having been put,

MR. BERESFORD HOPE (after a slight pause) said, he should not have risen so early in the debate if he had seen his noble Friend the First Commissioner of Works rise, but as his noble Friend seemed disposed not to rise so early, and as his right hon. Friend had pointedly alluded to the Report of the Committee of which he had the honour to have been Chairman, he trusted the House would excuse a few words from him on this subject. His right hon. Friend dealt with that Report, a it condemned unlimited competition. He (Mr. Beresford Hope) could not so understand it. That portion of the Report was indeed written by the noble Lord the Member for Haddingtonshire (Lord Elcho) except the last sentence, which he had called upon his right hon. Friend to read, and which he had himself drawn up; but he would not have accepted that paragraph if he had considered it to bear that signification; and he considered that the sentence last referred to, proved that such was not its meaning. No doubt, for his own part, his right hon. Friend appeared to condemn unlimited competition, but it would be strange if the House, after having voted at an early hour that evening in favour of unlimited competition, should now, at the instance of his right hon. Friend, virtually condemn that vote and decide that unlimited competition ought not to be sanctioned. His right hon. Friend had asked why they were more likely to produce good work by competition in the fine arts than to obtain a sound opinion upon a legal question by submitting it to the competition of lawyers. His answer might be very trite, but it was not the less true—

"Segnius irritant animos submissa per aures,
Quam quæ sunt oculis subjecta fidelibus."

Competition for a work in architecture was a very different thing from the contention of lawyers upon a legal question. A Judge could hardly adjudicate between the hon. and learned Attorney General and the hon. and learned Member for Aylesbury, by keeping them standing on their legs, perpetually putting forth contrary opinions; but, on the other hand, the work of the artist remained quiescent and unchanged until the arbitrator pronounced his decision. There were, no doubt, cases in which competitions in art were not successful; a notable instance occurred some years since in a competition for the statue of Wordsworth in Westminster Abbey, at which he assisted to adjudicate, when one of the competitors requested the early return of his model, in order that he might take off the head and replace it with one of Sir Robert Peel for a competition for a statue to him. This very year, too, the bathos of competition was attained on the collection of designs for the monument of the Exhibition of 1851 proposed to be erected in Hyde Park, where one architect sent in a sketch, a huge glass globe rising out of a piece of water like a gigantic soap bubble in a saucer, and another

depicted two illustrious persons seated in a *degagé* way on the top of a mass of sham rock work. He made his right hon. Friend a present of these instances of the failure of competition, but in the face of them the great and wholesome principle of free art was now being established. Perhaps our great artists would still refuse to compete. They hung back very often as they did in this case. But why? Because a clique was naturally opposed to a republic of free genius and free intellect nobly competing for the highest excellence. In the present instance, then, he concluded that something must be risked in order to ensure great results for the future, and to make good that principle. The worst that could be said was, that there was something common-place about the models sent to Westminster Hall for the Wellington monument. If that were true, it was the duty of the State to foster and encourage those artists who stood out above the rest in it, in order that by the improvement of the designs they submitted something might be elicited more worthy of the Duke of Wellington. By the confession of all sides, Mr. Stevens's model had great comparative excellence. He objected, then, to the modified censure which the Motion would cast upon the artists who sent models to Westminster Hall. Why, at the end of July, when there were scarcely sufficient Members to make a House, should his right hon. Friend propose a very expensive and questionable third competition for one and the same work? What guarantee was there that such a third competition would be more successful than the two former ones, or than the course proposed by my noble Friend? They had Mr. Stevens's model to give the idea. They had Mr. Marshall, if they liked, to make the figure (thus rewarding the first-prize man); they had the approval and superintendence of Mr. Penrose, the eminent architect in charge of the cathedral, who would ensure the harmony of the work and the structure, and they had that excellent site which had been selected in the old Consistory Court. If there were to be a fresh competition, all the artists who went in would have to conform themselves to the idea of Mr. Stevens's model; and after the experience they had had, what likelihood was there that the leading sculptors would submit to this restriction? It was urged that the new competition was necessary, in order to ensure the anatomical correctness of the effigy itself. He (Mr. B. Hope) would suggest an easier and cheaper way of attaining this object. What objection could there be to the employing of Mr. Stevens and Mr. Marshall to make full-sized models in clay of the effigy of the Duke, and then calling in all the other jealous and envious sculptors, all the anatomists and all the amateurs, or those who fancied they were, to pick holes in the models? They might thus pretty well ascertain, without the trouble or expense of an additional competition, how far Mr. Stevens and Mr. Marshall were qualified to execute the effigy, the main element in the whole competition. It had been said, that Mr. Stevens was an unknown man; but he had produced a design which, although perhaps rather roughly modelled—because a poor and struggling artist could not afford the outlay which was required to give it greater finish—exhibited true genius; he had grasped the right idea, and in his (Mr. Beresford Hope's) opinion they ought to hold out to him a fostering and friendly hand. Mr. Stevens was a prize-man in the competition; the excellence of his design struck all observers; and he thought that, under all the circumstances, his noble Friend at the head of the Board of Works had arrived at a very wise decision. The site in the Consistory Court was exceedingly fine and appropriate, and he hoped his right hon. Friend would not press his Motion, but would be satisfied with having brought the subject under the notice of the House, and with the very able exposition he had given of the philosophy of art in its various relations. He (Mr. Beresford Hope) trusted that, under the auspices of the First Commissioner of Works, a monument would be erected in memory of the Duke of Wellington to which our countrymen might hereafter point with satisfaction and with pride.

MR. CONINGHAM said, he was at a loss to understand what were the precise views of the right hon. Member for Bute (Mr. S. Wortley) who commenced by emphatically approving the monument which had been selected, who then found fault with the principle of competition, and who ended by proposing a system of universal competition which should be open to all the artists of the civilized world.

MR. STUART WORTLEY was understood to say that he had not proposed an universal competition, but a limited competition, in which Mr. Stevens might himself take part.

MR. CONINGHAM said, he had cer-

tainly understood the right hon. Gentleman to purpose a further competition. It was true that the design selected by the noble Lord at the head of the Board of Works was the production of a young artist, but he thought any one who had examined it must have been struck with its superiority in point of conception and execution. It was originally intended that the monument should be placed in one of the arches of St. Paul's, but it had since been proposed that it should be transferred to the Consistory Court, which was the same height as the arches of the cathedral. The latter site would have this advantage, that the monument being what was termed pervious —that was to say pierced—and intended to be placed where the light could be seen through it, there would be a better opportunity of viewing the effect. He did not think there could be any ground of complaint on the part of those artists who had been invited to become competitors, but who had declined to avail themselves of the opportunity. It was useless to talk of the middle ages, and of such artists as Michael Angelo, Raphael, and Donatelli; for if men possessing similar genius could be found in this age they would be selected for such a work as was now contemplated, and might at once be entrusted with its execution. Most unfortunately, the erection of our public monuments had hitherto been entrusted to very incompetent persons, but he had great pleasure in congratulating the noble Lord on the selection he had made in the present instance. From what he had seen and heard that evening, judging by the model which Mr. Stevens had produced, and which he hoped they might see in the full-sized scale on the site appropriated to it, and understanding that there was the most hearty and friendly co-operation on his part with Mr. Penrose and Mr. Cockrell, the architects, he (Mr. Coningham) could not but anticipate that from their joint consultations and united efforts the happiest results would ensue. He hoped, therefore, that the right hon. Gentleman would not press his Motion.

LORD JOHN MANNERS said, he had heard with much gratification the views which had been expressed by hon. Gentlemen whose opinions were far better entitled to weight than his own upon questions of art. He thought that, after the observations of the hon. Member for Maidstone (Mr. Hope), and the hon. Member for Brighton (Mr. Coningham), his right hon. Friend the Member for Bute (Mr. S. Wortley) must be satisfied that whatever support he might have received in the views which he was desirous should receive the sanction of the House, there were Gentlemen who were at least as competent as himself to form a judgment on this subject, who approved the course adopted by Her Majesty's Government. He was, however, happy to find that upon several important points he agreed with his right hon. Friend, and that they only had the misfortune to differ upon matters of minor importance. The right hon. Gentleman (Mr. Wortley) had said that he thought the selection of a site was most fortunate; that, so far as the prize designs were concerned, he conceived that the Government had chosen the best — and that they had taken the most valuable advice they could obtain. Now these were three most important admissions and he (Lord J. Manners) put it to the House whether they would now take the matter out of the hands—feeble as he admitted they were — of those who were responsible for its conduct, and erect themselves into a committee of taste to upset all the arrangements which had been made, and to defer for an indefinite period the erection of a national monument to the Duke of Wellington. It was true his right hon. Friend had mentioned some particulars in which he thought the judgment which had been arrived at was an unsound one; but he (Lord J. Manners) was almost at a loss to know on what grounds his judgment was founded. The right hon. Gentleman admitted that out of the eighty-three designs submitted to competition the best had been selected, but he said that the terms on which competition was invited were such as could give the competitors no reasonable hope that any one of them would be selected. He (Lord J. Manners) certainly did not put the same construction upon the terms of the notice, which were as follows:—

"The Commissioners of Her Majesty's Works and Public Buildings give notice that it is the intention of Her Majesty's Government to erect a monument in St. Paul's Cathedral, London, to the memory of the late Duke of Wellington, and that they are prepared to receive designs for the same from artists of all countries."

His right hon. Friend might, however, rely upon the concluding paragraph of the notice:—

"If, however, the artist to whom the highest premium may be awarded shall be employed to execute his design he will not be entitled to receive any premium."

His right hon. Friend had put upon this

sentence the interpretation of a lawyer, and said that it excluded any one whose design did not receive the first premium from being selected to execute the monument, but he (Lord J. Manners) believed its meaning was that if any artist, who had not received the highest prize, was selected he would be entitled to a premium in addition to the cost of his design. He said that a great country had no right to invite the artists of all the world to compete for national monuments unless they were resolved that that competition should lead to some substantial result, always provided that among the designs sent in there was one or more which were worthy of adoption. It all turned upon that question. Now, who was to decide this point? Was his right hon. Friend or anybody else in this House to say that out of eighty-three designs sent in not one was worthy of being executed? [Lord ELCHO: The judges said so.] They said no such thing. They did not, indeed, declare that any one of the designs was worthy of erection; but though they left this point in the dark, they added:—

"We cannot at the same time forbear suggesting that before any design is finally adopted by the Government, it would be desirable, considering the peculiarity of the situation contemplated, and that it essentially differs from that of all the other monuments now existing in the cathedral, the opinion of some experienced artists should be called for, who would be better judges of the local effect than we consider ourselves to be; more especially as Mr. Cockrell, the only one of the appointed judges professionally connected with the arts, though we have derived from him valuable assistance and information in the progress of the examination, has declined on that account taking a part in the ultimate decision."

It was quite clear that this, the only recommendation made, authorized the consideration of the local effect which would be produced by the design selected, and suggested that the Government should confer with those persons most competent to give advice before arriving at a final decision. Now, this was exactly the course he had taken. In the first instance he had satisfied his own mind, as well as he could, that some one design was worthy of adoption, and having done so he invited the gentleman to whom reference had been made in terms of such deserved commendation carefully to examine the prize designs. He (Lord J. Manners) had not indicated the bias of his own mind, but Mr. Penrose informed him that design No. 18, which he had previously selected, was the one which, in his opinion, best suited the locality, and was most deserving of erection. He thought he should have grossly neglected his duty if he had not availed himself of Mr. Penrose's assistance; and if his right hon. Friend meant to say that he had any previous knowledge of the opinion of that gentleman he laboured under a complete mistake. His (Lord J. Manners's) knowledge of Mr. Penrose was, if he might use the term, purely professional; but he felt that the recommendation of the judges was a sound one, and he knew he could not act upon it in a more satisfactory manner than by calling for the valuable advice on which he had acted. Now, he was authorized by Mr. Penrose to say that he should view it as a great misfortune if the House were in any way to put a stop to the proceedings instituted with respect to this monument. He put it to the House, therefore, after all that had transpired, considering, as his right hon. Friend had pointed out, that six years had elapsed, and that yet no monument had been erected, whether they would take the course of throwing the whole matter into inextricable confusion by adopting the proposal now made. The right hon. Gentleman had, to a certain extent, sketched the proceedings which had taken place, and he would venture to describe the steps by which they had arrived so slowly and unsatisfactorily at their present position. In 1854 the then First Commissioner of Works invited a limited competition for this monument, and selected four sculptors of undoubted eminence—Mr. Bailey, Mr. Foley, Baron Marochetti, and Mr. Gibson. Of these gentlemen two declined to enter into the competition, and Baron Marochetti returned this answer to Sir William Molesworth:—

"I am flattered that my name has been placed on the list of sculptors from whom it has been proposed to select one to execute the Monument to the Duke of Wellington in St. Paul's Cathedral. I hasten to express to you my thanks for the honour thus conferred upon me, but I must decline to engage in a competition in which success would be only less painful than failure. If, however, the proposed competition should not produce the desired result, and if in such an event I should be judged worthy of employment on this work, I should with pride bestow on it the utmost efforts of my art, no less on account of the man who is to be commemorated, than of the place the monument is to occupy."

Mr. Gibson, writing from Rome, sent an answer much more curt in its terms:—

"I have the pleasure to acknowledge the honour of your communication to me respecting a monument to the memory of his Grace the Duke of Wellington. I beg to say that I am always ready to undertake any work of importance for my country, but decline to send designs in competition."

Did his right hon. Friend propose to ask those two eminent men again to compete? [Mr. S. WORTLEY: Not to compete!] Then, in the name of common sense, what were they to do? [Mr. S. WORTLEY: To emulate!] To emulate! Well, he was a plain man, and could not apprehend these nice distinctions, nor did he think the sculptors would be less puzzled by them than he was. Did his right hon. Friend mean to say that the offer of £300 a piece would make all this distinction between competition and emulation? He (Lord J. Manners) did not think so badly of those eminent sculptors as to imagine that the certainty of a small sum of money would induce them to enter into a competition which the invitation of the Government had not induced them to enter. But Mr. Bailey and Mr. Foley, both sculptors of great eminence, did not decline this invitation. They entered into the limited competition proposed; but what was the result? The Government of the day, no doubt rightly, decided that neither of their designs was worthy of being erected in St. Paul's, as a monument to the Duke of Wellington. Now, in the office of the First Commissioner of Works was a most valuable and important reply from the pen of Mr. Bailey to the letter which announced this decision to him. Mr. Bailey pointed out all the evils which must result to art if, when a limited competition was entered upon, none of the designs sent in were selected for execution. He (Lord J. Manners) wished he had found it possible to present to the House, prior to this debate, Mr. Bailey's letter and other papers relating to this subject; but, as they were rather in the nature of private letters than of public papers, he hardly felt justified in so doing. The whole tone and tenor of Mr. Bailey's communication, however, were such as would make him very reluctant to invite any limited competition without a clear decision beforehand that, whatever might be the merits of the designs sent in, one or the other should be selected. Mr. Bailey pointed out that by inviting artists to enter into such a competition, and then throwing their designs over and instituting an unlimited competition, you gave to the second competitors the inestimable advantage of pilfering ideas from those who had first sent in designs. But now apply the objection taken with so much force by Mr. Bailey in a case where only two designs were in question to this new proposal of a second limited competition after no less than eighty-three designs had been submitted in competition. Was it not clear that those whose designs had thus stood the test of public criticism might fairly say, "You have no right now to hand over the competition to a limited number of gentlemen, selected by the favouritism of the Government of the day, when there is a possibility that they may pick here and there from the designs which have cost us so much thought, labour, time, and money, expended by some of the poorest and most struggling artists in the world?" He had heard that sentence of the speech of the right hon. Gentleman with the greatest pleasure. It was just, and he asked the House of Commons to act in accordance with it. His right hon. Friend pointed out what these struggling artists were called upon to do—what sacrifices of time, labour, and money were entailed upon them; and he asked that, in return, the House of Commons should not, without the most weighty considerations, set aside their designs. He asked his right hon. Friend whether he thought he had assigned any satisfactory reason for departing on this occasion from what ought to be the general rule. They had not heard his right hon. Friend say that he was himself of opinion that the design which had been selected was unworthy of being completed. The right hon. Gentleman told them that he had privately canvassed all the judges, and that they had all told him they signed their Report without intending to have their approbation of any one of the designs acted upon. All he could say was, that, if such were the case, it was the duty of the judges to have made that clear before all the world. He could find no such declaration in their Report. On the contrary, after reading the Report with the most minute care he could bestow, he had arrived at the opposite conclusion. In private the judges had not told him anything of the sort, and he thought the House of Commons would do well not to act upon these private recommendations, which those who made them declined to put in print. As he understood the Report of the judges, he felt fully justified in the course which he had taken; and the more he gathered the opinions of those who were able to speak with authority upon the subject, the more he was fortified in the decision at which he had arrived. He believed that the opinion which he had already quoted of Mr. Penrose was shared by men in the highest position in artistic circles. He be-

lieved that if the House of Commons did not now interfere Her Majesty's Government would be able at no distant period to afford the gratification to the people of this country of seeing, in the noblest site which St. Paul's Cathedral presented, a monument erected worthy alike of the great man whom it commemorated and the building in which it was placed. But if at the fag-end of the Session, in a House so thin as that which he was now addressing, his right hon. Friend induced the House of Commons to pass this Resolution, it would paralyze the hands of the Executive and of the artists as well, and trace over again the unfortunate history of so many of the public monuments of England. The Government would be reluctant, under those circumstances, to take upon themselves any responsibility in those thorny matters of art, and artists would be disgusted at the manner in which they were treated in being asked to enter again into a limited competition without any certainty that any one of the competitors would be employed. They had been invited to a limited competition with no result; they had been invited to an unlimited competition, with what result depends upon the fate of this Motion; and it was proposed to invite them to a second limited competition with no certain prospect—he would say, with no hope—of any fortunate result. His right hon. Friend indulged in a dream if he supposed the Prime Minister, burdened as he was with affairs of State, would undertake to go from studio to studio, attended by a jury of artists, all differing in opinion, all anxious to carry out their own views, and some very possibly biassed by personal considerations in favour of one or other of the competing sculptors. The Prime Minister must from necessity devolve the responsibility upon the Minister whose duty it was, from the nature of his office, to make the selection in a nature of this kind; and he trusted and almost believed his right hon. Friend, whose whole speech was characterized with so much kindness and courtesy to himself, did not intend to press his Motion to a division. He thought the House would be ill-advised if they passed the Resolution, and he entreated them not to agree to it, but to leave the matter in the hands of the responsible Ministers of the Crown, who, after two competitions, felt themselves in a position to arrive at a final decision, which they believed would be satisfactory to the country. His hon. Friend the Member for Brighton (Mr. Coningham) had alluded to the expediency of placing on the proposed site a model of the full size of the monument. The proposal was most admirable, and should he be intrusted with the future prosecution of the task, it was his intention to propose to Mr. Stevens that a model of that character should be erected in the Consistory Chapel, with free access to it for all, so that before anything was finally decided those who took an interest in the question might have an opportunity of examining it. If the result of that exhibition should be to show that Mr. Stevens was not competent to execute the chief figure of the design, it was the wish of Mr. Stevens that Her Majesty's Government should only leave to him the execution of the design, and appoint some other artist to execute the figure. Frankly, he had no fear himself that a man of genius, as Mr. Stevens had shown himself to be, would fail in that particular; but, in justice to the modesty and good feeling of a young and rising artist, he mentioned that Mr. Stevens had expressed no objection to the proposal, and that it met with his entire approbation. If the House thought him unworthy of the position in which Her Majesty had been pleased to place him, he should, of course, bow to their decision; but he thought he had shown that the course which he had adopted was consistent with the views of those who had the best means of forming a sound opinion. He was satisfied himself that if no interference now took place, and if the Government were permitted to carry out those intentions which they had indicated, the result would be success; but if, on the other hand, impediments were thrown in the way, there would be interminable delay, constant bickerings, and their successors would say there had been a complete mistake in the management of that which ought to be one of the greatest monuments of a great nation.

Mr. COWPER said, that the reasons which the noble Lord had given for the course which he had taken had not been satisfactory to his mind. He quite agreed with the noble Lord that, when a competition was resolved upon, a preference ought to be given, in the selection of the artist, to those who had competed. But the noble Lord had omitted to add that the monument to be erected was not, properly speaking, the monument competed for. In the best times of art, sculpture was viewed more in relation to architecture than it had been in later days; and what-

ever might be the abstract beauty of a piece of sculpture, it was dependent for general effect on harmonizing with the building and its architecture. In the present case, when the competition was announced, the site determined upon was specified as being under one of the arches of the nave of St. Paul's, and the artists who competed produced a work which they believed to be suitable to the place. The site, it must be admitted, was not a good one. The monument would have been seen by spectators on four sides, and on two sides the light would have come upon it direct from the windows. The artists, therefore, naturally fell into the pyramidal form of design, and presented one central figure surrounded by smaller figures, none of them being of such a character as to allow of their being placed against a wall. From this reason, perhaps, it was that so many of the designs provoked a comparison with the work of the silversmith or the confectioner, when they prepared central ornaments for a dining table. One of the artists, however, proposed the design of an equestrian statue of the Duke of Wellington, placed upon storeys of arches, the only precedent for which was the equestrian statue of the Duke at Hyde Park Corner. He agreed with those who thought that the Consistory Chapel was a better situation than the nave; but in that chapel there was only a single window, and the light would only fall upon the monument from one side. The best place was against the wall, in an alcove which was well suited for the monument. The proper design for such a monument was mural, and it followed that all the designs were different from those which the same artists would have sent in if they had known of the new site. In the Consistory Chapel the work need not be allegorical, and might resemble more nearly the great monument of Italy, the tomb of the Medici. Whatever might be the merits of Mr. Stevens's design, it would, in his opinion, be much better adapted for the former site under the arch than for the Consistory Chapel. He trusted, therefore, that it would not be hastily selected, but that the sculptors of the highest professional acquirements and skill in England would be afforded an opportunity of giving their opinions as to the general effect which a particular piece of sculpture would be likely to produce in the proposed site. By taking that course there would be a much better chance of securing a monument worthy of the age and of the country than by the adoption of the plan which the noble Lord proposed. For his own part, he could not help thinking that it was extremely inexpedient to commit the erection of the monument to three persons who were apparently to possess equal authority as to the manner in which the work was to be carried into execution. Let him suppose that those three persons should not coincide in opinion with respect to the work, who, he would ask, was to decide between them? If the framing of the general design of the monument were intrusted to one of the number, and that to the other two was confided merely the execution of the details, to such a proposal he should entertain no very strong objection. So far, however, as he understood the proposal of the Government, each of the three gentlemen in question was to possess an equal share of authority with his colleagues. To Mr. Marshall, it seemed, was to be committed the execution of the sculpture connected with the work. [Lord J. MANNERS: I never mentioned Mr. Marshall's name.] He had understood the noble Lord to say, upon a former occasion, that the figures were to be executed by Mr. Marshall. [Lord J. MANNERS: Not in that monument.] Well, at all events, in the chapel, and the result would, in all probability, be a want of harmony in the whole work, owing to the circumstance that those figures would not be in accordance with the rest of the work, and that there would thus be a conglomeration of various styles. He trusted, therefore, that the noble Lord would see the propriety of not persevering in the course which he had indicated, and that he would afford the artists of England an opportunity of framing a new design for the new site. Some of the ablest of the artists residing in this country—Mr. Gibson and Baron Marochetti, for instance had not competed upon the last occasion; and it was but right that, before any further steps were taken in the matter, the Government should have the advantage of being aided in the conclusion at which they might arrive by men of such high eminence. The site being changed, there was the less necessity for confining the selection to any of the models which had been produced at the competition. He thought the noble Lord desired to do what was right, but he could not help feeling that he had assumed a responsibility which it was not wise in him to assume. Mr. Stevens had not hitherto produced any work which should

induce them to trust blindly in his hands a national work, such as this monument to the Duke of Wellington ought to be ; and he trusted the noble Lord would not sanction the placing of an equestrian statue on the top of the arch, inasmuch as that form of monument was open to strong objection, as was demonstrated in the case of the statue at Hyde Park Corner. Having made these observations, it remained for him simply to express a hope that the Motion of his right hon. and learned Friend would receive the support of the House.

Mr. STIRLING said, he thought the House owed a debt of gratitude to the right hon. and learned Gentleman for having introduced the subject under discussion to its notice ; but he must at the same time observe that the arguments which he had adduced in support of his Motion did not seem to him (Mr. Stirling) sufficiently cogent to induce hon. Members to support the proposition of which he was the advocate. The great argument against that proposition was, he thought, to be found in the circumstance that there had already been two instances in which competition for the execution of the monument in question had taken place, and that both instances had been marked by failure. The same result might occur again. It was quite true that the noble Lord when he came into office found the subject in a very difficult position. The failure of the late competition was not owing to any want of care on the part of the right hon. Gentleman who then had charge of the department, but rather to the ignorance of the public as to what it was they really required. Sculptors were invited to send in designs adapted to a site which subsequent reflection had shown to be unfit, and thus the labours of those artists were thrown away. The noble Lord had to decide upon his own responsibility whether there should be a fresh competition, or he should select from those who had been already chosen. The noble Lord had adopted the latter course, and had selected Mr. Stevens, with Mr. Marshall and Mr. Penrose. With respect to the latter gentleman it was not quite the fact that he had produced no great work by which a judgment could be formed of his abilities. The beautiful sepulchral chamber in which the remains of the Duke of Wellington now rested, was the production of that gentleman, and that sarcophagus was one of the most remarkable works of modern times. He (Mr. Stirling) was disposed to support the decision of the noble Lord, believing that it was intended Mr. Penrose should make a mural design in the Consistory Court, to be filled in with sculpture by the two other gentlemen. He had however, been alarmed to hear the noble Lord state that Mr. Penrose approved the design of Mr. Stevens as the one that should be adopted, for the erection of a monument consisting of a dome and canopy, and a horse on the top, in the cathedral of St. Paul's, would be a most disastrous artistic exploit. He hoped therefore that the noble Lord had not selected Mr. Stevens's model as the one to be erected, but that he had chosen him as a man who having displayed so much talent in the execution of that design ought, in his opinion, to be entrusted with the execution of a new design to harmonize with the new site in which the monument to the Duke of Wellingten was to be placed. Upon that point he hoped to receive some further information from his noble Friend.

Lord ELCHO said, the noble Lord the First Commissioner of Works on a former occasion had expressed a hope that there would be no dogmatizing upon art ; and that evening he warned the House against resolving itself into a Committee of Taste. The present was not a question of taste so much as of common sense. The object in view was to erect to the memory of the Duke of Wellington the finest monument that the sum at their disposal (£20,000) could procure, and the question was, whether the course adopted by the noble Lord was the best that could be taken. Upon that point he differed from the noble Lord. There had been two competitions, the first of which was an undoubted failure. The right hon. Gentleman opposite (Sir B. Hall) then invited an unlimited competition, upon which the noble Lord said the judges gave no opinion. That was true so far as to any pointed award, but the Marquess of Lansdowne had expressed his opinion in Parliament that not one of the designs was of sufficient merit to induce the Commissioners to recommend its adoption. Such, too, he was informed were the opinions of the other judges, and thus the second competition had also been a complete failure. And without giving any opinion of his own, he might add that public opinion had confirmed the judgment of the Commissioners. The hon. Member for Maidstone (Mr. Hope) had advocated the course taken by the Government, and admitted that the results of the competition were not ridiculous but common-place, notwith-

standing which admission, he proposed that one of the competing designs should be erected. The hon. Gentleman did not desire that any of the designs so condemned should be erected, but seemed to fancy that if "we," whoever "we" might be, were to sit upon the models, something might result from the process of incubation which would be satisfactory. With that process he (Lord Elcho) would have nothing to do. The noble Lord condemned his own scheme by not wishing to erect any one of the designs, and instead of giving the commission to the first prizeman, giving it to the sixth, under the superintendence of an architect, with the aid of another competitor, to execute some figures suitable to the monument and the site. That might be a wise course, but if unity of design was desired, the work should be intrusted to one alone. If they wished that this monument should bear the impress of the genius of the gentleman of whom they had heard so much (Mr. Stevens), let them confide the monument entirely to him, and let him be responsible for it. There was an old saying, that too many cooks spoiled the broth, and he was afraid that this might be the result in the present instance. He believed the truth to be that his noble Friend was fond of a quiet life, and was therefore anxious to conciliate as many artists as he could by employing as many of them as possible; and he could hardly wonder at that feeling of his noble Friend, for he had himself had opportunities of knowing that artists were people whom it was very difficult to satisfy. But he hoped his noble Friend would show that he could resist that influence. The designs which resulted from open competition had certainly not stood the test of public criticism. On the contrary, they had been condemned by the public, and he contended that the Government was in no-wise bound by the terms of the competition to confide the erection of the monument to any one of the competitors. The terms of the competition for the Wellington Monument and the Foreign Office were precisely similar. In the case of the Foreign Office, as in that of the Wellington Monument, there was nothing in the terms of the competition which necessarily bound the Government to select the architect from the successful competitors. It must be clear to the House that when the principle of unlimited competition was adopted the object was to attract talent from all quarters, with the view to obtain the best possible design; but when that principle was adopted no one could foresee the result of such a competition. It remained to be seen, in such a case, whether or not artists of the highest class came forward; and, therefore, it would be foolish in the last degree if the Government were to be bound necessarily to accept any one of the designs that resulted from a competition which was unlimited. He was strongly in favour of competition, but he as strongly objected to the Government of necessity giving the execution of the work in a case like the one in question to one of the persons who had taken part in the competition. If the Government were to be so bound, and the work, when executed, should turn out a failure, the public would point to it as the result of unlimited competition. He ventured to think that the Government would act more wisely if they were to select one or two of the most eminent artists which England, or, if necessary, the world could produce, and confide the execution of the work to him or them, The object the House had now in view was to erect a monument worthy of the illustrious Duke and of the country; but his opinion was, that the course the Government meant to pursue was not likely to lead to that result, and the House had, therefore, better be satisfied with the sarcophagus and save their £20,000, than consent to the erection of another monster perhaps as startling as that which was to be seen at Hyde Park Corner.

SIR BENJAMIN HALL said, when he held the office of First Commissioner of Works he suggested to the Government that they should have recourse to unlimited competition with regard to the monument proposed to be erected to the memory of the Duke of Wellington. There had previously been a limited competition, as stated by his right hon. Friend (Mr. Wortley). Four artists were selected—Baron Marochetti and Mr. Gibson had declined to compete, but Mr. Foley and Mr. Bailey had sent in designs which were not deemed worthy of adoption by the Government. Then it was that he (Sir B. Hall) proposed to resort to unlimited competition; and, looking at the object in view, and the large sum of money that was to be expended upon the work proposed to be executed, he thought that the best principle on which the Government could act, and the House of Commons had sanctioned his proposal. Allusion had been made as to the terms of the competition issued from the Office of Works, and to

their being strongly guarded. They were peculiarly guarded, because he felt, where the competition was absolutely unlimited, it might be possible in a case of this kind that persons might be capable of sending in very pretty designs, calculated to strike the eye, but who might be incapable of carrying out those designs in marble or any other material which might be decided upon. The suggestion he had made resulted in the exhibition of designs which were seen in Westminster Hall. They had two exhibitions of designs in the same place last season, and he never saw so great a contrast as that between the designs exhibited for the public offices and these for the Wellington Monument, whilst the talent displayed in the designs for the new public offices, and for laying out the ground in the neighbourhood of Downing Street with a view to the concentration of the public offices in that locality, was so great that the exhibition elicited universal approbation. He was bound to admit that the exhibition of designs for the Wellington Monument was a failure. That opinion was confirmed by the judges, and, he believed, by the public at large. His right hon. Friend had referred to the Report recently presented to the House by the Committee which sat upon the reconstruction of a new Foreign Office and other matters relating thereto, and in allusion to the principle of unlimited competition had read only that part of the Report which just suited his special purpose, and had wholly omitted to bring under the consideration of the House that portion which showed the benefits resulting from unlimited competition. He (Sir B. Hall) was a member of that Committee, and he would read to the House the words which concluded the paragraph on the subject of limited and unlimited competition. They were as follows:—

"The principle of unlimited competition has the advantage of giving an opening for the recognition of real, though unknown talent, which patronage, however wisely exercised, or even limited competition, may fail to call forth."

In a competition of that nature he thought it was the duty of the Government to give the execution of the design to one of the successful competitors, provided — and he wished that to be understood—there was the conviction on the part of those who had to decide, that the talent displayed in the competition and the known practical experience of the competitors, afforded to the public a sufficient security for the successful and proper execution of the work in the event of its being entrusted to any one of them, and in this view of the case he was fortified by the opinion of the Committee which was that—

"In now recommending that a preference should be given to the successful competitors in the erection of the new Foreign Office, your Committee have been induced to do so from a conviction that the talent displayed in their designs, and in most cases their known practical experience in the construction of buildings, afford to the public all needful security for the successful and proper execution of the work."

It would be a question for the noble Lord to determine whether all those who had gained the premiums for the Wellington Monument were capable of executing the work, or which of the successful competitors was most capable, supposing that the noble Lord was of opinion that any of them ought to be employed. With regard to the site, he begged to remind the House that at first the only site that could be procured was under one of the arches. Since that time the Consistory Court, in consequence of recent legislation, had become vacant, and it had been placed at the disposal of the noble Lord. Now, it had struck him very forcibly that the design which had been prepared for one part of the building could not with any propriety be put up in another part of the building for which it was in no way adapted. An equestrian figure, the horse standing upon arches seemed an extraordinary design for the site now selected, and he believed it would be extremely difficult so to alter the design as to make it suitable for the Consistory Court. The noble Lord had stated that before anything was done he would have the model exhibited on the proposed site; he hoped that in the meantime he would reconsider the whole subject. With that understanding he thought they should leave the responsibility with the Government. He knew the extreme difficulties which the noble Lord had to undergo in his department in regard to matters which were termed matters of taste, and he would be the last man to do anything to increase those difficulties. He entreated him, however, to consider fully this subject, and if he should see that the model as now designed really could not be put into the chapel with effect, then let him communicate either with the successful competitors or with other artists, so that the monument might be put up as speedily as possible, and might harmonize with the locality for which it was destined.

Sir Benjamin Hall

MR. MONCKTON MILNES said, he was afraid they must all admit, however painful it might be to many excellent gentlemen, that the exhibition in Westminster Hall had been a failure; and, having come to that conclusion, the next thing was to see if anything could be done out of the sphere of that competition. The best course for the Government to pursue would be to call into their counsels all the artists who were thought capable of performing the work required, whether they had joined in the competition or not. His noble Friend would do well if he put aside altogether his present proposal, and next year asked the artists of this and other countries to exhibit their models, not under any regulated form of competition, but simply for the purpose of showing to the Government and the country the best possible statue that could be produced. He thought that by a plan of that kind they would ensure the exercise on the subject of the talents of the most distinguished artists of the age, for there was no danger of the pride or self-esteem of the distinguished exhibitors being in any way offended, and that if there was next year an exhibition of this kind, accompanied with no conditions whatever, it would prove successful. Better have no statue at all than one that would be unworthy of the country.

MR. MACARTHY remarked that there was no instance of a man on horseback having been allowed to enter a temple.

LORD JOHN MANNERS said, in answer to he hon. Member for Perth (Mr. Stirling), that what he proposed to do was to authorize Mr. Stevens to erect a model, with such modification as might seem requisite, on the proposed site in the consistory Chapel of St. Paul's, so that they might be able to judge of its fitness and of the effect.

MR. STUART WORTLEY said, he understood that under no circumstances would the authorities of St. Paul's allow a figure of a person on horseback to be erected in St. Paul's. He did not undervalue Mr. Penrose, but he did not think he was so well known that the public would like to have the management of this great national monument committed to him and Mr. Stevens. Throughout this debate he had been represented as recommending a second limited competition. He recommended no such thing. What he recommended was, that they should, as his hon. Friend the Member for Pontefract (Mr. M. Milnes) said, set aside all that had taken place at the competition, which had utterly failed in producing any worthy design, but that they should excite emulation by employing the principal artists who were known in Europe to send in designs, making it certain that the best design would be adopted, and then he had the best reason for believing that there was not one of them who would not produce a design.

Question put,

House *divided*:—Ayes 26; Noes 44: Majority 18.

SUBALTERNS OF THE ARMY.

ADDRESS MOVED.

COLONEL FREESTUN said, he rose to move that an humble Address be presented to Her Majesty, praying that she would take into consideration the unfavourable position of the subalterns of the army, with a view to affording them relief. The present scale of pay for subalterns was adopted no less than a century ago. The pay was so very inadequate that many officers were obliged to quit the army, because they could not support themselves by their professional emoluments. The various items of a subaltern's necessary expenditure, amounted altogether to £157 5*s.* per annum. Against this sum had to be set a twelvemonth's pay, or £95 16*s.* 3*d.*; thus leaving the unfortunate officer at the end of the year £61 8*s.* 9*d.* in debt. This, however, was not all; because subalterns were also frequently put to heavy expenses of different kinds by being removed from place to place, which the extra allowances they received were wholly insufficient to meet, and it should also be recollected that in the majority of instances they had been obliged to pay no less than £480 for their commission. He adduced the authority of *The Times* to show that the maxim that the labourer was worthy of his hire was as applicable to the army as to any other profession, and that men of talent ought not to be excluded from that service because they were not possessed of wealth. He cited individual instances of the privation and hardship to which subalterns were exposed, chiefly owing to the insufficiency of their remuneration. The struggle in which they were continually involved to maintain the style and appearance of gentlemen upon the scantiest pittance rendered their position far less enviable than that of the non-commissioned officer whose pay was more in keeping with his rank. The number of ensigns that

had resigned at the close of the war was fifty-two, irrespective of the number of lieutenants, and this he believed was owing to the inadequacy of the pay and other causes. It might be asked, why should the income of subalterns be increased when there were so many candidates for entrance into the service under the existing scale of pay? To that it might be answered that the excitement of a military life, and the comparatively easy road which it was supposed to offer to personal distinction, led many young men to seek admission to the army. And after they had been in the service some time their parents were unwilling to interfere with their future prospects, and often submitted to severe privation and even to debt to support their sons until they were entitled to promotion. Again, the low pay of the subaltern officer militated very much against the promotion of non-commissioned officers, which he thought was very desirable. He would suggest that an augmentation of 1*s.* 6*d.* per day should be made in the pay of the ensigns and lieutenants, and that there should be some addition to their present allowance of furniture, which consisted only of a table, two chairs, and a set of fire-irons. He proposed that an iron bedstead and a chest of drawers should be added, and thus the officer by being enabled to go into barracks at once be saved the expense of previously staying at an inn. The extra pay would amount to £82,826 a year. No doubt that was a large sum ; but he was sure that neither the House nor the people at large would wish that these young men, who were ready to shed their blood in defence of their country, should be compelled to live in a state of comparative beggary. It might be said that the subalterns of the continental army were not better paid than our own ; but they were not by any means in the same category, for they had no mess fund, and they had not to find themselves in clothing or rations. That great financial reformer, the late Mr. Hume, had told him that he would support a Motion of this nature if it should be introduced ; and he trusted that the appeal which he now ventured to make to the gallant General opposite as an old soldier would be responded to in a generous spirit. He begged to move the Resolution which he read.

MR. P. O'BRIEN seconded the Motion.

Motion made and Question proposed,—

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to take into consideration the unfavourable position of the Subalterns of the Army, with a view of affording them relief."

SIR WILLIAM FRASER said, the Motion had his hearty sympathy. He agreed with the hon. Mover that it would be a great boon to subalterns if some good plain furniture were put into the rooms allotted to them, for one of the greatest items of expense to which they were put was in moving their furniture from place to place. At present all that they found in their rooms supplied by Government was a poker, tongs, and fender of oldest fashion, two chairs, and an old table, with a board containing a list of these articles, and a warning—usually a very superfluous one — against damaging them. Three removes, it was said, were as bad as a fire—so that at the end of three marches a subaltern's furniture entirely disappeared. It was a great hardship, too, to call on the subalterns to pay for the band, which they had generally few opportunities of hearing, and which in most cases was more a source of pleasure to the people in the neighbourhood of headquarters than to them. It certainly was to be regretted that they could not return the hospitality which they received from the gentry in their neighbourhood without being put to a great expense. There was no messing in the French army, which he thought was a great disadvantage, since the system of messing contributed more than anything else to keep up the gentlemanly tone which distinguished the officers of the English army ; and he thought their pay ought to be such as to enable them to afford the expense. He was sorry that the Motion had been brought on in such a thin House, and so late at night, and he would suggest that the hon. and gallant Gentleman should renew his Motion at a more favourable occasion, when it could be more fully discussed.

SIR FREDERICK SMITH said, he would not yield to any one in a desire to improve the condition of the officers of the army, but as he thought that the Motion could not be so fully discussed now as its merits demanded, he should move the adjournment of the debate.

Motion made and Question proposed, "That the debate be now adjourned."

MR. WESTHEAD said, he would support the adjournment of the debate, because it was impossible, under existing circumstances, to do justice to the subject, to which he was sure the Secretary for War

would direct his attention during the recess. At the same time, he felt convinced the nation would not grudge a proper amount of remuneration to the British officer.

COLONEL FREESTUN said, that as an hon. and gallant Member had moved the adjournment of the debate, he hoped that the hon. and gallant General (General Peel) would at least give him an assurance that the subject would receive the attention of the Government during the recess. Perhaps the Government would consent to appoint a Commission to inquire into the subject.

GENERAL CODRINGTON said, he could not but regret that no intimation of the intentions of the Government had fallen from the right hon. and gallant General. He was anxious to state his opinion as to the utter inadequacy of the pay given to subalterns in the British army. It was ludicrous to suppose for a moment that that pay could cover the expenses to which their position necessarily exposed them. Each subaltern ought to be supplied by the Government with an iron bedstead, a chest, a bookcase, and one or two more chairs. All those articles of furniture might be of the commonest description, but they ought to be substantial.

GENERAL PEEL said, he wished to express his regret, that owing to his unavoidable absence, the hon. and gallant Colonel was on two occasions prevented from submitting his Motion to the House at an earlier period of the Session. It was perfectly impossible at the present period of the Session to enter into the question, which could not be prejudiced by its postponement until next Session, inasmuch as all the Estimates for this year had been agreed to.

Motion, by leave, *withdrawn.*

Original Motion, by leave, *withdrawn.*

The House adjourned a Quarter before One o'clock, till Thursday.

HOUSE OF LORDS,

Wednesday, July 28, 1858.

MINUTES.] PUBLIC BILLS.—1ª International Patent Right.

3ª Railway Cheap Trains, &c.; Cornwall Submarine Mines; Clerk of Petty Sessions (Ireland).

LOCAL GOVERNMENT BILL.

DEBATE RESUMED. BILL PASSED.

Order of the Day read for resuming the adjourned debate upon the Amendment moved by the Earl of CARNARVON yesterday on the Third Reading.

The said Debate was accordingly resumed.

Then the said Amendment was *agreed to.*

Amendments *moved*, and *disagreed to.*

Amendments made.

Bill *passed* and sent to the Commons.

SALE OF BEER.

THE BISHOP OF OXFORD said, he wished before their Lordships adjourned to ask the noble Earl at the head of Her Majesty's Government whether he could hold out any hope to those who were anxious for some alteration or revision of the law affecting the sale of beer, especially in beerhouses, that that subject would be brought under the consideration of Her Majesty's Government before Parliament reassembled? He was sure that every one of their Lordships who knew anything of the present law must agree with him that its operation produced the greatest possible mischief and demoralization, especially among the rural population. That law did not act as it was intended to act. This was a matter which he, for one, would very much rather leave in the hands of the Government, who he was sure could deal with it much more effectually than any independent Member. Indeed, it would only be in the event of the Government holding out no hope of their undertaking to deal with it that he should take any step concerning it. If the Government had no intention of dealing with it he should next Session move for a Select Committee to consider the matter. But he hoped that during the recess the Government would consider it with the view of amending the law.

THE EARL OF DERBY said, he could have no difficulty in stating that the Government would direct their attention to the subject. His right hon. Friend, the Secretary of State for the Home department had during the present Session prepared the outline of a Bill on the subject, but he found that the subject was so difficult that it was quite impossible for him to propose a satisfactory measure this Session. The subject would therefore be taken into serious consideration by the Government during the recess. He was not at all prepared to say what course should

be taken, but he thought that one of the most advantageous modes of bringing the subject under the consideration of the House would be by the appointment of a Select Committee, as suggested by the right rev. Prelate. At the same time he did not wish to be bound by any opinion, and would simply promise that the subject should engage the anxious consideration of the Government.

House adjourned at Six o'clock, till To-morrow, at a quarter before Five o'clock.

HOUSE OF LORDS,

Thursday, July 29, 1858.

MINUTES.] *Sat First in Parliament.*—The Lord Clifford of Chudleigh, after the Death of his Father; and took the Oath prescribed by the Act of 10th Geo. IV. to be taken by Peers professing the Roman Catholic Religion.

PUBLIC BILLS.—3ª Friendly Societies Act Amendment; Government of British Columbia; Art Unions Indemnity; Reformatory Schools (Ireland); Metropolis Local Management Act Amendment; Drafts on Bankers Law Amendment; New Writs.

UNIVERSITIES (SCOTLAND) BILL.

COMMONS' REASONS CONSIDERED.

Commons' Reasons for disagreeing to some of the Lords' Amendments *considered* (according to Order), which Reasons were as follow:—

"The Commons disagree to the Amendment in page 2, being to leave out Clause 3, for the following Reason:

"Because by the Act of the Sixteenth and Seventeenth Years of Her Majesty, Chapter Eighty-nine, all Professors of the Universities of Scotland were relieved from the Necessity of taking the Religious Test to which they previously were subject, except those holding Chairs of Theology, and although the Offices of Principals in all the Colleges, with Two Exceptions, were included under the Designation "Chairs of Theology," this proceeded apparently on the Assumption that the Holders of these Offices were actually Teachers of Theology, while, in point of fact, none of the Principals of any of the Colleges, except St. Mary's, St. Andrew's (a Theological College, and not affected by the Clause struck out by your Lordships), have as such taught Theology for more than a Century and a Half; and because these Offices of Heads of Colleges are Situations of Dignity which ought to be open to Persons of Eminence, of whatever Denomination, and whether Clergymen or Laymen.

"The Commons disagree to the Amendments to Clauses 8, 9, 10, and 11, for the following Reason:

"Because by making Professors Co-electors of the Rector with their Students they would be placed in a Position hurtful to their Dignity and Influence.

"The Commons disagree to the Amendment in page 15, being to leave out Clause 26, for the following Reason:

"Because the Distinction between the Two Classes of Professors, proposed to be done away with by this Clause, is, as set forth in the Report of the Royal Commissioners of Visitation appointed in 1836, invidious and unjust, detrimental to the Interests of the University, injurious to Her Majesty's Prerogative, and deriving no Countenance from the Rights and Charters of the University.

"With the preceding Exceptions, the Commons agree to the Amendments made by the Lords to the Bill.

THE DUKE OF MONTROSE said, he thought the views taken by the other House in regard to this measure were erroneous, but he was afraid that if their Lordships were to insist upon their Amendments the effect would be to cause the loss of the Bill. To prevent such a result, and having regard to the importance of the measure, and the value of the reforms which it would introduce into the Scotch Universities, he therefore proposed that their Lordships should decline to insist on their Amendments.

THE EARL OF HADDINGTON concurred in the noble Duke's desire to avoid risking the fate of this Bill; and though he extremely regretted the course taken by the other House on this subject, he could not advise their Lordships to enter at this period of the Session into any controversy with that assembly. He could not, however, but regard the mode in which the other House had dealt with the test applicable to Principals and Professors of Theology in these Universities as a severe blow to the Established Church.

LORD CAMPBELL said, he had formerly supported the repeal of the test which required all Professors in the Scotch Universities to belong to the Established Church, because he had thought such a restriction unjust and inexpedient. At the same time, an exception was made in regard to the heads of the Universities, who had always been connected with the Established Church. Still he hoped that their Lordships would not insist on their Amendments, as by their doing so the Bill might be lost, and therefore, though most reluctantly, he acquiesced in the course recommended by the noble Duke.

Then it was *moved*, not to insist on the Amendments, to which the Commons have disagreed.

The Bishop of Oxford

On Question, Whether to insist on the said Amendments?

Resolved in the *Negative*, and a Message sent to the Commons to acquaint them therewith.

After a few words from the Earl of MINTO,

CORRUPT PRACTICES PREVENTION ACT CONTINUANCE BILL.

COMMITTEE. REPORT.

House in Committee (according to order).

Bill reported without Amendment.

LORD EBURY moved, that the first clause should be omitted, which enacted that a candidate may provide vehicles for the conveyance of electors to the poll, but shall not give them money to pay for their conveyance. Having had an opportunity, on Tuesday last, of stating his objections to this clause, it would not be necessary for him now to trouble their Lordships at any length. The clause, he contended, was not necessary at all; but even if it were necessary, the mode of carrying the intention into effect was a most inconvenient one, and contrary moreover to every principle of legislation on the subject for the last twenty-five years. This being his opinion, he hoped to induce their Lordships to concur in his Amendment. Now, as to the question of the necessity for the clause. Noble Lords opposite disclaimed any intention of a dissolution of Parliament, and therefore he might assume that there was not likely to be a dissolution between now and next Session. Were there to be any contested elections between now and then? It was true that there were rumours that two Members of the House of Commons were to be elevated to the peerage; but neither in North Cheshire nor in South Devonshire was there likely to be any contest in the elections to fill up the vacancies the elevation would occasion. This measure, therefore, was not necessary to meet any circumstances likely to arise before next Session. Something had been said about an uncertainty in the law, and his noble Friend had talked of the case of "Cooper *v.* Slade" upon that point. It was true that there was an uncertainty in the law, but there was no uncertainty whatever in the practice of the House of Commons. He had had great experience in the trial of election petitions by Committees of the other House, and there was no case in which a Member had been unseated by the House of Commons for having paid the *bonâ fide* travelling expenses of voters. In "Cooper *v.* Slade," what had taken place was adjudged to be a corrupt contract; and what was decided was, that you must not write to a voter and say, "If you vote for me I will pay your expenses." It was stated to be the intention of the Government next year to submit the whole question as to elections to the consideration of a Select Committee, and therefore this particular clause was at present totally uncalled for. Even supposing there was a necessity for the clause, he believed the mode of carrying the intention into effect was an inconvenient one. The noble Earl the Lord Privy Seal, in moving the second reading, had described the Bill as a measure intended to enable poor voters to exercise their franchise; but were they sure that the enabling poor people to vote was really what was desired? There was not a word in this clause about poor voters, in contradistinction to any other voters. What it did was to allow a candidate to carry every single voter to the poll in a chaise and pair. He would read to their Lordships a few words of warning which he had received from an election agent. That gentleman said, that the expense of conveying voters to the poll at an election was one of a very serious character; and he did not hesitate to say that such expense was, to a very great extent, wasteful and grievously corrupt and extravagant. He went on to say, that from his experience he was convinced that this clause would add enormously to the expense of elections, especially in county contests, and would enable the possessor of the longest purse to win. That was that gentleman's opinion. This clause was not only different from, but was contrary to the principle which had governed the whole tendency of legislation since the passing of the Reform Bill. Year after year measures had been carried for preventing the exercise of undue influence and for lessening the expense of elections; the time for keeping open the poll had been greatly reduced, the cost of bands and colours had also been abrogated, refreshment tickets had been declared illegal, and each step that had been taken had been in the direction of greater purity of elections. Almost every one of the recommendations of the Committee of the House of Commons of 1834 had been carried into effect, and he begged to recall to the recollection of their Lordships the concluding paragraph in the Report of that Committee. It was to this effect:—

"Your Committee are of opinion that every measure regulating the election of representatives should be based on the broad principle that the representative should be placed in the House of Commons, if possible, free of expense."

That was the true principle, and now, for the first time in their legislation, they recognized the absurdity that a candidate should be liable for the personal expenses of the voter. Why should the candidate be liable? If a man were unable to walk to the poll to record an independent vote, let him be carried by all means; but why at the candidate's expense? Why should not the cost fall upon the Consolidated Fund? It would be quite as reasonable as that the candidate should pay it. He should, no doubt, be told that the House of Commons were the best judges of this matter, and that they had sent up the clause by a large majority. But this was not the first time that they had done the same thing. On the last occasion they sent it up backed by a much larger majority; but their Lordships expunged it nevertheless, and received the heartfelt thanks of every honest and independent elector throughout the country for doing so. This clause aimed a deadly blow at the purity of elections, and he trusted that their Lordships would defend their own independence and the independence of the voter by striking it out of the Bill.

Moved, To leave out Clause 1.

THE EARL OF HARDWICKE said, the reason why this Bill had been introduced was, that in the existing state of things candidates did not know how to act with regard to the conveyance of voters, and the single object of it was to remedy the present unsettled state of the law in regard to that question. If, as his noble Friend said, the recent decisions of the House of Commons were in favour of allowing it, he did not see how his noble Friend could object to the Bill. Under the existing state of things, those who were most desirous of keeping within the pale of the law were placed at a disadvantage as compared with others. It was urged as a practical objection to this Bill, that after it was passed no voter would go to the poll without being carried. He did not concur in that opinion, especially as the name of every person carried, the distance he was carried, and the charge for his conveyance would have to be published. The real question was, whether the law should be placed on a clear intelligible footing, instead of being left doubtful and in such a state as to encourage evasion? It was for the advantage of all parties that some strict defined rule should be laid down on which all might act alike.

LORD STANLEY OF ALDERLEY said, he entertained insuperable objections to this clause, and thought, if it passed, the Bill ought to be called a measure for the "promotion," not the "prevention," of corrupt practices. It would open the door to all sorts of corruption and bribery and would give the advantage in every case to the wealthiest candidate. He recommended that the question should be deferred until it could be dealt with in the large measure of Parliamentary Reform which the Government had undertaken to introduce next Session.

THE EARL OF WICKLOW was of opinion that the question involved should not be allowed any longer to remain in its present doubtful state. He was in favour of the clause, believing it was only just and fair that the candidates should defray the expenses of bringing the voters to the poll, rather than that the latter should be burdened with such a charge.

LORD CAMPBELL complained of the late period of the Session at which so important a measure had been brought before their Lordships. It was read a second time, he believed, on the very day fixed by the noble Lord the Chairman of Committees as the last day on which their Lordships would read any Bill a second time, and therefore, if not contrary to the letter, it was contrary to the spirit of the noble Lord's Resolution. Arguments might be urged on both sides of the question, and he was not prepared to give any positive opinion upon them. It was very important that the honest and poor voter should be placed in a position to exercise the franchise; but to give him facilities might open the door to bribery and corruption. In his opinion, instead of removing doubts in the law, this clause would give rise to many difficult questions, for the decision of the courts of law. The question was far too important to be decided satisfactorily in the last week of the Session, and the necessity for legislation was not urgent, and it had been announced in the other House that a Reform Bill was to be introduced next Session, when the whole subject would be discussed. It was impossible to doubt that the clause would add greatly to the expense of elections. Non-resident electors would be brought from remote parts of the country, from the Continent, and possibly from Australia.

The expenses not being payable to the voter himself could only be paid by an agent, and a special messenger might be sent to accompany each non-resident voter. Then would arise the question which he had no doubt would soon be discussed in Westminster Hall, whether conveyance did not include refreshment and conveyance back again—whether all the consequences of what was enacted were not enacted. Those were specimens of the questions which would arise, and as no evil could result from postponement, he entreated their Lordships not to agree to the clause.

LORD REDESDALE reminded their Lordships that the Corrupt Practices Act of 1854, came up after the day fixed as the last day on which they would read a Bill a second time, and was read a second time as a Bill of urgency. This Bill had received the approval of Lord Palmerston and Lord John Russell, and he thought they were justified in acceding to a proposition which came to them with such authority, and which peculiarly affected the privilege of the other House.

EARL GRANVILLE said, there was this very essential difference between the dates of reading this Bill and the Bill of 1854 a second time. In this case, the last day on which they would read Bills a second time happened to be fixed five days before the end of the Session, and in 1854 it was eighteen days before the end of the Session. He did not think that too much stress ought to be laid upon the supposed acquiescence of Lord Palmerston and Lord John Russell in this clause, because the former noble Lord distinctly stated that there were arguments on both sides, and Lord John Russell expressed a strong opinion that this ought to be merely a continuance Bill. He concurred with the noble and learned Lord in his objection to the period at which their Lordships were called upon to pass a measure which was only read a second time on Tuesday at the tail of twenty-eight other Orders of the Day. Lord Lyndhurst thought the Bill in its present shape so objectionable that he had authorized him to obtain a pair for him against the clause if their Lordships should divide upon it. When their Lordships remembered that the Secretary of State for the Home Department had expressed an opinion that this Bill ought to be referred to a Select Committee, and that it was the intention of the Government to bring in a general measure in the early part of next Session, there could be no pretext for hurrying their Lordships into the adoption of a premature and ill-considered alteration of the law. He had, therefore, great pleasure in supporting the Motion of his noble Friend.

On Question, Whether the said clause shall stand part of the Bill? their Lordships *divided* : — Contents 43 ; Not-Contents 23 : Majority 20.

CONTENTS.

Chelmsford, L. (*L. Chancellor.*)	Sandwich, E.
Cleveland, D.	Wicklow, E.
Manchester, D.	Dungannon, V.
Bath, M. [*Teller.*]	Hardinge, V.
Salisbury, M.	Hutchinson, V. (*E. Donoughmore.*)
Amherst, E.	Melville, V.
Bathurst, E.	Strathallan, V.
Beauchamp, E.	Aveland, L.
Carnarvon, E.	Cloncurry, L.
De La Warr, E.	Colchester, L.
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Desart, E.	De Ros, L.
Ellenborough, E.	Dinevor, L.
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Hardwicke, E.	Ker, L. (*M. Lothian*).
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Portarlington, E.	Wynford, L. [*Teller.*]
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Lansdowne, M.	Campbell, L.
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Stratford de Redcliffe, V.	Wodehouse, L.
Torrington, V.	Wycombe, L. (*E. Shelburne.*)
Audley, L.	

Resolved in the *Affirmative.*

Bill to be read 3ª *To-morrow.*

GOVERNMENT OF INDIA BILL.—COMMONS' REASONS CONSIDERED.

Commons' Reasons for disagreeing to some of the Lords' Amendments *considered* (according to Order).

THE EARL OF DERBY: My Lords, it could hardly be expected that on a question of so much importance, and involving so many varied considerations as this, there should not be differences of opinion between the Members of each House of Par-

liament, and also between the two Houses themselves. Your Lordships made several Amendments in this Bill, to the greater number, though perhaps not the most important, of which the Commons do not object. There are, however, five Amendments which were made by your Lordships to which that House has objected, and for objecting to which they have sent up Reasons to your Lordships. Perhaps it may be convenient that, instead of dealing entirely separately with each of these Amendments, I should at once state the course which Her Majesty's Government are prepared to take with regard to them all, leaving the decision upon each for separate discussion and consideration. The first Amendment to which the House of Commons have disagreed, and insist upon their disagreement, will be found in the seventh line of the ninth page of the Bill. As the Bill came from the House of Commons, it was provided that, with regard to all despatches which might require secrecy—and that there were some that did require it was not denied by any one—the Secretary of State should exercise the functions heretofore performed by the Secret Committee of the Court of Directors. It was objected by my noble Friend the noble Earl below me (the Earl of Ellenborough) that that provision gave to the Secretary of State, not only a power which was not absolutely necessary, but a much greater authority than is now possessed by the President of the Board of Control, because, although the President may insist upon sending out any secret orders he pleases, he must communicate them to the Chairman and Deputy Chairman of the East India Company; and, therefore, although he is not bound to follow their advice, he must necessarily have a consultation with them before taking a step which may lead to very important consequences. My noble Friend argued with very great force that the Secretary of State would now be placed in a position of more complete independence than was the President of the Board of Control, and might upon his own responsibility, and without hearing the opinion or advice of any of the Councillors with whom the law surrounds him, take a step which might have most important and most prejudicial effects. In compliance with these representations of my noble Friend, it was agreed to introduce into this clause words requiring the Secretary of State, before sending out secret orders, to communicate them to the Vice President of the Council and one other member of the Council, to be elected by himself. I think that that was a wise and judicious arrangement, and one which, without too much cramping the authority of the Secretary of State, secures to him the same means of obtaining assistance and advice as are possessed by the President of the Board of Control under the existing system. It is, however, the opinion of the House of Commons, that the provision which we introduced "tends to divide the responsibility of the Minister, and to create anew the Secret Committee, which, under the new Government, will be no longer necessary." There is no question that, to a certain, but very limited extent—because the Secretary of State has the power of overruling the Councillors whom he consults—it does relieve him from responsibility. If the House of Commons are of opinion that that responsibility should be so whole and undivided as not to require that he should consult any person whatever before he takes so important a step as sending secret orders out to India, undoubtedly that is a view which is not carried out by the Bill as it was sent down by your Lordships. What the House of Commons means by saying that the Secret Committee will under the new Government no longer be necessary, they do not explain, and of course I cannot explain it for them. I cannot say that I think the Amendment was an injudicious one, or that its rejection by the Commons is a desirable alteration of the Bill. At the same time, I do not think that, considering the very great interests which are involved in the passing of this Bill, the Amendment made by your Lordships is of sufficient importance to justify you in adhering to it against the wish of the House of Commons, and therefore I shall propose that your Lordships do not persist in that Amendment. For the same reason, because I think that the question involved in them, though not an inconsiderable one, is only of subordinate importance, I shall ask your Lordships not to insist upon the Amendments made in page 9, lines 27, 39, and 40. The objections taken by the Commons to these Amendments appear to me to be rather inconsistent with that to which I have just referred. In that instance they objected that the Amendment introduced by your Lordships tended to divide the responsibility of the Minister. In this instance, in which your Lordships proposed to give to the Secretary of State undivided re-

sponsibility with regard to the appointment of the members of the Councils of the Governor General, and of the different Presidencies in India, the House of Commons say that that undivided responsibility ought not to rest with the Minister, and that "it is undesirable to increase the patronage of the Minister without providing a check upon its exercise." The distinction between the views of the two Houses is this. According to your Lordships' Amendment the Secretary of State was called upon to make these appointments in Council, which rendered it necessary for him in every case to lay the proposed appointment before the Council, and to listen to any objections which might be raised to it. The House of Commons have rejected that Amendment and restored the clause to the form in which it originally stood—namely, that the Secretary of State shall make these appointments, not only with the knowledge of the Council, but also with the concurrence of the votes of a majority of the Councillors. As the previous alteration leaves to the Secretary of State too large a discretion, I think that this unduly restrains his powers and places too much in the hands of the Council as a body the appointment to very important offices, thereby encouraging what my noble Friend (the Earl of Ellenborough) particularly deprecates—canvassing and the looking to individual members of the Council rather than to the Secretary of State in this country and to the Governor General in India. I object to this alteration, but I am not prepared to ask your Lordships to persist in an Amendment which has been deliberately and carefully considered and rejected by the House of Commons. The next two Amendments to which the Commons object are in pages 10 and 11, and involve the principle of appointment by competition. Now, I wish to draw your Lordships' attention to the exact state of the case, and to the questions which are raised by the Bill as it was sent up from the House of Commons by your Lordships' Amendment, and by the rejection of that Amendment by the other House. As the Bill originally stood, it was proposed to substitute the Secretary of State and the Council for the President of the Board of Control and the Court of Directors of the East India Company. With these authorities have hitherto rested the appointments to the civil and military services of the Company; but candidates have been required to undergo a very severe and, to a certain extent, competitive examination. The particulars of that examination, and the amount of competition which was to be introduced into it have been regulated, not by an Act of Parliament, but by instruments proceeding from the competent authorities; and in substituting the Secretary of State and Council for those authorities the Bill, as originally introduced, gave to the Secretary of State the same power of making regulations, to be confirmed by Order in Council, as was formerly exercised by the Court of Directors and the President of the Board of Control. The House of Commons, however, went a step further, in the direction of a competitive examination, and proposed not only that all candidates should be subjected to such an examination, but that the result of that competition should, without reference to any other circumstances or any other conditions, regulate the order of succession in which candidates should receive their appointment. I do not wish to enter into the general question of the principle of competitive examination for admission to the civil or military service; but I think there are two grounds on which your Lordships' Amendments may be fairly vindicated, and their rejection by the House of Commons may be reasonably objected to. The one is, that the principle of competition was exactly as much secured, subject to the consent of Parliament, by the Bill as it stood in the first instance, and by the system as it existed under the East India Company, inasmuch as the regulations being made and confirmed by Order in Council, that Order in Council, or any other Order varying those regulations, having to be laid before the House of Commons, that House had an opportunity of expressing its opinion as to the expediency of such variations. And seeing how much the principle of competition is on its trial—perhaps its successful trial—at this moment, I think it was not judicious absolutely to tie the hands of the Executive Government as by an Act of Parliament to lay down such stringent rules as to the necessity of appointing the most successful competitor. Another objection is, that hitherto the regulation of appointments to the civil and military service of this country has not been under Act of Parliament, but by the direct authority of the Crown—of course under the responsibility of its advisers. This clause might therefore be regarded as, to a certain extent, infringing

on the prerogative of the Crown in respect to these appointments. I must, however, fairly admit that there is a partial answer to this objection as far as the civil service is concerned; for, though undoubtedly such a regulation as to the civil service of this country would be an infringement on the prerogative of the Crown, it is not so clear that that infraction would extend to the case of India, because it is not a prerogative which the Crown has hitherto exercised there. It is a power and a prerogative which the House of Commons and Parliament are for the first time vesting in the Crown—namely, the administration of Indian affairs by direct management, and by the patronage—which is the important point—connected with the services of India. Therefore it is competent for Parliament to hand over that power and authority to the Crown *sub modo*—that is to say, subject to such conditions as at the time of the transfer it may deem fit. Though I do not assent to the principle adopted by the House of Commons—though I think it an unwise course so to fetter the hands of the Executive and of the Indian Minister, as well as to limit the discretion of Parliament itself—yet in regard to the civil service I am not prepared to advise your Lordships to insist on your Amendment. But I must say, there is another branch of the service which appears to me to stand on quite a different footing. You are now handing over to the Crown the supreme authority over the army of India; but, by the 33rd clause of this Bill, it is provided that all appointments to cadetships shall be vested in Her Majesty. And if you provide, as I think you must do, that with regard to the military service of India, as well as with regard to the military service of this country, all appointments of this description should be vested in the Crown, it is almost a contradiction in terms to say, in the first instance, that all cadetships in the scientific branch shall be vested in Her Majesty, and to follow that up by saying that no persons shall be recommended except in the precise order as they come out of a competitive examination, and that the Crown shall be compelled to exercise its authority according to the result of that competition. With respect to the civil service, it may be argued that, practically speaking, the Crown does not exercise that authority over appointments which is perhaps by the strict theory of the constitution vested in it. But, in reference to the army, whether of this country or of India, it is of great importance that we should not lose sight of the principle that the Crown, and not Parliament, is the true source of appointment and of promotion. That is a constitutional principle which I confess I should see abandoned with very great regret; and I think this point has not been maturely considered by the House of Commons. As to admission to the civil service, the question was raised in the other House, was deliberately discussed, and a division taken upon it, when the Government, no doubt in a thin House, was left in a minority. This being so, and the other House having come to a deliberate decision on this subject, that is another reason why we should not insist on our Amendment with regard to it. But the power of the Crown in theory and in practice over appointments and promotions in the army I hold to be a matter of very considerable constitutional importance. The House of Commons, however, appears rather hastily to have inferred that the same necessity applied to the military as to the civil service; and, accordingly, it introduced into this clause Amendments relating to cadetships in the scientific branches corresponding to those applicable to the civil service. This was done without taking into serious consideration and discussing whether there is not a broad constitutional distinction between the power of the Crown over the civil and military departments respectively. This is a point of such great moment that, without saying that, even if the other House should adhere to its opinion, I should think it preferable that this important measure should be lost, and that these long discussions should be protracted to another Session, with all the inconvenience attending such an *ad interim* Government of an empire like India, still it would be unwise for your Lordships hastily and at once to adopt the decision of the House of Commons in rejection of your Amendments. And as respects the provision that the Crown shall be bound to grant cadetships precisely in accordance with the success of the candidates in a competitive examination, it is, I believe, due to the prerogative of the Crown, due to your Lordships' own position, due to the great interests involved, as well as respectful to the other House itself, that it should be invited to consider the marked distinction between the two cases, and that as the formal mode of attaining that end your Lordships should be advised to insist on

your Amendment, which strikes out that absolute and imperative condition imposed on the Crown of selecting for cadetships in the scientific branches of the army those persons who may have most distinguished themselves at the examination, and that, too, in the exact order in which they have so distinguished themselves. There is another clause as to which the House of Commons seems to have shared the misapprehensions entertained by some of your Lordships. I allude to Clause 54, which was much discussed here, and which requires that whenever any order directing actual hostilities to be commenced shall be issued, the fact of its issue shall be communicated to both Houses of Parliament. In the original provision the communication to Parliament was to be made within one month from the date of sending out the order; but your Lordships amended it to three months if Parliament should be sitting, adding at the same time the words "unless such order shall be revoked or suspended." If Parliament was not sitting, then the communication was to be made within a month after its next meeting. Perhaps the clause is not sufficiently explicit, because the intention is, that if at the end of three months Parliament should not be sitting, then within one month after the resumption of its deliberations the notice in question should be given. But the House of Commons seems to have thought the first and second conditions inconsistent with each other, and it says that the period of three months does not harmonize with the one month after the meeting of Parliament, which meeting may take place immediately after the issue of the order contemplated by the clause. That misconstruction existed in this House, and I regret that words were not inserted to make the meaning clearer; but the grounds stated for allowing an interval of three months after the declaration of hostilities were really such as it would be impossible for the House of Commons to resist or overlook. These grounds were, that the orders might be sent out to India—and recollect it is with India you are dealing—for the commencement of hostilities. They could not be received within a month in that country, and after their receipt circumstances might possibly arise which would prevent the Governor General either from reasons of discretion or actual inability, from carrying those orders into effect. He might send home word, "It is quite clear we shall have to engage in warlike operations, but it is necessary to temporize; I have not at command sufficient military resources, and I shall not be prepared to execute your orders within the next two months." In the meantime, however, before it was possible to send back this answer to this country—nay, even before the order itself could reach India—the clause as it first stood required the fact that such an order had been issued to be promulgated and laid before Parliament. The consequence of that would be that the very next mail would take out to India news that directions had been given to commence hostilities, and every country against which such hostilities had been ordered would have ample notice of your intention to make war upon them, although your own Governor General might have told you that for two or three months to come he would not be prepared to act upon your instructions. Thus, you would be actually giving your enemy—or rather your intended enemy—full warning of what you were going to do, while at the same time your own instruments had not the means of giving immediate effect to your directions. No one, therefore, can, I think, doubt the propriety of the alteration made by your Lordships to cause the fact of such an order having been sent out to be announced to Parliament not within one month, but within three months after its issue, so as to afford time for communicating with India, and learning whether or not there would be any difficulty in promulgating the order. Your Lordships, as I have already said, have also inserted in this clause words providing that if such orders were suspended or revoked, then it should be unnecessary to lay them before Parliament at all. Clearly, if they are not to be acted upon, it would be unwise to inform the persons with whom you have to deal that you ever intended to declare war against them. The clause then enacts that these orders shall be communicated to Parliament, if it is then sitting, within three months. This will give the Government three months' grace, at the expiration of which they will be bound to lay the orders they have issued before Parliament. If, however, after that interval has elapsed, Parliament should not be sitting, then the Government will have had the advantage of the three months already given them for the issue and promulgation of the order, and as soon as the Legislature re-assembles, or within one

month after its re-assembling, it will be incumbent on them to communicate to it the fact that the hostilities had been ordered. I propose that the clause shall provide that the order shall be communicated to both Houses of Parliament within three months after the sending of such order if Parliament is sitting, and if Parliament is not sitting at the end of such three months, then within one month next after the meeting of Parliament. That, I think, would carry out what were your Lordships' intentions. It removes the obvious misconstruction which the House of Commons has put upon the clause. With that alteration I think they would be of opinion that the clause is reasonable and just. I shall, therefore, my Lords, propose, with regard to Clause 54, that we do insist upon your Lordships' Amendments as altered by the Amendment which I propose to insert in it. My Lords, these are all the objections which the House of Commons have made to the Amendments made by your Lordships in the India Bill, and I thought it more convenient that I should make a general statement with regard to them rather than make a separate statement on each. My proposition, therefore, is not to insist upon your Lordships' Amendments as far as regards the first and second of these Amendments, and also with regard to the third, so far as it relates to the civil service, but to insist upon your Lordships' Amendment and to submit it again to the further and more deliberate consideration of the House of Commons with regard to cadetships in the scientific branches of the military service; and also to insist upon your Lordships' Amendment with another Amendment of a clause which I cannot but think has been misapprehended and misunderstood by the House of Commons.

EARL GRANVILLE: My Lords, I do not rise for the purpose of offering any objection to the course proposed by the noble Earl. In the first place, I entirely agree to the very judicious course which under the present circumstances he has proposed that we shall take; and in the second place, the Session is so nearly at an end that I agree with the noble Earl it would be perfectly idle to insist upon all our Amendments. At the same time I cannot help adverting to the strange conduct of the Government with regard to this Bill. The noble Earl, by the fact of his being Prime Minister and leader of this House, by the exercise of that influence which a Government always exercises at the end of a Session, is virtually master of the proceedings of this House, and in that capacity I think he is necessarily bound to watch over the dignity and propriety of the proceedings of this House. I do not wish to wander from the question before the House, but to illustrate my meaning I must allude to another question, which was very recently discussed by your Lordships — I allude to the Jewish question. In that case we followed implicitly what was laid down by the noble Earl as the most proper course to be adopted. We on this side of the House remonstrated strongly against certain proceedings connected with that Jewish question as likely to throw ridicule and a certain amount of discredit on this House. As soon as the proceedings were closed here, public opinion certainly was expressed in every possible way in the sense that we expected. Of course there was no help for that. But when the matter came before the House of Commons we found in the report of the proceedings that every side of the House agreed in the objection we had made, and I think this House, as a body, had a right to expect that some of the Members of that Government which induced us to take the course we did should have vindicated that course in some manner—instead of which two of the noble Earl's colleagues in the other House remained perfectly silent, and one of the Secretaries of State expressed his regret that the House of Lords, having taken a course which they thought wrong, did not at least act in a straightforward manner. With regard to this Bill, and in reference to that clause to which the third Amendment refers, and which relates to competitive examination, an Amendment was proposed to which I strongly objected. The noble Earl said the House of Commons had adopted on that subject a course which he did not think judicious. But it was not a private Member of the House of Commons who proposed that course; that clause was proposed by one of the Members of Her Majesty's Government, the President of the Board of Control, and, therefore, by one who was bound to be in accord with the opinions of the Government on the subject. When the Amendment was proposed I objected strongly, on the first blush, that it was an Amendment which appeared to me to take away the whole security which was thought necessary by the President of the Board of Control. But I was met by what ap-

peared to me a very fair argument at the time—that while practically it would not interfere with open competition, as to admission to the civil service, it would at the same time save a great constitutional principle and prevent an encroachment on the prerogative of the Crown: and to that this House yielded. I strongly objected to the Amendment with regard to the re-constitution of what will practically be a Secret Committee; but I felt that the noble Earl's authority on the opposite side was strongly in favour of the Amendment. I urged every reason which appeared to me why it was most desirable not to fetter the Secretary of State. The Amendment, however, being proposed by the noble Earl was naturally carried. Now, if this Amendment was worth anything, it was to have been expected that Her Majesty's Government would have made some effort to complete that which was the work of the Prime Minister. But not a bit of it. If I am to believe the reports of the proceedings of the other House, the President of the Board of Control voted against this Amendment, and stated that in his opinion the Amendment was perfectly indefensible. Well, then, I come to the next clause. What the House of Commons have done with regard to it I think rather bears me out in what I took the liberty of pointing out on each successive clause connected with patronage,—that whereas a great outcry was raised against the late Government as to the imaginary amount of patronage which they were about to transfer to themselves, every single change that has taken place under the direction of Her Majesty's present Government has been to increase the patronage conferred upon the Secretary of State; and, therefore, I am not surprised that the House of Commons should have insisted on some check being retained upon the exercise of patronage. If your Lordships had adopted the course which we on this side of the House suggested, and which was so strongly supported by the noble Earl the late President of the Board of Control, you would not now be obliged to abandon your Amendment as to the nomination of the Members of the Councils of the Governor General and Governors respectively. I think the House has some reason to complain that that confident communication which they should for their own sake have maintained has not, at all events, been maintained between the Members of the Government sitting in each House in order to keep up that consistency between the proceeding of the two Houses which I think is most important to the dignity and honour of both Houses of Parliament. With respect to the Amendment proposed by the noble Earl as to competitive examination, I must say that I feel some pride that the noble Earl, after having opposed my Amendment, should now be the person to oppose one portion of the Amendment of the House of Commons. I must be again allowed to say that if there by any validity in the objection to take from the Crown the appointment of the military cadetships, the same objection applies to the civil appointments. With regard to the last Amendments, I can only say that I feel very grateful to the noble Earl for having so very clearly stated the reasons why we, during two stages of the Bill, pressed upon him those alterations, and which I am glad to say, except with a verbal Amendment, he intends now to insist upon. I have stated why we on this side of the House think we have good reason to complain of the conduct of the Government with respect to this Bill, but at the same time it is far from my intention to object to the course proposed by the noble Earl.

LORD CAMPBELL said, he had a few observations to make with respect to the passion of the House of Commons for competitive examinations. He believed, with great respect for that House, that they were running quite wild upon that subject. He was himself an advocate, not for the competitive examination, but for a discriminative examination for the purpose of ascertaining whether people seeking public offices knew their business; and he was of opinion that the system might be usefully applied to candidates for seats in the House of Commons. He would, in fact, imitate in that case the practice which prevailed in Scotland, of requiring a Judge at the period of his elevation to the bench to act for a time in the character of a "Lord Probationer," and to give proof of his capacity for deciding causes before his appointment was confirmed. It appeared to him that as the House of Commons was now pushing the competitive system to a point which would interfere with the prerogative of the Crown, it was time to inquire whether it would not be well to adopt a discriminative examination, for the gentlemen who sought to obtain admission into that assembly and to "pluck" those who should not be found properly qualified, by

their knowledge of law, of finance, and of other subjects, to discharge the duties of legislators.

THE EARL OF ELLENBOROUGH: My Lords, although I perceive with the greatest possible concern and regret the Amendments which have been made by the House of Commons, I do not feel disposed to comment upon what took place in that House with respect to them. I admit that on all great questions the largest amount of ability is displayed by the gentlemen who lead the debates in that House, and, although I most deeply regret the opinion which appears to be generally entertained there with respect to competitive examinations, yet I should be sorry to attribute to the Members of the other House any but the most conscientious convictions of duty in adhering to their opinion. I shall not trouble your Lordships with any general observations, but shall proceed at once to the questions at issue. If it be true, as the House of Commons state, with regard to the first point, that it is impossible to defend the Amendment which your Lordships have made, I can only regret that the House of Commons did not give better reasons for insisting on the Bill as it stood when they sent it up to your Lordships; for I find that they declare, in the first place, that the submitting of the secret despatches to two members of the Council would tend to divide the responsibility of the Minister. My Lords, it could not by possibility have that effect, because the members of the Secret Committee are constituted only for the purpose of inspecing the Secret Despatches, and they would have no power of objecting to those despatches or of preventing their being sent. They would have no other power, in fact, than that of offering, in a confidential manner, their opinions with respect to them if they happened to differ from the Minister. I will give you an example, the application of which I am sure you will admit. The other day I wrote a despatch with regard to Lord Canning's Proclamation. That despatch was in the hands of the Secret Committee for six days. No objection was taken to it and no representation was made to me on the subject: but if I had stated that as a reason for my responsibility being considered to be divided—if I had endeavoured to shelter myself under the circumstance of that despatch having been so submitted to the Secret Committee—I do not know what result of such an excuse might have had with your Lordships, but I know that I should have been considered generally to have acted in a spirit of poltroonery. It would have been said, that I had not the slightest ground to stand upon, that my responsibility was complete, and that the circumstance of the despatch having been submitted to the Secret Committee in no way relieved me of that responsibility. It is said that the Bill will create anew the Secret Committee, which, under the new form of Government, will not be necessary. But my Lords, the real change effected by this Bill in the practical Government of India is not great. With the exception of the Queen's name, which I deem very valuable, and the nomination by the Crown of the Governor General and Governors, there is no great practical alteration in the mode of governing India, especially since it has been determined to continue in the Council half of the existing Court. How, then, can it be said that the slight change which has taken place affords any reason for discontinuing the Secret Committee? In my opinion there is no change, however great, in the Government of India which could have dispensed with the necessity for submitting the secret despatches to some second mind. This is the real value of the Committee. It is advisable in the course of human nature for any man, be he whom he may, to submit everything of great importance that he writes to some other mind. Be that mind an inferior mind, let the person possessing it have no power whatever over his proceedings, still there is an advantage in being compelled so to communicate; and that advantage I desire to mantain. Remember, my Lords, that this provision for a Secret Committee was inserted in the original law for the Government of India by no common men; but that it was put there by Mr. Pitt and the first Mr. Dundas, two of the ablest men who ever swayed the councils of this country. Be assured that they did not do it without good reason. The President of the Board of Control had then, as now, colleagues to whom he could refer; but it was thought advisable that persons connected with India and who could understand the real bearings of the case, should at all times have despatches of importance submitted to them and should have the power of expressing an opinion with regard to them. These were my reasons for desiring the introduction of that Amendment. However, I agree with my noble Friend that it is not of so much importance as that

it would be desirable to risk the passing of this measure by insisting upon it in opposition to the opinion of the other House. But then comes another Amendment of far greater importance, which, in reality, goes to the whole constitution of the Indian Government, and I confess that it is with very great regret that I find that my noble friend does not intend to insist upon it. The House of Commons say that it is undesirable to increase the patronage of the Minister without providing a check upon its exercise; but in this Bill they have greatly increased the patronage of the Minister without any check whatever. They have given him the power of creating the Governor General, the Governors, and the Members of the Council also; and they have given him a great increase of patronage in the disposition of the establishment of the India House and likewise in the nomination to cadetships, without any check at all. But that on which I insisted is not patronage. Appointments to the Council in India are not appointments which a Government would ever venture to look on in the light of patronage. They will only be made in the exercise of the highest function of the Executive Government that of providing the very best persons to assist in carrying on the most important branches of administration in India. No Government would ever venture, in the way of a job, upon appointments of that description. But this I know, that it is most desirable that there should not be a double Government in India. Under the Bill, as it stands now, the Government name the Governor General, while the Council will name the Councillors of the Governor General. The Council may take totally different views with respect to the most important matters from those taken by the Governor General. Beaten here, by the power of the Secretary of State in the Council, they may, through their appointments to the Council in India, very materially affect the conduct of public affairs; for recollect that the Governor General, though he has the power of overruling his Council in extreme cases affecting the highest interests and safety of the state, has not the power which is given to the Secretary of State by this Bill of overruling his Council on all occasions. It is only in extreme cases that he can do so, and there might be in his Council gentlemen opposed to the Governor General, who might reduce his authority to contempt by continually thwarting him; yet the power of appointing those Gentlemen you leave to the Council here. I think that this is a most material error. I have always deemed it necessary that all persons in India should look to the head of the Government alone, or, if not to him to the head of the Government here. What would be the position of my noble Friend near me if the principle proposed to be applied to the Governor General were carried out in my noble Friend's case—and if he, placed by favour of Her Majesty's confidence in the position of First Minister of the Crown, were to have all his colleagues chosen by the noble Lords who now sit opposite? Yet that is exactly the position in which you place the Governor General of India, who has to conduct matters as important as those which fall to the lot of my noble Friend. I think, therefore, that this is a most serious error in the constitution of the new Government of India, and that it perpetuates all the vices of the old administration. You re-appoint to the Council half of the existing Court of Directors, with all their traditional policy, and you enable them to appoint the Councillors of the Governor General, although it is notorious that according to their old prejudices every Governor General is regarded as an enemy unless he adopts a course of subserviency to the Court. I cannot agree, therefore, with the Commons in their objection to this clause. It would be idle to think of dividing the House upon the subject, but I cannot give my assent to it, because I believe that it will lead to great evils. Then comes a very important question with respect to which my noble Friend concedes one-half, and insists upon his own Amendment as to the other half. When he makes a distinction between the military and civil services I think he has good ground to stand upon. There is a material difference between them. When competitive examination was first established for the civil service, I admitted that there was considerable advantage in disconnecting the civil service from the Court of Directors, and that advantage still will continue to exist to a certain extent although the Court will have become a council. Feeling, therefore, that a great political as well as social revolution is thereby accomplished in India, I do not object to my noble Friend's determination not to insist on his Amendment on this point; but I rejoice that he insists upon it in the other. My Lords, I cannot but regret that

the House of Commons has fallen into what appears to me a dangerous error with respect to open competitive examination as the only road by which, for the future, admission is to be obtained into the military service of India. I am quite sure that there is not only in the House of Commons, but also out of doors, a great error as to the classes which are to be benefited, and injured by this great innovation. The establishment of competitive examination does not in the smallest degree affect your Lordships' House—it does not affect your relatives or connections, nor the connections of the great landed gentry of the country. I regret to say, that Members of your Lordships' House and of the other House, and the first gentry in the country, have not endeavoured—except in very rare cases—to obtain for their sons situations in the service of the Indian Government. I regret it deeply, because I know it is by far the best field which any man can have for the exercise of his abilities, and it affords the highest rewards for the display of the highest virtues. I regret that this House has not participated in the glory which has been reflected by late events on the servants of the Indian Government. But I desire, my Lords, to retain these appointments in the class which has hitherto held them. That class is the class of educated gentlemen which occupies the centre of society, which extends on the one side to the confines of the class which lives by buying and selling, and on the other to the class of which your Lordships are Members—persons who have the means of providing for their sons otherwise than by professions of a lucrative description, of doing that for them which I think is the greatest misfortune that can befall any man—enabling them to live in idleness. This class embraces clergymen, country gentlemen of small incomes, lawyers and all the learned professions, officers in the army and navy, and all that great class of persons having a mediocrity of fortune, but of the highest and most cultivated intellect. It is from that class which it is intended by this clause to take away these appointments. In sanctioning this principle, Parliament has introduced a property qualification for appointments in the public service, because there is no doubt that it is by paying highly those who cram candidates for these appointments that they will be obtained. It is only by the expenditure of large sums in this way that it will be possible for the future to enter the service, and the gentlemen who have hitherto obtained appointments have not the means of incurring this expenditure. But the education obtained in these cramming colleges is not the highest species of education—that which is obtained at home by the example and conversation of good parents is by far the highest. You cannot compare for a moment the education which the sons of clergymen and officers get with the education obtained by the sons of rich grocers or linendrapers, who will be successful in these competitive examinations. Depend upon it this is a great and most injurious social revolution. I cannot view it in any other light. I look upon it as fraught with the greatest danger, and I do trust that the House of Commons, on reconsidering its present opinion, will be induced to acquiesce in this Amendment. I rejoice that for the present my noble Friend will insist upon the Amendment which he made in Committee, though that Amendment is not altogether satisfactory to me. I vote against the whole clause. I desire to maintain the Indian army as it is, to draw it altogether from the same sources, which are perennial founts of every thing that is noble, and everything that is virtuous. Can we desire to have men in the public service superior to those who have been derived from that source? It is now, too, when the scientific branches of the army have in the highest degree distinguished themselves and performed the greatest public services, that we are to change altogether the system by which appointments are made, to deprive them of the hope of being followed in the same noble career by their sons, to destroy their prospects of being able to provide for their families, and not only thus to injure them, but, as they must understand it, to inflict on them a great offence. These, my Lords, have always been my opinions, and it is impossible for me to refrain from expressing them.

The Earl of Ellenborough

Then it was resolved not to insist on their Lordships' Amendments on Clauses 27, 28, 29, 30, and 32; but to insist on their Amendment on Clause 34.

An Amendment made to the Bill; Committee appointed to prepare Reasons to be offered to the Commons, for the Lords insisting on some of their Amendments to the said Bill to which the Commons disagree; to meet *immediately*. The Committee *reported* Reasons prepared by them; *agreed to*; and Bill and Reasons returned

to the Commons. The said Reasons are as follow :—

"The Lords insist upon their Amendment in page 11, line 6, for the following reason :—

"Because it is a Principle universally recognized that appointments to and Promotion in the Military Service of the Country should proceed directly from the Authority of the Crown; and it appears to be a Violation of this Principle to prescribe such Rules by Authority of Parliament as absolutely to fetter the Discretion of the Crown in the Exercise of this Prerogative, which, moreover, is distinctly admitted and confirmed by the Terms of the 33rd Clause of this Bill.

"The Lords insist upon their Amendment in page 17, line 8, for the following reason :—

"Because they believe that the Objections of the House of Commons are founded on a Misunderstanding of the Clause, and they have inserted an Amendment in the Clause which they believe will remove that Misunderstanding, the said Amendment being to insert in the original Bill the Words ("at the End of such Three Months") after the Word ("sitting") in page 17, line 9.

"With the preceding Exceptions, the Lords do not insist on their Amendments to which the Commons disagree."

CIVIL BILLS, &c. (IRELAND) ACT AMENDMENT BILL.

COMMITTEE. REPORT.

House in Committee (according to Order).

Bill *reported* without Amendment.

THE EARL OF ST. GERMANS objected to the clause which gave power to the Lord Lieutenant in Council to remove Assistant Barristers. Only those Members of the Council who were summoned would attend, so that the Lord Lieutenant, with two or three members of Council, might remove any assistant barrister. He did not see the necessity of the provision, and he hoped that his noble Friend would agree that it was not essentially necessary.

LORD CAMPBELL said, he quite concurred that only those members of the Council who were summoned would attend, because no member who was not summoned had a right to be present. The objection would have been got rid of if the power of removal had been vested in the hands of the Judicial Committee. The Lord Lieutenant in Council meant the Lord Lieutenant, associated with such two or three of his colleagues as he chose to summon. Instead of the Lord Lieutenant in Council, he thought a better tribunal would have been formed of the Lord Lieutenant, associated with those functionaries who formed the court of appeal under the Incumbered Estates Act.

THE EARL OF DONOUGHMORE said, that there were some assistant barristers who were labouring under "permanent infirmity," and who were obliged to appoint deputies to perform their duties. The Bill gave these persons retiring pensions, and it enabled the Lord Lieutenant in Council to remove them if they did not resign. The assistant barristers would have the power of proving before the Privy Council that they were not labouring under permanent infirmity, and the clause as amended in the other House provided that all the members of the Privy Council resident in the county should be summoned to attend, and should receive notice of the business before them. He proposed to amend this clause by restricting the Privy Council to Members residing in Dublin and in the county in which the assistant barrister lived.

LORD CAMPBELL thought the explanation was sufficient.

LORD CRANWORTH thought it was a question whether they would not lower the position of assistant barristers by placing them on a different footing from that of the Judges of the superior courts. If assistant barristers were to be dismissed in this way, the question would be raised whether the same system should not be applied to others, and in that way great difficulties might arise.

LORD STANLEY OF ALDERLEY stated the case of Mr. Jemmett, the local Commissioner of Bankrupts, which he had brought before the House recently, and said that there might be a demand in such a case for a dismissal in a similar way. The facts in that case were not denied, but the learned Lord on the woolsack said he had no power to dismiss a Commissioner of Bankrupts, who could only be dismissed upon an Address of both Houses. If dismissal by a summary mode were instituted the practice would be carried still higher. In the other House of Parliament many questions had been raised about some Irish Judges, who could not, it was said, perform their duties, and yet would not resign until their political friends came into power.

THE EARL OF DONOUGHMORE wished to point out that as long as an assistant barrister performed his duty no question would arise. The only object was to prevent the duties of assistant barristers being performed by deputies who were incompetent and irresponsible.

LORD CAMPBELL thought that the

clause, as amended, would provide a tribunal which might be implicitly trusted.

Amendment *agreed to;* and Bill to be read 3ª *To-morrow.*

THE QUEEN'S COLLEGE, CORK, NOTICE OF MOTION WITHDRAWN.

THE EARL OF ST. GERMANS, who had a notice on the paper for the production of a letter written by him to Lord Palmerston in 1853, respecting the Queen's College at Cork, said he had put his notice on the paper in consequence of a passage in the Report of the Commissioners on the Queen's Colleges in Ireland, which imputed blame to the Government with which he was connected with respect to certain dissensions that then prevailed. On reconsideration, however, he thought it better not to make the Motion, as he found that the letter to which it referred contained animadversions on the conduct of certain parties, which it would not be beneficial to the public service to publish. He could assure their Lordships that when he was in Ireland nothing engaged his attention more than the condition of this college. He was in constant communication with Sir John Young, the Chief Secretary, with the Lord Chancellor, and with the Attorney General, and he took no step in the matter without the concurrence of those eminent persons. Had the more energetic and decisive action which the Commissioners seemed to recommend been adopted at that time, it would, he was convinced, have produced very injurious consequences to the college, by causing the secession either of that distinguished scientific man, Sir Robert Kay, or of the Vice President and many members of the colleges. He did not wish to impute any blame to the Commissioners, and was convinced that if they had seen papers which he was quite willing to show to them they would have come to a conclusion different from that at which they had arrived.

THE EARL OF DERBY said, that not having seen the Report of the Commissioners, he could form no judgment upon the merits of the case; but if that Report contained anything which the noble Earl thought reflected upon his conduct, nothing could be more natural than that he should take the earliest opportunity of setting himself right with their Lordships and the public. Under the circumstances he thought that the noble Earl had shown equally good judgment and good feeling in not pressing for the production of a letter some portions of which might have been injurious to the feelings of others.

House adjourned at a Quarter past Nine o'clock, 'till To-morrow. Half-past Two o'clock.

HOUSE OF COMMONS,

Thursday, July 29, 1858.

OPERATIONS IN INDIA.

MR. SPEAKER acquainted the House that he had received two letters from Viscount Canning, Governor General of India, dated the 14th and 16th days of June last, enclosing copies of letters from the Hon. F. J. Halliday, Lieutenant Governor of Bengal, and Major General Sir James Outram, acknowledging the Thanks of this House for their services relative to operations in India, expressed in the Resolutions of the 16th day of March and the 8th day of February last.

Letters read, as follow:—

"Allahabad, the 14th June, 1858.

"Sir—With reference to my Despatch dated the 11th ultimo, I have the honour to enclose for your information, the accompanying Copy of a letter from the Hon. F. J. Halliday, Lieutenant Governor of Bengal, expressing his gratitude for the testimony of approbation which his services have received from the House of Commons, in the Resolutions passed by the House on the 16th March last. I have the honour to be, Sir,

Your most obedient, Servant,

CANNING."

"To the Right Hon. John Evelyn Denison, Speaker of the House of Commons."

(Copy.)

"Allipore, 27th May, 1858.

"My Lord,—I have had the honour to receive your Lordship's letter of the 11th instant, forwarding to me the Copy of a Resolution of the House of Commons, dated 16th March, 1858, on the subject of my share in carrying into effect the measures directed by your Lordships, as Governor General of India, in Council, for the suppression of the mutiny in the Bengal Army.

"I am greatly honoured by the testimony of approbation which my very humble services have obtained from the House of Commons, and I desire to express my gratitude for it, and at the same time to thank your Lordship for the manner which the Resolution has been communicated to me in your Lordship's letter.—I have, &c.,

"(Sd.) FRED. JAS. HALLIDAY.

"The Right Hon. Viscount Canning,

"Governor General of India, &c., &c., &c."

"Allahabad, 16th June, 1858.

"Sir,—In continuation of my Despatch, dated the 14th instant, I have the honour to enclose for your information the accompanying Copy of a letter from Major General Sir James Outram, G.C.B., expressing his grateful sense of the honour

conferred upon him by the approbation which his services have received from the House of Commons in the Resolution passed by the House on the 8th February last. I have the honour to be, Sir, your most obedient servant, "CANNING.

"To the Right Hon. John Evelyn Denison,
"Speaker of the House of Commons."

(Copy.)

"Calcutta, 30th May, 1858.

"My Lord,—I have had the honour to receive your Lordship's letter of the 11th instant, forwarding to me a copy of the Resolution of the House of Commons, passed on the 8th February, 1858, relative to the performance of the duties which devolved on me while humbly contributing, under the instructions of your Lordship and His Excellency the Commander in Chief, towards the suppression of the disturbances which originated in the mutiny of the Bengal Army.

"It will ever be esteemed by me the greatest of honours that my humble services should have received the approbation of the House of Commons. And I trust your Lordship will do me the favour to acknowledge in my behalf, and in suitable terms, my profound and grateful sense of the high honour which has been conferred on me.

"For the very kind and flattering manner in which your Lordship has been pleased to communicate to me the Resolution of the House of Commons, I beg to tender my respectful and most grateful acknowledgments. I have, &c.,

"(Sd.) "J. OUTRAM, Major General.

"To the Right Hon. the Viscount Canning,
Governor General of India."

Mr. Speaker also acquainted the House, that it appeared from a private letter from Viscount Canning to himself, dated Allahabad, May 11th, 1858, that he had transmitted by that day's mail a letter conveying his own acknowledgments of the thanks of this House; but that the letter alluded to had not reached his hands.

RELIGIOUS BIGOTRY IN FERNANDO PO.

QUESTION.

MR. STAPLETON said, he wished to ask the Under Secretary of State for Foreign Affairs whether he is in receipt of intelligence to the effect that a Spanish Governor of Fernando Po has issued a Proclamation forbidding schools and prohibiting any person from going to any church or chapel except a Roman Catholic one; and further, whether Fernando Po, which was an English Military Station from 1827 to 1834, is now recognized by England as part of the dominions of the Crown of Spain.

MR. SEYMOUR FITZGERALD said, that he would, in the first instance, reply to the latter part of the hon. Gentleman's question. Fernando Po was not an English military station from 1827 to 1834. It had never belonged to England, nor did England claim any jurisdiction or authority there. It was in 1778 ceded by Portugal to Spain, and had since been recognized as a Spanish possession by Lord Palmerston and the Earl of Aberdeen, both of whom had been in treaty with Spain for the purchase of it, considering that its possession by this country would be desirable in reference to our operations against the Slave Trade. With respect to the first question, Her Majesty's Government had received intelligence that on the 27th May last the newly appointed Spanish Governor of Fernando Po issued a Proclamation stating that the religion of the colony was that of the Roman Catholic Church; and that no other religion would be tolerated or allowed but that taught by the missionaries of the Roman Catholic Church, nor any schools but Roman Catholic Schools; and that persons who professed any other religion but the Roman Catholic should confine their religious worship and practices to their own houses. That Proclamation was under the consideration of her Majesty's Government, as it appeared to them to be contrary to a Proclamation issued in 1843 by a former Governor, by which security to liberty in person, property, and religion was accorded to all who obeyed the laws of the colony.

WEIGHTS AND MEASURES.

QUESTION.

MR. JOHN LOCKE said, he would beg to ask the Secretary of State for the Home Department whether any information has reached Her Majesty's Government in respect to the inaccurate state of the Copies of Exchequer Standards of Weights and Measures used by Inspectors and Leet and Annoyance Juries; and, if so, whether it is their intention to adopt any means to enforce a periodical adjustment of the same.

MR. WALPOLE in reply said, that he had made inquiries on the subject, and he did not find that any information had reached the Home Office in reference to the inaccurate state of the Copies of Exchequer Standards of Weights and Measures. Under the Constabulary Act the Chief Constables were intrusted with power to ascertain the propriety of the Standards used, and he found that the Chief Constable of Leicestershire had in the first six months verified and stamped 18,000 weights and measures. According to the Police Returns of 1857 the Police had proceeded against 1,655 persons, and 1,555 had been convicted. He would endeavour to obtain the information desired by the hon. Member if it were more particularly specified.

DELAYED RETURNS.
QUESTION.

MR. RICH said, he rose to ask the Secretary to the Treasury what causes have prevented the presentation of Returns of all persons who, having been nominated for junior situations in any of Her Majesty's Civil Establishments, subsequent to the date of the Order in Council of the 21st day of May, 1855, and not having obtained certificates of qualification from the Civil Service Commissioners, have been employed, and paid for such employment, in such establishments; distinguishing, in each case, under separate columns, the name of the establishment, the name of the person employed, the nature of his situation, whether temporary or permanent, the period of his employment, the amount of his pay, the authority under which such pay has been issued and allowed, and whether the person failed to obtain a certificate of qualification, or did not present himself for examination before the Civil Service Commissioners. And of all persons who having obtained certificates of qualification from the Civil Service Commissioners have been employed and paid for a period prior to the date of such certificate, and subsequent to the date of the Order in Council of the 21st day of May, 1855; distinguishing, in each case, under separate columns, the name of the establishment, the name of the person employed, the nature of his situation, whether temporary or permanent, the period of his employment, the amount of his pay, the authority under which such pay has been issued and allowed, and the date of the certificate of qualification, ordered on the 13th day of April?

MR. G. A. HAMILTON said, he must beg to explain that the cause of the delay was that reference had to be made to all the various Departments of the State for the information required; but the papers were nearly ready, and would be produced almost immediately.

PUBLIC HEALTH BILL.
LORDS' AMENDMENTS.

Order for consideration of Lords' Amendments read.

Motion made and Question proposed, "That the said Amendments be now taken into consideration."

MR. T. DUNCOMBE said, he must complain that they had not the Amendments of the Lords before them before they were called upon to consider them. The Bill was far from a good one as it was sent up from the Commons, and, as he understood, it had come back far worse. He believed one of the Amendments made by the Lords was to give a power to appoint a medical council or a medical officer permanently. As the Bill left that House, it provided that that appointment should be temporary only; but the word "temporary" had been struck out. Another Amendment was a violation of an arrangement made between the Government and the opponents of the Bill. The right hon. Gentleman (Mr. Adderley) would remember that on condition that the Bill should expire on the 1st of August, he (Mr. T. Duncombe) consented to waive his opposition to the Bill. But the Lords, by their Amendments, had given a two years' life to the Bill. The Bill was a bad one; at all events no inconvenience would follow from its postponement till another Session, and he therefore would move that the Lords' Amendments be considered that day six weeks.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six weeks."

Question proposed, "That the word 'now' stand part of the Question."

MR. PALK said, he quite agreed that the Bill was a bad one; indeed, he thought it the worst Bill that had ever been brought in. The faith of the Government was pledged that the Bill should only continue for one year, and the adoption of the Lords' Amendments therefore would be a violation of that pledge. It was also clearly understood that no power should be taken in the Bill for the permanent appointment of a medical council. If they were to have a paid medical Board, let them know what the duties of that Board were to be. He, for one, saw no necessity for even one medical officer, and certainly it was unnecessary to keep a medical Board attached to the Board of Health, with salaries of £1,500 a year, to make an annual report.

MR. ADDERLEY said, he understood that the ground for the omission of the word "temporary" after "from time to time" was, that it was simple tautology. As the Bill stood, there was no power to appoint more than one medical officer. The Bill merely defined his duties. The Amendments made in the other House were three, two of which were verbal only, and the last was for continuing the Act to

the end of next Session. As, however, this was a longer period than the time fixed upon by the House of Commons, and his hon. Friend and the House appeared to consider it a violation of the arrangement entered into, he proposed that as to that Amendment the House should disagree to it.

MR. COX said, that the effect of another of the Amendments, which the right hon. Gentleman stated to be a mere verbal one, made the appointment of the medical officer a permanent one. He therefore considered the word "temporary" necessary.

MR. WALPOLE remarked, that the Act being only a temporary one, no permanent appointment could be made under it. The one paid medical officer which the Act authorized them to appoint could therefore hold the appointment only for the year to which the operation of the Bill would be limited.

MR. W. WILLIAMS complained of the practice of calling upon the House to agree to Amendments made by the Lords, without those Amendments being previously printed and placed in the hands of Members.

MR. WALPOLE said, he believed the usual practice was, that when there was no opposition anticipated to the Amendments, for the hon. Member who had charge of the Bill to give notice to move the consideration of those Amendments on a certain day; but when opposition was expected, then the practice was to print the Amendments.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Amendments *considered;* several *agreed to;* and one *disagreed to.*

Reason for disagreeing to one of the Lords' Amendments *reported,* and *agreed to.*

To be communicated to the Lords.

MEDICAL PRACTITIONERS BILL.

LORDS' AMENDMENTS.

Order for Consideration of Lords' Amendments read.

MR. COWPER said, that all the Amendments were verbal, with two exceptions. The first of these was a clause introduced by the House of Lords for the protection of homœopathists. Recently, the officers of the University of Aberdeen, in examining a candidate, asked whether, if he obtained his degree, he was prepared utterly and solemnly to renounce the practice of homœopathy. The candidate declined to give such a pledge, and a clause had been introduced in the other House, providing that if any college of physicians or surgeons, or any university, should impose any tests or conditions upon any person who presented himself for examination, the Privy Council should be empowered to issue an order restricting the degrees or diplomas of such body from entitling any person to be registered under this Act so long as those conditions were maintained. The other Amendment related to the registration fee, which it proposed to make £5 in the case of persons becoming entitled to registration after the passing of the Act, and £2 in the case of persons already entitled.

LORD ELCHO said, that he wished to say, before the Bill left the House, that he believed the measure to be, on the whole, a very liberal one. The subject had for thirty years been under the consideration of Parliament, and if they had now succeeded in passing a good Bill into a law it would, in a great degree, be owing to the just and conciliatory spirit displayed by the right hon. Gentleman the Home Secretary.

MR. BRADY said, he wished to express his belief that the conduct of the right hon. Gentleman the Home Secretary deserved the warmest thanks of the profession, who, he was sure, would reward with gratitude the efforts of the right hon. Gentleman to settle a question which had puzzled so many statesmen for the last quarter of a century.

Lords' Amendments *agreed to.*

EDUCATION.—PAPERS MOVED FOR.

MR. COWPER said, that he rose to move an Address for copy of correspondence between the Committee of the Privy Council on Education and the Managers of Schools and Her Majesty's Inspectors of Schools, relating to the distribution, publication, and preparation of the annual Reports of the Inspectors. He wished to take that opportunity of stating that certain circulars had recently been issued by the Committee of Privy Council, which had excited a considerable degree of alarm and dismay amongst the promoters of many schools in the country, and he thought it desirable that the House should have full information as to what the contents of those circulars were. It appeared that one order had been sent to the managers of schools with reference to the tabulated reports, and the statements of the Inspec-

tors of what they had observed in reference to the buildings, playgrounds, furniture, organization, instruction, and general proficiency of those schools. Hitherto the promoters of schools had had, in addition to the condensed report on their own school, access to what were called the "tabulated" reports as to other schools within their districts, and this had had the very best effect in stimulating the exertions of the promoters by enabling them to compare their own schools with others in the neighbourhood, and to ascertain in what respect they differed on the score of efficiency of management. Now, the impression prevailed that the circular of the Committee of the Privy Council, to which he referred, proposed the discontinuance of the "tabulated" reports, and if that proposal arose from economical considerations, he should say that economy had never been more unfortunately misplaced, as the only cost was that of printing 1,600 pages. He hoped that whatever might be the nature of the circular, it would not be persevered in so far as to prevent masters of schools from having access hereafter to the printed tabulated reports of all schools in their districts. Another circular had also been sent out by the Committee which had created a good deal of dissatisfaction among the Inspectors; but upon that he (Mr. Cowper) would not venture to offer an opinion. No doubt the right hon. Gentleman would place the circular and the correspondence upon the table, and the House would then have an opportunity of ascertaining the exact bearing of the orders which had been issued.

MR. ADDERLEY said, he felt obliged to the right hon. Gentleman for proposing a Motion which would enable him in a few words to remove a considerable amount of misapprehension which had gone through the country upon the subject of the circular which had recently emanated from the Committee of Council on Education, to the Inspectors throughout the kingdom. There were not, however, two circulars, as the right hon. Gentleman seemed to think, but one relating to the two subjects that the right hon. Gentleman had alluded to. It was a complete misapprehension on the part of the right hon. Gentleman to suppose that there was any intention on the part of the Committee of Council in that circular to suppress or even to discontinue the printing of the reports of the Inspectors; nor was there any primary idea or notion in it of economising the expense of printing. What the circular proposed was, in distinct terms, the continuance of similar instructions which had been given to the Inspectors by every Committee of Council during the last fifteen years; and the tenor of the circular amounted to this —that the annual Reports, in the first place, should be henceforth embodied in one Report from the Committee of Council on Education addressed to Her Majesty in Council, but that in the embodiment of the several Reports in that Report of the Committee, the individuality of each Inspector's Report should be by no means lost, that the process should be by the excision of such matters as the Committee conceived to be unnecessary, and not of the nature of a *bona fide* Report, but by no means the fusion of the Individual Inspector's Report in the one made by the Committee themselves. The only object which it was sought by means of the circular to attain was, in short, of a character precisely similar to that which the correspondence of the Education Office proved to have been kept in view for many years, and it was an important one, to restrict those Reports within proper limits, and also to restrain the pamphleteering tendency which those Reports had assumed. With regard to the "tabulated" Reports, the circular made a proposition which he (Mr. Adderley) thought was of great value and importance—namely, that the Reports of individual schools, instead of being kept waiting until the end of the year to be put together in the form of an annual summary, should be at once addressed in detail and in manuscript to each school immediately after its inspection. The Report of a school at twelve months' date was absolutely valueless, either in the way of encouragement to a good teacher or of warning to a bad; but if that Report came came within seven days of the inspection, it would be of great efficiency for both those purposes. He hoped he had now made clear what was the intention of the circular which, after mature reflection, and a correspondence which was not yet closed, the Committee had seen no reason to alter. He again thanked the right hon. Gentleman for having given him an opportunity, before the termination of the Session, to explain away the misapprehension which was entertained with regard to the suppression or discontinuance, or even the fusion of the Reports. As to the right hon. Gentleman's Motion, the memorials which had come in were already very

bulky, and not all upon the point which the right hon. Gentleman wished to have explained; and if the right hon. Gentleman would consent to insert the words "or extracts" after the word "copy," and upon the understanding that the correspondence was not yet closed, but other memorials were expected from other inspectors which had not yet come in, he was perfectly willing to accede to the Motion.

MR. COWPER said, he would assent to the suggestion of the right hon. Gentleman.

Address for—

"Copy or Extracts of Correspondence between the Committee of the Privy Council on Education and the Managers of Schools and Her Majesty's Inspectors of Schools, relating to the distribution, publication, and preparation of the Annual Reports of the Inspectors."

Motion *agreed to.*

COLLECTORS OF THE REVENUE.
RETURN MOVED FOR.

MR. INGRAM said, he rose to move for a Return of the number of persons employed in collecting the taxes paid into the Exchequer, distinguishing the number employed for the land, assessed, property, and income tax, and those employed in the Excise Department of the Inland Revenue, and the number employed in collecting the Customs dues. The Motion was unopposed, but he hoped he might be allowed to take the opportunity of saying that the system of collecting the revenue was in a very unsatisfactory condition. In every parish there were several persons employed in collecting the revenue, apparently without any regular system or control. He trusted that Her Majesty's Government would take the subject into their consideration.

Return *ordered*,—

"Of the number of Persons employed in collecting the Taxes paid into the Exchequer, distinguishing the number employed for the Land, Assessed, Property, and Income Tax, and those employed in the Excise Department of the Inland Revenue, and the number employed in collecting the Customs Dues."

Motion *agreed to.*

House adjourned at a quarter before Ten o'clock.

HOUSE OF LORDS,

Friday, July 30, 1858.

MINUTES.] PUBLIC BILLS.—1ª Bankruptcy and Liquidation, 1858.

3ª Militia Pay; Militia (Service Abroad) Act Continuance; Militia Act Continuance (No. 2); Corrupt Practices Prevention Act Continuance; Judgments (Ireland) Act Amendment; Civil Bills, &c., (Ireland) Act Amendment; Consolidated Fund (Appropriation).

LEGAL REFORMS—GRAND AND COMMON JURIES.—NOTICES.

LORD CAMPBELL said, he wished to give notice of two Bills that he proposed to bring in at the commencement of the next Session of Parliament, and he made this announcement with the view of drawing public attention to the subject, and in the hope that he might have advice and assistance in framing the measures, which advice and assistance he should most respectfully and gratefully acknowledge. The object of the first measure was to prevent the practice of clandestinely going before a grand jury and preferring bills of indictment for perjury, conspiracy, and other offences, without any inquiry before a magistrate in the presence of the party accused, who ought to have an opportunity of defending himself. The practice had sprung up of going at once before a grand jury and preferring bills of indictment for conspiracy, perjury, and for obtaining money under false pretences, for which charges there was not the slightest foundation; and grand juries were sometimes induced, behind the back of a party, to find a bill, upon which a warrant was obtained, and the party was imprisoned until his trial, or until he found bail. Under this Bill there would be no such prosecutions without appearance before a magistrate, or the consent of a Judge. The other Bill he proposed was, to deal with a rule which had existed from time immemorial, and it was a matter which he approached with very great diffidence. The rule he referred to was that which required the unanimous verdict of a jury. He had of late experienced great inconvenience on this subject. Jurors were very different in their minds, and they sometimes would not defer, not merely to the Judge, but even to the opinion of the large majority of their own body. What he should propose was this—not that they should be governed by a bare majority, but that if, after certain deliberation by the jury, they all agreed except one or two of them, then the verdict of those who so agreed should be considered as tantamount to a verdict of the whole twelve—still subject, of course, to be reviewed by the Court, and to be set aside if necessary. In several cases lately before

him, there had been only one or two discontents, and he had been obliged to discharge the juries. The law was very defective on this subject, and he proposed to introduce a Bill to remedy the defect which he had pointed out, by allowing the opinion of the great majority of the jury to be acted on.

ST. PAUL'S CHURCH-YARD.—QUESTION.

THE EARL OF HARRINGTON: My Lords, in passing by St. Paul's this morning, I saw a triangular piece of ground on the east end of the churchyard, placarded "To be let on a building lease." Supposing this barbarous measure carried out, it would mask the only fine view of two sides of the noblest temple ever raised for the worship of God. I, therefore, give notice that, on a future day, I shall put the following question to Her Majesty's Government:—

"The Earl of Harrington to put a question to Her Majesty's Government, concerning a plot of ground at the east end of Saint Paul's Churchyard, which is advertised and placarded to be built on, which, if carried out, will mask a fine angular view of two sides of that magnificent building."

After having put this question on the Record of the House, I learnt from Mr. Richardson, the distinguished architect engaged on my Brompton estate, that great efforts had been made by artists and others to prevent these buildings being erected, but that all appeals had proved hopeless, for the estimated value of the plot of ground was £60,000; and one acre of land opposite the Bank of England had been estimated at £1,000,000 sterling. I said it mattered not, for the Corporation, with a noble generosity, had given up a portion of the said ground in front of the Exchange, and the country would not allow St. Paul's to be bricked up. I allowed this question to remain on the Notices of the House for some days, in order that it might command the attention of the House and the country that, on the 28th July, I would put the question to the Prime Minister.

THE EARL OF DERBY rose and said, I entirely concur with the noble Earl in his wish to prevent these buildings from being raised, but the land was valued at £60,000, and I have no power to stop their erection.

THE EARL OF HARRINGTON: The remarks made by the noble Earl on the mere announcement of my intention to put the question were very discouraging. I am aware, indeed, of the great sacrifice the Corporation was called on to make, but I feel confident, first, because I know the magic power and influence possessed by the noble Earl; and secondly, because from experience I anticipate that the Corporation is ever ready to make great sacrifices for the public good. I hope, therefore, that the noble Lord will not consider me presumptuous in putting the question on the day announced. Just previous to my putting the question on the 28th of July, the Earl of Derby had the kindness to place a plan in my hands, and told me that the Corporation had agreed to make a great sacrifice, namely, to build only on one half of the open space, so that a fine angular view of both sides of the Cathedral might be seen from the unoccupied spot. Having been privately and unexpectedly favoured by this communication, I shall limit my remarks.

My Lords, agreeable to notice given, I now venture to put a question to Her Majesty's Government. I solicit the noble Earl of Derby's powerful influence to prevent a piece of Ground at the East end of St. Paul's Church Yard, from being built on, and thereby securing the only fine view of the most sublime Temple ever raised to the glory of God and of our Protestant faith—for there it is that the open Bible reigns and universal charity is preached. I do well remember many years back, passing St. Paul's Cathedral in company with the famous Marquess of Hastings. He told me that Charles Fox had intended to have moved Parliament to pull down a part of the buildings on the Thames side of St. Paul's, but that a change in the administration had prevented it. My Lords, the thoughts of illustrious men should be recorded in history, fixed in our memories, and acted on. I call, therefore, on the noble Marquess of Lansdowne, the friend of Charles Fox, to assist me in this work. Depend upon it, nothing would so much tend to embellish London; and to promote religion and the arts, as the opening of St. Paul's to the constant gaze of three millions of its inhabitants. I have seen many fine buildings—St. Peter's, at Rome; the Domo, at Milan; the Cathedral, at Cologne; the lovely Targe, in British India; and at Athens, the noble Parthenon; but after all, St. Paul's is the wonder of the world. To preserve the fame of the great dead is a sacred duty. Now, Sir Christopher Wren was one of the foremost men

this country ever produced ; not inferior to Michael Angelo, as scholar, mathematician, architect, and artist of high classical taste. We are, therefore, bound to protect the fine monument he has erected to immortalize his fame.

THE EARL OF DERBY said, that he had applied to the Lord Mayor to ask what was about to be done in this matter. He had been favoured by his Lordship with a plan from which it appeared that only half the site to which the noble Earl referred was to be built upon ; and as the building to be erected would have a semi-circular front, the view of the cathedral would be very little interfered with. He thought that great credit was due to the Corporation of London for their conduct in this matter. The piece of ground in question had cost them £90,000 ; and by surrendering one half of it, with the advantage of a double frontage to St. Paul's and Cannon Street, they had sacrificed no less than £45,000 to £50,000 for the public convenience.

PRIVATE BILLS—THE STANDING ORDERS

STANDING ORDERS AMENDED.

Order of the Day for taking into consideration the Standing Orders relative to Private Bills, in order to their being amended, read.

LORD REDESDALE proposed several new Orders which he believed would economize both time and money, and facilitate the progress of *bonâ fide* schemes through Parliament, while they would afford ample security to the public, and to all persons concerned.

LORD STANLEY OF ALDERLEY expressed his approbation generally of the proposed Orders, which he believed were in conformity with the recommendations of a Committee of their Lordships' House.

LORD CAMPBELL hoped there was nothing in the Amendments to confirm the doctrine lately stated by a noble Friend of his in the other House (Lord John Russell), that the House of Commons was the Supreme Power in the State, simply because it possessed the power of the purse. It might as well be said that the Crown was the supreme Power, because it could make war and peace, and could cede the Isle of Wight to the Emperor of the French if it chose ; or that their Lordships were, because in their judicial capacity they could rule that the second son, and not the first, was the heir to his father.

Motion *agreed to.*

Amendments made accordingly.

BARONIES IN ABEYANCE.

LORD REDESDALE, in calling the attention of the House to the return of Baronies called out of abeyance presented on the 19th instant, said, he considered this subject one well deserving of the consideration of their Lordships. There were, he believed, considerably more than 100 Baronies now in abeyance. Of late years it had been the practice for persons claiming Baronies that were in abeyance to present petitions praying that their claim might be investigated, in the hope that if they made out a clear case of their descent from the female co-heir, the Crown would exercise its prerogative by determining the abeyance in their favour. The question was one of great importance in relation to the judicial business of that House. The investigations extended over a long period, an immense amount of evidence was produced, and a large portion of time was occupied to the prejudice of suitors. The practice of calling peerages out of abeyance was far from being an ancient one, and no precedent is to be found for it under any of the Plantagenet or Tudor Sovereigns. The first case occurred in the reign of James I., being that of the Barony De Spenser, in 1604, when this prerogative was exercised in furtherance of a gross job. In that instance, the proceedings were of a very singular character. The Lord Abergavenny died, leaving an only daughter, and the question arose whether the title descended to this lady or to the heir male. The opinion of the Judges was certainly in favour of the descent to heirs general. The House of Lords, unwilling to separate the title from the estates, and from the family of Neville which had long held it, addressed the Crown, stating that they considered both worthy of the Peerage, and suggesting that the Barony of De Spenser might be called out of abeyance in favour of one. The King acceded to the proposition, and, by vote of the House, the Barony of Abergavenny was assigned to the heir male, and the Barony of De Spenser to the heir general; but so little was any principle of law attended to in this case, that the House might have arranged the other way, had it been pleased so to vote. In the reign of Charles the First one Barony was called out of abeyance ; in that of Charles the Second, two; in that of George the Second, two ; in that of George the Third, eight; in that of George the Fourth, one ; in that of William the Fourth, two—Berners and

Clifford. In the present reign seven Baronies had been already called out of abeyance —only one less than the number called out during the whole of the long reign of George the Third. The number from the commencement of the practice down to the present day was only twenty-four. No one could be more sensible than he was of the advantage of ancient names to the peerage, and he believed all their Lordships rejoiced when the title of Earl of Shrewsbury was restored to a great historical name. Little objection can be urged to the practice when exercised in favour of Baronies which have for centuries been represented in the House, and which have only been in abeyance for a limited period. But the case assumed a different aspect when they had under consideration Baronies of very ancient date, which had for a long time been without any representative in that House, and the very names of which were unknown except to antiquaries and persons who took a special interest in such matters. The result was, perhaps, that the person in whose favour the abeyance was terminated was placed in a position in relation to the old Baronies which appeared hardly fair, their Lordships being, of course, aware that in the reign of Henry VIII. the long contest on the subject of precedence was decided by an Act of Parliament, declaring that precedence should be determined by the order of creation. The Grandison peerage, the claim to which had recently been decided, was in abeyance for 482 years. Only two of these Lord Grandisons ever sat in Parliament—the last in the reign of Edward the Third. The Lord Grandison who is known historically in the time of Charles I., and of whom such an interesting character is given by Clarendon, was an Irish Viscount of the Villiers family, whose title still exists in his collateral relative, the Earl of Jersey. If this abeyance should be terminated, the effect would be that the Lord Grandison entering the House as the third Peer ever summoned in right of that Barony, would sit before the 18th Lord Stourton, the 19th Lord Clinton, the 21st Lord Grey de Ruthyn, and the 22nd Lord Dacre. He would not detain their Lordships with any further remarks. At that period of the Session he would not ask their Lordships to take any positive step. It was, indeed, matter for consideration whether any step should be taken, and whether they should not look to the effect which discussion might produce on claimants.

Lord Redesdale

The noble Lord, having moved that the Return of all Baronies called out of abeyance to the present time, stating the number of years the abeyance had continued in each case, and the date of the termination of the same, delivered on the 19th instant, be printed (which was agreed to), gave notice of his intention to move next Session the following Address to Her Majesty relative to Peerages that have been in abeyance for a long period of years, in order that it might appear on the Minutes, and the House have an opportunity of considering the subject, without pledging himself to bring it forward:—

"That an humble Address be presented to Her Majesty, showing,

"That within the last century several Petitions have been presented to the Crown by Persons claiming to be Co-heirs of Peerages for many hundred years in abeyance; which Petitions have, according to ancient custom, been referred to the House of Lords to report thereon:

"That the laborious investigations consequent on such reference necessarily occupy much of the time which would otherwise be devoted to the Judicial Business of the House, which is thereby interrupted to the inconvenience of the Lords and with injury to the Suitors:

"That until the period referred to the Peerages called out of abeyance were few in number, and only in favour of Persons inheriting through immediate and well-known descent from the former holders of the said Peerages; whereas, in many cases of later date, that inheritance, from the long duration of the abeyance, has become remote, indirect, and generally unknown, until proved by the evidence brought before the House:

"That the earliest precedent to be found for calling a Peerage out of abeyance is neither very ancient nor altogether free from the objection which necessarily attaches to any act done for the first time to meet a particular case, being that of the Barony of De Spencer, the abeyance of which was terminated by King James the First in 1604, in order to carry out the amicable arrangement suggested by the House of Lords for the purpose of relieving themselves from the duty of deciding in favour of One of the Two Claimants of the Barony of Abergavenny:

"That an undue precedence appears to be given to the person in whose favour an abeyance for many generations is terminated over other barons of ancient descent inheriting their titles through a long series of ancestors; thus, in the first case referred to, when in 1764 an abeyance of 358 years was terminated, The Lord Botetourt then summoned sat as Third Lord only of that name, and yet took precedence before the Seventeenth Lord Audley and the Fifteenth Lord Stourton:

"And humbly praying Her Majesty, that Her Majesty will be graciously pleased to consider whether it is expedient to adhere to the established custom of referring all Petitions of Persons claiming Peerages to the House of Lords in any case in which it shall appear from such Petitions, or any Report of the Attorney General thereon, that the Peerage claimed is in abeyance, and has

been so for more than Years; and that Her Majesty may be further graciously pleased to act in relation to such Peerages in such manner as may appear expedient to Her Majesty:"

LORD CAMPBELL said, that the only remedy seemed to be to declare that after a peerage had been for a certain number of years in abeyance it should not be claimed. Otherwise right must be done; and their Lordships could not refuse a claimant his rights by saying that it was inconvenient to do him justice. He did not think the rights of the peerage would be impaired if it were laid down that a peerage should be no longer claimed after it had been 100 years in abeyance; but the only way to make Baronies in abeyance unclaimable would be to pass an Act of Parliament for that purpose.

TELEGRAPHIC COMMUNICATION WITH INDIA.—QUESTION.

LORD WODEHOUSE, in rising, pursuant to notice, to ask Her Majesty's Government their intentions respecting the establishment of telegraphic communication with India, said, that three distinct lines of communication had been proposed, in what he might call the western portion of the line, of which he would only say that many of the objections originally made to the line from Ragusa to Corfu and Alexandria seemed to have been removed, if he rightly understood the last proposal made by Her Majesty's Government to the Austrian Government. In his opinion it was desirable that as many of these lines should be constructed as possible in order that we might have several independent means of communication with India. In the Eastern portions of the route our choice seemed to lie between two lines—one from Bussora to Kurrachee, and the other along the line of the Red Sea. The efficiency of the first depended upon the Turkish Government, and he was not convinced that it would be a satisfactory mode of communication with India, the main objection being that the line was at the mercy of the Arabs who inhabited the wild country through which it passed. It was said that the telegraph was carried through districts in India where the tribes were quite as wild, but there was a great difference between the Governments of Turkey and India. It was true that the safety of this line might perhaps be secured by subsidizing the Arab tribes, and if the line were being made by an English company, the Arabs might have been subsidized by them; but at present the Turkish Government were constructing the line, which would therefore be an object of jealousy to the Arabs, and the Ottoman Government might not have the influence necessary to maintain it. If the Turkish Government could succeed in making the line, it was very desirable that it should be constructed; yet, of the two, the line by way of the Red Sea seemed most likely to form an efficient mode of communication with India. The objections were principally of an engineering character. [A noble LORD: Jeddah?] The Arabs on the Red Sea might be unfriendly, but the line would be carried along the bottom of the sea. The engineering difficulties in the Red Sea being surmounted, he believed there would be no great difficulty in carrying the line from the south-east end of the Peninsula to Kurrachee or Bombay, and this he had no doubt would be the most satisfactory and secure mode of communicating with India. The question was, how this line was to be made? He believed that the proper course would be for the Government to make it at the public expense. They would then hold in their hands the key of the communication between India and Europe. It was not very creditable to the energy and enterprise of this country and of the Government that, at a time when telegraphic communication with India was of vital importance to the interests of this country, not only was no line in course of construction, but no project had been adopted which promised the speedy execution of a line of telegraphic communication; and he wished to know what were the intentions of the Government with regard to such communications.

THE EARL OF DONOUGHMORE said, he quite agreed with the noble Lord in the importance of the subject, but he was unable to give him any special information that had not been already laid before Parliament. It was, no doubt, desirable that as many lines should be made as possible, but it was important that there should be one line, and the question was, which line of telegraphic communication with India could be secured in the shortest time. When the line of the Austrian Government from Ragusa to Alexandria should be completed there would be a telegraphic communication from London to Suez, because a line now existed between Alexandria and Suez. Unfortunately the Government had not been able to make an arrangement with the Austrian Government with regard to this line. There were some points in dispute between the two Govern-

ments, and no absolute agreement had yet been come to. The telegraphic communication between Constantinople and Bussorah was to be made by an English Company, which had obtained the consent and support of the Ottoman Government. He admitted that portions of the line might be exposed to the attacks of hostile Arabs; but he believed that between Constantinople and Mosul no such difficulties would be encountered. The danger lay between Mosul and Bagdad, from the latter of which places it was intended to carry the telegraph in the bed of the Tigris to Bussorah, and thence by a submarine cable through the Persian Gulf to Kurrachee. For his own part, he was disposed to think that the route by the Persian Gulf was preferable to that by the Red Sea. In the first place, it was much shorter; and the experience with the Atlantic cable hardly warranted the anticipation that a submarine line could be laid down for so great a length as that of the Red Sea. In addition to this the depth of water in that sea was very various, and its bed was full of coral reefs. The Persian Gulf presented none of these difficulties. There were no great inequalities of bottom, and no coral reefs; and the gulf was studded with islands, on which, as they were under the authority of our ally the Imaum of Muscat, we might easily establish repeating stations, and over which the telegraph might be carried on poles—an advantage which we should not possess in the Red Sea. There was under the consideration of the Government another project—namely, to lay a submarine cable from the southern coast of England to Gibraltar, from Gibraltar to Malta, and thence to Alexandria, so that the whole line might be under our own control. This was a subsidiary project, and one which could not be expected to be carried out immediately; but, under all the circumstances, we should, within a reasonable period, have established telegraphic communication between London and Bombay and Calcutta.

LORD STRATFORD DE REDCLIFFE was understood to say, that the importance of having a telegraphic communication with India was so great that it did not require any observation to prove it. It was very satisfactory to find that it was in the contemplation of the Government to give every encouragement and offer every facility to parties promoting this object, and that would in the end be greatly for the advantage of the Government. The object most desirable was that this country should possess a telegraphic communication with India which should be quite independent of every other country, and which should not be subject to disturbances that might possibly take place. As to the line suggested to be constructed through the Austrian territories, he was afraid the noble Earl (the Earl of Donoughmore) had not taken into consideration some of the circumstances and difficulties connected with that line. Upon the whole, it appeared to him, from having had some acquaintance with the circumstances, that the Government should encourage the project for a telegraphic communication to India by way of the Red Sea as well as by way of Constantinople.

LORD STANLEY OF ALDERLEY said, that if he was rightly informed, the Directors of the East India Company had consented to take under their own management the construction of the submarine line from Bussorah to Kurrachee, and probably the new Indian Government would adopt a similar course. For his own part, he was inclined to think that, notwithstanding the danger from the Arabs, which there was reason to hope would be diminished by the presence at Bagdad of so energetic a governor as Omar Pasha, the line by the Persian Gulf would be the best of those proposed. At the same time he agreed with the noble Lord, that it was desirable that we should have more than one line of communication with India. The question then arose how we could best communicate with Alexandria, whether directly from Malta, or by means of the Austrian line from Ragusa to Corfu. If he understood the noble Earl rightly negotiations were still pending with the Austrian Government as to our use of the last mentioned line, and nothing had yet been settled. In the event of the telegraphic line in the Mediterranean going through British possessions, he trusted that the arrangements would be such that the whole line would be in the hands of the English, and no part of it in the power of any foreign Government. If the attempt to lay the electric cable in the Atlantic again failed, and the *Agamemnon* should return home with a sufficient length of wire for the purpose, he would recommend that she should be at once sent out to lay it down between Malta and Alexandria. This could be accomplished in a very economical manner, and he should be glad to see such a line in the possession of Her Majesty's Government. It had always seemed to him a mistake not to make telegraphic communica-

tion part of the postal system of this country. Those lines could be constructed and maintained at a very moderate expense, and made even to contribute to the national resources, besides giving a security in the transmission of important messages which could never be so completely attained through a private Company even when it was composed of British capitalists, and certainly could not equally be relied upon when in the hands of foreigners, and much less when under the direction and control of a foreign Government.

BANKRUPTCY AND LIQUIDATION (1858) BILL.

BILL PRESENTED. READ 1ª.

THE LORD CHANCELLOR, on rising, according to notice, to call their Lordships' attention to this subject, said, that though there was a very wide-spread feeling in favour of some Amendment in the law of bankruptcy, yet the opinions entertained as to the mode in which that Amendment should be made were various and conflicting. Any one, therefore, who undertook the task of reforming this branch of the law must expect to be besieged on all sides by suggestions from practical men and theorists, from merchants and lawyers, and from debtors and creditors, all of whom were entitled to be heard on such a subject. Under these circumstances it was, perhaps, less a matter of surprise that his learned Friend the Attorney General, in the midst of his multifarious occupations, should have been so long in framing a measure on this important question than that in the end he should have been enabled to produce a Bill in a form which might be submitted to their Lordships' approval. Nor was it to be wondered at if, after the measure had been prepared by the industry and ability of his learned Friend, those who were to be responsible for it should, while assenting generally to its leading features, yet object to other—and those not unimportant—parts of it. The difficulties which surrounded the subject could not be better exemplified than in the history of preceding legislation on this subject. In 1849, a Bill to consolidate the bankruptcy law was introduced, and after the most careful consideration passed under the auspices of Lord Brougham, to whom the country was greatly indebted for his services in the amendment of this as well of other branches of the law. Not more than four years afterwards, however, defects seriously impairing the efficiency of that Act were discovered in its practical working, and a Commission, at the head of which was my right hon. Friend the present Home Secretary (Mr. Walpole), was accordingly appointed in August, 1853, to inquire into its operation. In April, 1854, the Commissioners made their Report, recommending various alterations in the law, some of which had since then been carried into effect. Many of their other suggestions, however, had not yet been adopted, and some of them were embodied in the Bill which he was now about to lay on the table. He was not presumptuous enough to anticipate a complete acquiescence on the part of their Lordships in the Bill in its present shape. It had been said by Archbishop Whately, with that strong sense which distinguished all his writings, that there never was, and never would be any plan proposed or executed to which there might not be strong and even unanswerable objections urged, and unless they looked at the objections which might be put into the scale on the other side, they never could advance a single step. He, therefore, anticipated objections to several parts of the measure. He invited friendly, and even hostile criticism, because the question was not a party one, and the earnest desire entertained on all sides must be, to make whatever measure was ultimately passed as perfect as possible for its purpose. He now wished rather to point out the leading principles on which the Government meant to proceed in regard to this important subject than to ask their Lordships to agree to details which were both numerous and entitled to mature consideration. It would be found that the Bill combined Amendment with consolidation. He believed it was a most important consideration, not only with regard to this measure, but with regard to all measures for the Amendment of the law, whether it was desirable that these two objects should be united in the same Bill, or whether it was advisable to pursue the course which had been adopted by their Lordships with regard to the Copyholds Amendment Act, in respect to which the Amendments had been first considered and adopted, after which the consolidation of the Copyhold Acts took place. His impression was, that it was the more convenient and desirable course, in the first instance, to deal with the Amendments, and having introduced the Amendments which were deemed necessary, then to bring in a Bill for the consolidation of the law. His intention was to give their Lordships a mere index of the present Bill instead of a

minute description of its details. Supposing the question were put at the outset, what would be the most desirable Amendment of the bankrupt law, and that which would be most acceptable to the commercial community, he would refer their Lordships for an answer to the important petition he had lately presented from no fewer than 4,000 merchants and bankers of the City of London, who put prominently forward their earnest wish that some legislative sanction should be given to the arrangement of debts by liquidation under the superintendence of inspectors. In that suggestion lay the principal key to the measure which he was about to introduce. There were provisions in this Bill which would enable creditors to avoid going through the expensive course of proceedings in the Bankruptcy Court in which, as their Lordships knew, there was a per centage upon the estate of every insolvent debtor who went into the Court, and in which the creditors had very little power over the proceedings, which were entirely under the control of the official assignee. By the provisions of this Bill either the creditor or the debtor might proceed to the Court of Bankruptcy, and there petition for an order with a view to liquidation. When the petition was presented the debtor immediately received a protection from the Court, and was bound instantly to prepare a schedule of his debts and assets. A meeting of creditors was then to be called within three or four days, at which meeting the creditors were to decide whether the estate of the bankrupt should be wound up by means of liquidation, and if so, in what manner; and if three-fourths in value and number of the creditors agreed that the estate should be wound up in that manner the agreement should be binding on all of them. They might then proceed in the Bankruptcy Court to obtain an order of liquidation in the manner agreed upon between them, and to appoint inspectors, and the debtor might be called upon to assist. The whole matter went on completely under their control and management; but they were not confined to the particular arrangement which had been agreed upon, because if, in the course of the investigation of the affairs of the bankrupt, it should be found that a different arrangement was more advisable, then they were to be at liberty to change the arrangement, of course with the consent of the majority of the creditors; or if the debtor should turn out to be refractory or if for any other reason it should be thought desirable that the affairs should be wound up in bankruptcy, they might abandon the arrangement altogether and proceed to ask for an adjudication in Bankruptcy. So that in this manner the whole affairs of the bankrupt would be completely within the power of the creditors. There were other provisions of minute detail, which would enable this machinery to work most completely and satisfactorily. Those provisions would not in the slightest degree interfere with the mode of winding up the affairs of an insolvent debtor which was now very much resorted to—namely, by deeds of arrangement and composition. That he regarded as a most important feature in this Bill. Then the question arose, how were they to deal with non-traders? At times a desire had been expressed that all distinction between traders and non-traders should be abolished, and that both alike should be subject to proceedings in bankruptcy. He had very great doubts whether it would be desirable to abolish that distinction; as at present advised, he did not think it would be advisable; but, at the same time, he thought it was proper that where a person who was not in trade had incurred debts which he was unable to pay, and where he went on wasting that substance which in justice should be distributed among his creditors, they ought to have the power of enforcing a just and honest distribution of his effects. It would accordingly be found that provision was made for enabling the creditors to compel a liquidation of the debts of non-trading debtors by means of the machinery provided with respect to traders. But that provision was guarded in a certain way, and for this reason it appeared to him that it would not be advisable, where a debt was merely owing, that the creditor should be able to go at once to the Bankruptcy Court and insist on the non-trading debtor being brought into the court and the whole of his effects being distributed in satisfaction of his debts. That provision was, therefore, thus guarded:—Where a creditor had a judgment upon which he could issue execution, or where there had been an order or decree of a Court, for the payment of money which had been served upon the debtor and had not been paid at a certain time, then the creditor might go to the Bankruptcy Court and present a petition for liquidation and obtain an order, whereupon the non-trading debtor was brought within the jurisdiction of the Bankruptcy Court and the machinery of this liquidation. In that manner he would

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be compelled to do justice to his creditors, which, if he was an honest man, he would be disposed to do without the necessity of having recourse to these measures. There was also this provision—that a person who was not a trader might, if he pleased, voluntarily submit himself to the proceedings of the Bankruptcy Court. There was another subject which, as their Lordships knew, had occupied a great deal of public attention—namely, the propriety of some measure for administering in the Bankruptcy Court the estates of insolvent debtors after their decease. There would be found in this Bill various clauses which were familiarly known as "dead men's clauses." The subject was full of difficulty. It was very difficult indeed to know under what circumstances it would be desirable that the Bankruptcy Court should have the administration of the estate of a deceased debtor instead of the Court of Chancery, which had now jurisdiction to administer or distribute the estate through the medium of a creditor's suit. Their Lordships were aware that where there was an adjudication against a debtor in bankruptcy, and he died the next day, the Bankruptcy Court, having possession as it were of his property, could administer it after his death. And therefore this Bill provided, with regard to the effects of a deceased insolvent debtor, that if there had been an act of bankruptcy committed a month before his death, and if there were an application for adjudication within a month after his death, the Bankruptcy Court should then have the power of administering his property. There was also in this Bill an important provision as to the mode of dealing with partnerships where a firm became insolvent. It was proposed to treat the firm itself as a person, and to allow a fiat in bankruptcy to issue against the firm in the same manner in which it might issue against individual partners, and to apply to it the system which existed with regard to corporate and quasi-corporate bodies, so as to enable the creditors to compel individual partners to satisfy the joint liabilities of the firm. At the same time that this was a new system it would not interfere with the old one as to insolvent individual partners where the firm itself remained solvent. The subject of joint-stock companies had of course occupied a great deal of public attention. Their Lordships were aware that those companies were amenable to the bankruptcy laws, but that the law relating to them could hardly be deemed a part of the bankruptcy code, because they were governed by Acts of Parliament relating exclusively to them. The law provided for the winding-up of joint-stock companies by the Court of Chancery, and for the administration of their effects by the Court of Bankruptcy. There had been a great contest between the authorities upon that subject, and the Legislature had endeavoured to remove all doubts upon it by bringing the two streams, as it were, into one receptacle. It was proposed to take away the business of winding up from the Court of Chancery, and to confer it upon the Bankruptcy Court. He believed that would be deemed upon the whole to be a very desirable alteration. It was proposed that the Bankruptcy Court should have, in addition to its existing powers, all the powers which existed under the Winding-up Acts, and that joint-stock companies should have the same facilities with regard to the liquidation of their debts as was afforded in the case of debtors and creditors in the manner already mentioned. If his noble and learned Friend Lord Brougham were then in the House he would probably say, "What are you going to do with the County Court Judges? Are you going to give them any increased jurisdiction on this subject?" His answer was, that he thought that the County Courts hardly possessed the machinery which rendered it desirable that they should have a more ample jurisdiction in these matters than they had at present, and he did not propose, therefore, to throw any portion of this business upon them. In the petition to which he had already referred, from the merchants and bankers of London, it was suggested that all distinctions between insolvency and bankruptcy should be abolished, and that traders and non-traders should be subjected to one common law. He did not know that the matter was quite ripe for that proposition; but he proposed that the vacancies which took place in the Insolvent Court as they occurred should not be filled up. He believed that the process of liquidation provided in the Bill would reduce the business of the Courts very considerably, and that in a short time they might be able to put an end to the Insolvent Court altogether, one Court being sufficient for the business which it would then have to transact. The Bill further provided that a good deal of the business of the Bankruptcy Commissioners, being purely of an administrative character, should be transacted in chambers, where it might be

conducted more conveniently and less expensively than in open court. There were some of the officers of the Court to whom it was necessary to advert. His noble and learned Friend Lord Brougham had been extremely desirous that the official assignees should be paid partly by salary and partly by fees, and had objected altogether to their being paid by salary alone. The Bill did not at present touch that question, because it was quite uncertain what the effect of the proceedings for the liquidation of the affairs of an insolvent debtor might be, and it was very possible that it might remove so much of the business from the Bankruptcy Court as to leave the official assignees without sufficient emolument from fees. It would be time to consider this subject more in detail when they knew exactly what would be the amount of business. With respect to the brokers, they were not appointed under the provisions of any Act of Parliament, but were selected by each Commissioner to attend his Court, having the duty imposed upon them of taking a valuation, in every instance, of a bankrupt's effects. This valuation of a broker was a very costly and utterly useless proceeding, and it was proposed by the Bill to abolish it altogether, and to provide for a valuation either under the authority of the Court or with the sanction of the creditors, as might be considered most advisable. And inasmuch as those persons were not appointed under any Act of Parliament, and had no legal claim to their offices, they could have no title to compensation on the abolition of their offices. There was another matter which had led to much litigation, and on which it was necessary to legislate — that was with respect to the classification of certificates. As the law now stood, there were three classes of certificates,—first, second, and third, — which were awarded according to the supposed merits or demerits of the bankrupt. [Lord CAMPBELL: Do away with them altogether.] His noble and learned Friend had anticipated him. The Bill proposed to do exactly what his noble and learned Friend had suggested. The Commissioners took different views of what constituted moral delinquency. Then came appeals to the Lord Chancellor or to the Lords Justices, and a great amount of time was wasted in considering the kind of certificate which a bankrupt ought to receive. The Bill abolished the distinction. There was only one other point—but it was a very important one—

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to which it was necessary to direct attention, and that was with regard to the offences of bankrupts and insolvents, and their punishment. He was astonished to find that the bankers and merchants of the City of London desired to give the Commissioners power to punish fraudulent bankrupts or insolvents by sending them to the House of Correction. Now, he must say that he never would consent to invest any man with the arbitrary power of sending a person to prison without the intervention of a jury; and therefore he could not consent to that proposition, although he might observe, in passing, that his hon. and learned Friend (the Attorney-General) who prepared the Bill originally seemed to have given his adhesion to it. The offences peculiar to bankrupts, such as the falsification of accounts, the concealment of property and the like, would require a great deal of consideration, because the language of the Bill, as originally framed, was not sufficiently precise to exclude from the operation of the punishment clauses various dealings which he believed were considered to be perfectly legitimate in the city of London—among others, the accepting of accommodation Bills. He mentioned this in the hope that during the recess their Lordships would direct their particular attention to this portion of the Bill. He himself should devote all the time in his power to it, and should endeavour, as cautiously and guardedly as he could, to frame those clauses so as to meet cases of real delinquency. He hoped that he had kept his word with their Lordships, and that he should not be considered to have entered too minutely into details. He had endeavoured to make his remarks serve rather as an index to the Bill, pointing out the more important provisions which it contained. He trusted that those who took an interest in the subject would give him the benefit of their assistance and advice in considering most carefully the clauses of the Bill, in order that at the commencement of next Session the Government might be enabled to introduce a measure which would prove beneficial to the public, and would receive the ready acceptance of the whole commercial community.

The noble and learned Lord then *presented*

A Bill to amend the Law of Debtor and Creditor, and of Insolvency and Bankruptcy, and to enable and facilitate the liquidation by creditors of a Debtors Estate,

and the Administration of Estates of Insolvent Traders, deceased.

LORD CAMPBELL said, he would content himself with expressing his entire approbation of the course which had been taken in this matter by his noble and learned Friend on the woolsack, in having deliberately considered the subject, and having favoured their Lordships with an outline of the measure which he proposed. This certainly was no party question, and all must be anxious to assist his noble and learned Friend in framing his measure so that it should be generally acceptable to the public. He trusted that his noble and learned Friend would consider whether means could not be adopted for abolishing the distinction between traders and non-traders, and he suggested that a perusal of the Scottish bankruptcy laws might enable him to arrive at a solution of that question. The Scotch laws upon the subject generally were worthy of consideration; for he believed that under them the expense of working the commission and distributing the effects of a bankrupt did not exceed a charge of 7 per cent upon the estate, as contrasted with about 30 per cent under the English law.

THE LORD CHANCELLOR: The pamphlet has been sent to me also, but I find that it does not praise, but condemns, the Scotch system.

LORD CAMPBELL: The proof I gave of the system was 7 per cent as contrasted with 30 per cent—a considerable proof of our Scotch advancement.

LORD CRANWORTH expressed his satisfaction at the lucid statement of his noble and learned Friend on the woolsack. In most of the propositions of his noble and learned Friend he entirely concurred, though of course he could not be expected to give in his assent to all the details without further consideration. He was glad that the noble and learned Lord proposed to amend before consolidating, for of course until it was settled what the law on the subject was to be, it was impossible to proceed to consolidate it. He sincerely hoped, that in the course of the next Session, a comprehensive measure of Amendment and consolidation on this subject would pass into law.

Bill read 1ª.

GOVERNMENT OF INDIA BILL.

Lords' Amendments *agreed to.*

Returned from the Commons, with a Message, That they do not insist on their Disagreement to the Amendments made by the Lords on which the Lords insist, and that they agree to the further Amendment made by the Lords to the Bill.

DIVORCE AND MATRIMONIAL CAUSES ACT AMENDMENT BILL.

Lords' Amendments not insisted on.

Message from the Commons that they insist on their Amendment to which the Lords disagree, with their Reason for so doing; and agree to the Amendments made by the Lords to certain of the Commons' Amendments to the said Bill.

Commons' Reason for insisting on their Amendment to which the Lords have disagreed, *considered.*

Moved, not to insist in the Disagreement to the said Amendment; *agreed to;* and a Message sent to the Commons to acquaint them therewith.

House adjourned at a quarter to Nine o'clock, to Monday next, a quarter to Two o'clock.

HOUSE OF COMMONS,

Friday, July 30, 1858.

MINUTES.] PUBLIC BILLS. 1° Equitable Councils of Conciliation.

TRUSTEES AND EXECUTORS.

QUESTION.

MR. ROEBUCK said, he wished to ask the Solicitor General whether it is intended by Government to bring in a Bill next Session of Parliament to relieve Trustees and Executors from the present severe Laws affecting them, and to enlarge their powers for the better administration of their trust estates?

THE SOLICITOR GENERAL said, an opinion having been very generally expressed that the Act passed last Session for subjecting Trustees to criminal responsibility ought to have been accompanied with some provision for relieving them from their civil liability, a measure had been introduced by Lord St. Leonards, and passed by the House of Lords, for that purpose. When it came down to the Commons, however, many of its provisions were objected to, and it was ultimately referred to a Select Committee. That Committee, on considering the subject, found

difficulties springing up at every step. On the one hand there was the danger of holding out to trustees an appearance of protection which would be after all only illusory, and on the other the danger of leading them to suppose that the duty they undertook was only nominal, and subject to no real responsibility. Under these circumstances, the Committee had not felt it right to recommend the Bill as it stood, and owing to the lateness of the Session, and the difficulty of getting a quorum, it was not likely that they would make their Report before the prorogation. With regard to the future, it would be wrong in him to make any definite promise, but he would do all he could to remove the objections to which his attention had been directed, and if he saw any means of accomplishing that object, he would bring in a Bill for the purpose early in the ensuing Session, hoping at the same time to have the assistance of the noble and learned Lord to whom he had just alluded.

SERGEANT BRODIE.—QUESTION.

MR. CONINGHAM said, he would beg to ask the Secretary of State for War, whether it be true that Sergeant Brodie has within the last eighteen months repeatedly remonstrated with the officials at Pall Mall, and with the late Secretary for War against the maladministration of the Clothing Department at Weedon. Whether Sergeant Brodie has received any remuneration for the loss he consented to sustain, thinking that he held a life appointment, by the sale of £800 worth of goods at a quarter of their value; also whether it be true that his services were dispensed with only, and that he rejected the gratuity then offered to him, stating that he had committed no offence. Whether the alterations in saddlery suggested by Sergeant Brodie had ever had a fair trial, and whether he has received any remuneration for his trouble in getting up the said appointments for the Secretary of State for War. Also, whether it be true that Captain Smith, Inspector of Saddlery at Weedon, receives 10*s.* per day on the Superannuated List in addition to his salary.

GENERAL PEEL replied, that it was impossible to say what private or verbal communications might have passed between his noble Predecessor or the Officials of the War Department and Sergeant Brodie, but there was no official record of any paper whatever relating to any remonstrance made by Sergeant Brodie with respect to the Clothing Department at Weedon. Sergeant Brodie was appointed foreman of saddlery at Weedon upon the same terms, and subject to the same conditions, as other foremen in the service of the War Department. He was dismissed on the 18th of September last, and signed a receipt for the gratuity referred to in the question on the following day. The alterations in saddlery suggested by Sergeant Brodie were examined by the proper authorities, and the Inspector General of Cavalry reported against them. It was not the custom of the War Department to give any remuneration for such alterations, except in cases where they were approved and actually adopted by the service. It was true that Captain Smith received 10*s.* a day, to which he was fully entitled as half-pay, in addition to his salary. There was no intention to reappoint Sergeant Brodie to his place under the War Department.

THE INDIAN TELEGRAPH.—QUESTION.

MR. WILSON said, he would beg to ask the Chancellor of the Exchequer what progress has been made in arrangements for completing a telegraphic communication through the Mediterranean to Alexandria, and thence to India, since the dates of the last papers upon the subject, recently laid upon the table of the House.

THE CHANCELLOR OF THE EXCHEQUER said, the Porte had made a concession to certain persons of a line of telegraph from Alexandria to Aden, and Her Majesty's Government were at present in communication with those persons, with the view of continuing the line from Aden to India. If the negotiations were concluded happily—of which he thought there was a probability—the works would be commenced in the autumn.

MR. CRAWFORD said, he would also beg to inquire what progress has been made in the negotiations for establishing a telegraphic communication from Corfu to Alexandria.

MR. G. A. HAMILTON replied, that the negotiations with the Austrian Government were not yet completed, nor could he say at present what the result might be.

LAW OF BANKRUPTCY AND INSOLVENCY. QUESTION.

MR. NICOLL said, he would beg to ask the Chancellor of the Exchequer if it is the intention of Her Majesty's Government

to lay upon the table of either House the long-promised Bill to amend the law relating to bankruptcy and insolvency, so that Members may have an opportunity to consider the same during the recess.

THE CHANCELLOR OF THE EXCHEQUER: I believe, Sir, it is the intention of the Lord Chancellor to introduce such a Bill this Session in the House of Lords, but of course not with the intention of proceeding further with it at present.

BRAY'S AND BOYDELL'S TRACTION ENGINE.—QUESTION.

SIR DE LACY EVANS said, he wished to ask the President of the India Board whether it is intended to act on the strong recommendations by the official authorities at Woolwich of Bray's and Boydell's Traction Engines, as being likely, in the opinion of these authorities, to prove of utility to the army in India in facilitating the transport of troops, artillery, and stores?

LORD STANLEY: Sir, on the 27th of this month a letter was written by the Board of Control to the authorities in India, forwarding a copy of the Special Report on these engines, and suggesting that four should be sent out, two for Calcutta and two for Bombay. To that communication of course we cannot receive an answer for some time. I believe there is no doubt as to the value of the principle of these engines, but there is a doubt whether the work and construction of those that have been tried are such as will fit them for active service.

SIR DE LACY EVANS: I believe there was no imperfection in one of them.

THE DUKE OF WELLINGTON'S MONUMENT.—QUESTION.

LORD ELCHO said, he wished to ask the First Commissioner of Works, whether, as he has announced his intention of causing a full-sized model of the Wellington Monument to be made by Mr. Stevens, and placed on the proposed site before anything is finally decided, he will give the public an opportunity of viewing the work of any other sculptor who may be willing, on his own responsibility, to make a design and full-sized model of the monument.

LORD JOHN MANNERS said, that in consequence of the construction put by the noble Lord on his speech on the previous evening, he must reply in the negative.

LORD ELCHO: Then I will take the sense of the House on the subject next Session.

GOVERNMENT OF INDIA (No. 3) BILL. LORDS' AMENDMENTS.

Order for Consideration of Lords' Reasons for insisting on certain of their Amendments read.

THE CHANCELLOR OF THE EXCHEQUER intimated, that in consequence of the state of public business, he proposed to proceed with the Orders of the Day before moving that the House at its rising adjourn to Monday.

MR. VERNON SMITH said, that as the questions which he had given notice to put on the Motion for adjournment related to the public service in India, he should probably not be considered out of order in putting them now. Of course, it was not his intention at that period of the Session to raise a discussion on the affairs of India, though he certainly regretted that, notwithstanding the House had been occupied during a great part of the latter end of the Session with the discussion relating to the Government of India, there had, in fact, been no discussion on their present and future relations with that part of the empire. The first question he now wished to put was connected with the position of the army in India at the present moment. He wished to learn from the noble Lord the President of the Board of Control what was the amount of the force at present in India. When the late Government left office in the winter, it appeared from the best authorities, to which they had access, that it was necessary to have 80,000 European troops in India, and that was about the number calculated to be there at that time. It was then calculated that, owing to the insalubrity of the climate, accidents in warfare, disease, and deaths in action, reinforcements ought to be provided to the amount of 20,000 in the course of the year. The noble Lord had stated the other evening that since January last 17,000 men had been sent to India; but, as in the present state of the law no troops could be added to the establishment of India unless upon application of the East India Company, he wished to know whether the Directors of the Company had applied to the Government to add to the forces in India owing to advices they had received, and a desire on their part that the establishments should be increased, or whether those 17,000 only constituted the necessary amount to supply vacancies caused by disease and deaths in action. It was all important that they should be officially informed upon this point, seeing that at

present they had no other information than was obtained from newspaper reports and private letters. He did not wish to be understood as making any complaint against the noble Lord on that account, for his experience during the past year convinced him of the difficulty of obtaining reliable information from India during the heat of action. Now, however, that the enemy had been in a great measure dispersed, we ought to have some information not only as to the amount of the European force, but something like an approximate calculation of the force of the rebels. They knew the number of regiments which had mutinied, and he believed that no additional levies had been added to the troops which had mutinied, and the Contingents of the Native States which had also mutinied. The last account from the seat of war, so far as he could judge, appeared to him very satisfactory, but he could not help observing, that although the British arms were everywhere victorious, though the mutinous soldiers were routed and dispersed, they were not destroyed. They heard of their rallying again and again, appearing suddenly before fortress after fortress in various parts of the country, and occupying them the moment our troops were withdrawn and engaged elsewhere. Everything indicated, indeed, not only present resistance, but a long, and, he feared, a protracted struggle. It was, therefore, of importance that Parliament should be informed what was the actual condition of our own army, and what was the extent of the reinforcements intended to be sent in order to bring this kind of warfare to an end, and restore the country to tranquillity. His next question related to a subject also of great importance—namely, the organization of the Military Commission which the noble Lord had issued. On a former occasion he stated that he found upon examination that the civil element which had been promised in the constitution of that Commission had been omitted. He considered that element of great importance, and much regretted its omission, though, no doubt, satisfactory reasons could be given for it. But what the public ought to know was, what would be the extent and power of that Commission. For his own part, he thought it would be better if the Commission were issued in India, because they would find there persons more competent to enter into such an inquiry than here. At the same time, he was quite alive to the difficulty of getting persons in India to serve on such a Commission under present circumstances. He was aware that the Governor General had issued circulars through Colonel Durrant to obtain information from persons perfectly competent to afford it, and that information, when obtained, would be extremely useful to those who were about to conduct the inquiry. Most of the gentlemen who were appointed on this Commission had been a long time absent from India, and though amongst them there were military officers of great distinction they were not precisely the fittest persons to examine into a subject so extensive and momentous as what should be the future organization of the Indian army. The Sepoy regiments had wholly broken down. Yet they heard of many persons sanguine enough to urge that in any new constitution of the Indian army the Sikh and the Goorkha elements should be largely introduced. With regard to the Goorkhas, the experience we had had of them did not warrant that recommendation; and with regard to the Sikhs, though no one could dispute their bravery, yet the bringing them into action side by side with our own troops, while it had taught them discipline and made them valuable allies, it had also made them dangerous as enemies. Under all circumstances he doubted much whether it would be advisable to trust the Sikhs, lest they should follow the example of the Sepoys. This was an important question. Hitherto the great glory of the Indian empire was, that we had been able to hold and defend the nation we had conquered by the troops we had overcome. That would be a difficult task in future, and therefore he said that the organization of the Indian army was one of the most important subjects that could be deliberated upon. If the Commission should be set to work at present merely to examine all the details and to gather information, it might be useful; but if it was a Commission issued for the Government to rely and fall back upon hereafter, then he said that such a course would be unworthy of a British Minister, and one which he hoped the noble Lord would not pursue. They had plenty of information and many and valuable papers on the subject from Sir J. Lawrence, Colonel Jacob, Sir C. Napier, and others, upon which the Government might establish some scheme of organization, without relying upon the Commission. He should be glad, therefore, to know what was to be the extent of the powers of this Com-

mission. The third question related to another important subject. The House was aware that at the commencement of this Session an Act was passed enabling the East India Company to borrow £8,000,000 between the time at which the measure became law and the month of April, 1859, and it was provided by that Act that the Company should, early next Session, present to Parliament a statement of their affairs—showing how much they had borrowed of this money and how much remained to be borrowed. But as they were now about to separate for some time, he hoped the noble Lord would be able to give the House some information before they prorogued of the amount that had been raised, and whether it was sufficient to meet the expenses that were likely to accrue before they were again called together. In order to render this information complete, it would be necessary to know the amount of bills issued, and the position in which the Company stood with regard to its finances. The usual way of advancing money for the purposes of the Indian Government, until the mutiny broke out, was to receive the money from the merchants here, giving bills in exchange upon the Indian Treasury, and that was usually done to the amount of about £4,000,000 a year. That system was discontinued when the Act passed, as it was thought imprudent to draw upon the Indian finances at a time when money might be urgently required for the public service. Still, if the revenue of India was larger in amount, or the operation of borrowing in India now more successful than during the last year, it might be possible that bills might again be drawn upon India in the same way; but at all events the House should know what was the financial position of the Company, and what were its means of meeting the demands of the next twelve months. His last question was, whether any instructions had been sent, or would be sent, to issue a proclamation of Her Majesty's name and authority in India, and to announce that the Government did not intend to interfere with the religion of the Natives. The first portion of this question the noble Lord had answered on a previous occasion. He said that it was intended to issue a proclamation establishing the Queen's name in India, but whether it was to emanate from India or from this country, he did not explain. The latter part of the question was of importance in connection with the proclamation. The proclamation of the Queen's name would, no doubt, impress the Natives of India with the notion of a very considerable change, but different interpretations might be put upon it. Some persons might regard it as a means of introducing and forcing Christianity upon the Natives, and it was therefore most desirable that the proclamation should be accompanied by some explanation which would prevent such a misapprehension. On the other hand there existed in this country a belief—whether well founded or not—that in the late direction of affairs in India there had been a disinclination to maintain the truth of our own religious faith, and that too great a deference had been paid to the religion of the Natives. He, therefore, thought it advisable that the Government should adopt some means, by proclamation or otherwise, of declaring that, while they were fully prepared to maintain the Christian faith, they would be most jealous of any interference with the religion of the Natives, and would cautiously guard against any indiscretion in that respect on the part of persons employed in the public service. He thought the noble Lord might fairly take Parliament into his confidence upon these subjects, for upon him devolved a greater task than had perhaps fallen to the lot of any Minister—a task almost as great as that of founding a new empire in India. In his (Mr. Vernon Smith's) opinion the task of those who had been engaged for two centuries in establishing the Indian empire was less difficult than that which now devolved upon the British nation of re-establishing that empire, the glory of which had been destroyed by the late mutiny, although he hoped it would still continue one of the most important and valuable possessions of the British Crown. The questions he wished to ask were: Whether the 17,000 men sent to India since January last included any troops requested to be added to the establishment in India by the Directors of the East India Company? Whether he will state the terms and objects of the Commission to inquire into the re-organization of the Indian army? What is the amount borrowed under the Indian Loan Act of this Session, and whether the amount allowed to be borrowed under the Act will cover the expenses of the current year, or if Bills are now drawn upon India in the usual method? And, whether any instructions had been sent, or would be sent, to proclaim Her Majesty's name and authority in India, and

to announce the intentions of the Government as to non-interference with the religion of the Natives?

MR. STAPLETON—who was indistinctly heard—said, he had a question of his own on the same subject. He wished to call the attention of the House to the intention expressed by the President of the Board of Control, in moving the second reading of the Government of India Bill, of referring the question of appointments to cadetships in the non-scientific branches of the Indian army to the Commission which was about to inquire into the reorganization of that army; and to ask, whether the members of the Council for the affairs of India, to be appointed by Government, would be appointed subject to what Parliament might hereafter decide with respect to such cadetships. He had put this notice on the paper in consequence of the noble Lord's statement, that the present arrangements were only temporary, and that the whole subject of the Indian army would be referred to a Commission.

MR. RICH said, he thought the observations of his right hon. Friend (Mr. Vernon Smith) implied some distrust with regard to the proclamation which the noble Lord had intimated his intention of issuing; but he could only say, from the declarations which had been made by the noble Lord in the course of the discussions on the India Bill, that, in his opinion, Parliament might entertain full and entire confidence that the noble Lord, in dealing with this great subject, would act with firmness and moderation, and would temper justice with mercy. His right hon. Friend (Mr. Vernon Smith), had in the course of his observations, but probably through inadvertence, totally ignored a large body of our fellow-subjects in India, who had, with very trifling exceptions, throughout most trying circumstances, maintained their loyalty—the armies of Madras and Bombay. The right hon. Gentleman had also ignored the loyalty of a number of the Native Princes, who had magnanimously upheld British dominion. He felt confident, however, that the noble Lord, while he asserted the proud dominion of England, would at the same time recognize the loyal spirit which had been manifested throughout India by large bodies of our Indian fellow-subjects.

LORD STANLEY: Sir, the House is entitled to demand, and I think the public may fairly expect to receive, from those who are in possession of it, some information upon the important questions to which the right hon. Member for Northampton (Mr. Vernon Smith) has referred; and I am glad he has afforded me an opportunity of briefly stating to the House what I believe to be the position of affairs with regard to the points to which he has called attention. In the first place, I have been asked as to the extent of the European force at present in India, and I think the right hon. Gentleman also inquired whether we could form any estimate of the probable aggregate strength of those various and scattered bodies of mutineers to whom our troops are opposed in the field. Now, upon the latter point I am afraid it is not possible for me, or indeed for any one even in India, to form an accurate judgment. It appears that, of late, the whole progress and tendency of affairs have been in this direction—that the organized insurrection has everywhere been defeated, but that parties of armed insurgents are scattered far and wide throughout the country, eluding pursuit, and generally avoiding conflict with our troops. Under these circumstances it is utterly impossible for any one to say what is the strength of the mutineers. It is probably unknown, not only to any British general, but to any leader of the insurgents themselves. This is the more likely to be the case, because I learn—not from any official reports, but from private letters—that at the time when the insurrection existed in a more organized form than I hope is the case at present, recruiting went on rapidly among the insurgents, and that some of the revolted Sepoy regiments regularly enlisted new recruits, forming in one instance a second battalion, and preserving in some degree the military order and discipline to which they had been accustomed in our service. As to the strength of the European force, I am able to give a more satisfactory answer. The right hon. Gentleman stated, a few nights ago, that he had seen some account which represented the effective European force in India as being reduced to 26,000 men. I am happy to say that that account is very far below the reality. I have obtained from the War Department the latest Return which they possess of the strength of the Queen's army in India, and perhaps the best course I can take will be to read, not the Return as I have it, but a summary of the totals. The total number of Europeans in the Queen's army supposed to be in India, or on their way out, was 78,416; but from that it is fair to say there must

be deducted 7,456 men, who were reported sick at the time when these Returns were made, and 11,059 were draughts on their way out. These troops will probably have arrived at the present time, and will constitute part of the effective strength of the force, which will thus comprise nearly 71,000 men. The Returns are not all of the same date; some are dated the 1st of May, others the 1st of June; and of course further deduction—I am afraid a considerable deduction—must be made for casualties since that time. But the fact remains that the Queen's army, at the date of the latest Returns, numbered nearly 60,000 effective men, and about 11,000 draughts on their way out. With regard to the Company's forces, I have obtained a memorandum from the East India House, which is made up partly by actual statements of facts and partly by estimate to the 1st of July. It gives a total of 15,855 Company's troops (Europeans). That number is made up, I should say, by adding the troops embarked in June and July, and now on their way; but there is also a deduction of 1,192 for casualties, estimated upon the proportion of loss which has occurred up to the date of which we have information. I need not say that no estimate of this kind can be entirely reliable, and, therefore, the papers which I quote must be looked upon as forming an approximate calculation only. We have thus, however, an estimated strength of 15,800 Company's troops and 71,000 Queen's troops (all Europeans),—making a total of between 86,000 and 87,000 Europeans; and it is obvious that, after the largest deduction which it can be necessary to make (and I am afraid that deduction must be a heavy one) for losses sustained by service in the field and by sickness consequent on exposure, since the date to which these Returns refer—after, I say, making the largest and most liberal deduction on that account, we may still consider that we have between 70,000 and 80,000 effective men—certainly above 70,000—for service in India. I was asked by the right hon. Gentleman how many of the men sent out since January last were, at the request of the Directors of the Company, added to the establishment in India, distinguishing them, I suppose, from the number of draughts and recruits? On this point I have received a memorandum from the East India House, dated the 23rd of this month, giving the figures which I quoted in the House the other day. I then stated that nearly 17,000 had been sent out between January and July. The exact number I find is 16,730, and of those all are draughts or recruits except 634, being eight companies of Her Majesty's 57th Regiment. The 16,000 are, therefore, draughts and recruits. Other regiments, as is well known, have been despatched from various parts of the world. The House will remember that at an early period of the insurrection application was made—not, according to form, through the Court of Directors here, but directly—at the Cape and other places, and these requests were, from the urgency of the occasion, acceded to without waiting for orders from home. With regard to the second question addressed to me by the right hon. Gentleman, as to the objects of the Commission which is to inquire into the organization of the Indian army, I think I shall best reply by reading the heads of the inquiry upon which it is intended that that Commission shall enter. They are:—

"1. The terms on which the army of the East India Company is to be transferred to the Crown.

"2. The permanent force necessary to be maintained in the Indian provinces respectively after the restoration of tranquillity.

"3. The proportion which European should bear to Native troops, in infantry, cavalry, and artillery respectively.

"4. How far the European portion of the army should be composed of troops of the line, taking India as parts of the regular tour of service, and how far of troops raised for service in India only.

"5. In connection with this question the best means of providing for the periodical relief of the former portion, and of securing the efficiency of the latter.

"6. Whether it be possible to consolidate the European forces, so as to allow of exchange from one branch of the service to the other, and what regulations would be necessary and practicable to effect this object with perfect justice to the claims of all officers now in the service of the East India Company?

"7. Whether there should be any admixture of European and Native forces, either regimentally or by brigade?

"8. Whether the local European force should be kept up by draughts and volunteers from the line, or should be, as at present, separately recruited for in Great Britain?

"9. Whether it would be possible to raise any regiments in the colonies, either for temporary or permanent service in India?

"10. Whether the Native forces should be regular or irregular, or both, and if so, in what proportions?

"11. Whether any Native artillery corps should be sanctioned?

"12. Whether cadets sent out for service with Native troops should in the first instance be attached to European regiments, to secure uniformity of drill and discipline?"

These are the heads of the inquiry proposed. As to the modification which has taken place in the constitution of the Commission, and on which some remarks have been made by the right hon. Gentleman, I have to say that it was originally considered desirable that, besides the civilians who are officially to sit upon it, there should be three other gentlemen of eminence in public life who should give it the benefit of their experience and of their services; but, from various circumstances, and more especially considering the time of year at which this Commission was to sit—the first meeting having taken place in the course of the present week, and the next being fixed for Tuesday—it was found so difficult to obtain the services of those who we desire should sit upon the Commission that that part of the scheme was abandoned. It is quite true that an inquiry—the nature of which I do not exactly know—upon the same subject is taking place in India; but though, of course, there are many advantages in instituting an investigation of that kind upon the spot, one great disadvantage attends it—namely, that the great majority of those officers whose services would be most valuable are actively engaged, and are unable, therefore, to give their attention to it. This objection does not apply in the same degree to those who have either retired from the service, or who, on the ground of health, have lately returned from India; and, I am happy to say, we have many of that description whose advice and assistance will be most valuable. Before I leave the subject of the Commission I will state that it is not intended, and cannot be intended, to lessen in any, the slightest degree, the responsibility which must devolve upon the Government for the settlement of this very large question. The ultimate decision, be it what it may, must depend upon the responsibility of the Government of the day, and the Report of the Commission of Inquiry will carry with it no other weight than that which is derived from the eminence of its members, the experience and knowledge they bring to bear upon the subject, and the soundness of the reasons they employ. I have been also told by an hon. Gentleman (Mr. Stapleton) that some arrangements which I proposed on the second reading have been departed from, because patronage which formerly rested with the Directors will henceforth be vested in the Crown. Now, in recommending that proposition to the approval of the House, my wish was to carry on as far as possible the analogy of the system which actually exists; and I confess I think the hon. Member who referred to the subject, when he describes the members of this Council as being taken entirely from one class of society, whereas members of the Court of Directors were taken from quite another, has, to use the mildest term, greatly overstated the case. Certainly a large and very valuable section of all former Courts of Directors always consisted of men of Indian service and experience; but I may remind the House that there is in the Bill as it stands an actual legal provision that a majority, and something more, of the Council should be taken from that same class. Then the same hon. Member asked me whether it was intended that the arrangement with regard to the non-scientific military appointments should be provisional only and subject to the Report of the Commission, or whether it was intended as a permanent arrangement. Now, it is obvious that what one Act of Parliament has sanctioned another at any future period can overthrow. As to the objection that compensation might be claimed where any appointments of this kind were taken away, we have shown, I think, what our feelings are upon that point by the 14th clause of the Bill, in which it is stated expressly that if the Council itself were abolished within ten years no claim for compensation could arise. Naturally, as discussion has gone on we have seen our way more clearly, but I do not think it is proper — though, of course, it is in the power of Parliament to deal with the subject as it will — that any measures taken for the reorganization of the Indian army should involve a change in the manner in which the first appointments will be made. I think the question of first appointments, and that of the discipline and reorganization of the army afterwards, are distinct questions, and that it is quite possible to deal with the one without touching the other. Now, with regard to the financial part of the question connected with India, to which the right hon. Gentleman has referred, I think I shall best satisfy the wishes of hon. Members by reading a memorandum which I have received from the East India House. That memorandum states that,—

"The India Loan Act conferred the power of borrowing £8,000,000
Which has been already used to the extent of 4,421,000

Leaving yet available the power of borrowing		£3,579,000
Add		
India Bonds:—Unissued portion of £7,000,000	£1,135,600	
May be issued to replace those notified for discharge	653,900	
Ditto, to replace those now deposited with Bank of England, which will be available on loan being paid off in October, 1858	1,000,000	
		2,789,500
May be borrowed on debentures and bonds		£6,368,500
The disbursements of the Home Treasury to the 31st of January, 1859, in excess of the present cash balance, are estimated at . . .		£5,172,200

"The means of the Home Treasury are therefore estimated to be more than adequate to meet the disbursements until next Session, without including the sums that may be realized for Court's bills on India, or from the sale of Exchequer bills and bonds now in hand (£1,598,900).

"In this estimate the receipts from railway companies are not included."

From a consideration of those figures, which do not include the receipts from railway companies, I think it will be found that the statement which I have to make in answer to the right hon. Gentleman is satisfactory so far as the financial part of the question is concerned. I now come to the question which the right hon. Gentleman has put to me in reference to the proclamation which is of opinion it would be desirable to issue when the transfer of the government of India to the Crown has been completed. In reply to the right hon. Gentleman's observations upon that point, I can only say that, both on account of the importance of the occasion and also to guard against misconstruction, I think that that transfer ought to be in some manner formally notified to the people of India. So far as our interference with the religion of the Natives is concerned, I shall content myself with observing that there is in a recent despatch of the Earl of Ellenborough's, dated the 13th of April, a passage which I shall quote, simply because it expresses in language clearer and more forcible than any to which I could give utterance my own feelings and that of the Government of which I am a member upon the subject. [The noble Lord then read an extract from the despatch in question, stating that the Government would be guided by a policy of neutrality and good faith in reference to matters affecting the religion of the Natives of India, and most earnestly calling upon all the authorities in India not to afford the slightest cause for the suspicion that that policy had undergone or would undergo any change.] Those are the opinions of Her Majesty's present advisers. That passage expresses sentiments in which I fully concur, and I deem it highly desirable that, whether by proclamation or by some other means, the fullest assurance should be given to the Natives of India that the change which is about to take place in the government of that country is not intended to involve any change in the policy of the Government. With regard to the manner in which the announcement in question ought to be made, I may be permitted to say that I do not think it is usual to put, as it were, into the mouth of the Governor General of India the words in which it should be couched, without leaving to him any discretion as to the modification or withholding altogether of any particular form of expression. That is a point which yet remains under the consideration of the Government; but I may say that my own individual impression is, that the most advisable course to take with respect to it would be to state in general terms to Viscount Canning that which we wish to be done, leaving it to his own discretion to use such language as he may deem expedient. My answer to the question of the right hon. Gentleman on this point therefore is, that there will be an announcement of the transfer of the government of India from the Company to the Crown, and that due care will be taken to assure the people of that country that the change is not meant to interfere with their ideas or habits in regard to matters of religious belief.

MR. SPOONER said, the question which had been put by the right hon. Gentleman the Member for Northampton, and the answer which had been given to it by the noble Lord, were of very grave importance. The right hon. Gentleman had stated with justice that the answer of the noble Lord might be liable to misconstruction, and he (Mr. Spooner) admitted that he wished the question had not been put, or that the House had been favoured with a different explanation from the noble Lord. The noble Lord had stated that neutrality was still to guide and govern the Councils of India with regard to religion. Now, if by the word "neutrality," the noble Lord meant that there should

neither be an attempt to compel or to bribe with the view of converting to Christianity, and that persons of all religions should be treated with perfect impartiality, then he readily granted that that would be a right line of conduct to pursue ; but if that were the meaning of the noble Lord, "neutrality" was not the proper term by which to designate it. On the other hand if it were not his meaning, then he would ask whether the noble Lord intended to declare that it was a matter of indifference to a Christian country and Government whether or not idolatry still prevailed in the large empire committed to our care? For his part, he was entirely at a loss to see how they could justify, in an assembly of a Christian nation, the expression that we ought to be neutral upon the question whether an idolatrous system continued, or whether the Hindoos were sufficiently enlightened to know the value of the Christian religion. If a public proclamation assured the Natives of India that there should be no compulsory interference with their religion, that there should be no bribery, and no attempt to make converts by coercion ; that they should be left entirely to the effect of the Word of God, and of His Holy Spirit upon their minds, he had confidence enough in that Holy Word and in that Holy Spirit to leave them to do their own work and produce their own effects ; but whilst that was declared, the proclamation ought also to express the full conviction of the Government that Christianity was the only sound and true religion ; the only method either to civilize or to diffuse happiness among the inhabitants of India, and at the same time the only sure ground on which we could look for the blessing of Almighty God upon our rule. In such a course he should fully concur; but he would maintain that we had not acted in accordance with such a course of "neutrality" when we paid for the maintenance and encouragement of idolatrous practices—a sin of which he had been informed we were not, even at the present moment, entirely clear. We had been guilty of great crimes in India—and he agreed with the noble Lord the Member for Tiverton when he stated, in a manner that had made a great impression on his (Mr. Spooner's) mind, his conviction that India was not given to us merely to gratify our ambition as a nation, or to realize fortunes for our merchants, but for higher and nobler purposes. No ; there were great responsibilities and elevated duties connected with its possession, and we had not acted up to those responsibilities and duties. But we had actually supported, encouraged, and paid for the maintenance of idolatrous practices. Then with respect to the subject of education in the schools of India, he had been told that we did not suffer any minister of the Christian religion to interfere in the teaching of those schools, whilst we permitted interference on the part of the Brahmins and other religious castes of Hindoos. He lamented, then, the answer which had been given by the noble Lord, because he feared that it might lead to misapprehension ; and he could not sit quietly there and hear it stated that neutrality was to be strictly observed, without asking for an explanation of what that neutrality meant, and expressing his opinion that if the observance of neutrality were then to be announced, that announcement ought to be accompanied by a declaration of the opinion of the Government that the Christian religion was the only true religion, and that whilst they felt it was not their duty to endeavour to compel conversions, it was their duty to do all in their power, by means of religious instruction, and by placing the truth before the people of India, to accomplish that one great object for which we had been entrusted with the government of India ; thus taking that course by which this country might become the honoured instrument of carrying out Christianity in conjunction with Christian civilization.

MR. ROEBUCK said, that nothing but a deep sense of public duty could induce him to rise to enter on such a thorny path as that of religious controversy. The example, however, had been set him by the hon. Member for Warwickshire (Mr. Spooner). There was a very significant passage in a despatch of the Earl of Ellenborough, to which he wished to call attention as a guide in the government of India. That noble Lord said, that as a private man one ought not to do that, which as a public man, one condemned. As public men we should condemn any attempt in India to use our power for the purpose of proselytizing. If a man in power employed his powers of persuasion to lead men to the adoption of particular opinions, he must bring with him the power attached to his peculiar position, and if he was in power, that power ought not to be used for the purpose of proselytizing. He only rose to say, that he hoped that no man, in his de-

sire to lead the people of India into the adoption of Christianity, and to induce them to think as he does—which was proselytizing in India—that no man would use that power to induce persons to become Christians. There would arise far better results to the people of India if they were governed on general principles of justice than to attempt to proselytize and to create Christians, so called, by missionaryizing the country, if he might use such a phrase.

MR. KINNAIRD said, he also was one of those who regretted that the passage from the despatch of the Earl of Ellenborough should have been referred to, as it might be misunderstood by the country, and it certainly did not agree with what had been stated in "another place" by the noble Earl at the head of the Government. That noble Earl distinctly stated, in answer to a right rev. Prelate, that he wished to carry out in India the policy which, when at the head of the Colonial Office, he carried out in Ceylon, and entirely to disconnect the Government of this country with the maintenance of idolatrous worship in that country. That was quite contrary to what had fallen from the noble Lord the President of the Board of Control. He (Mr. Kinnaird) quite agreed with the hon. and learned Member for Sheffield that the authority of the Government ought not to be brought to bear on matters of religion; but the proper course was not neutrality but toleration of all religions. Christian converts were as much entitled to protection and employment as any other persons; but the complaint was, that in India the Christians had not that fair and equal justice which was extended to all other sects, and now they were told there was to be no change in that respect. That statement would not be very satisfactory to the country. He regretted that the question had been mooted, for during the whole of the discussions upon the Home Government of India he had carefully abstained from bringing it before the House, but as it had been raised, he could only express his regret that the noble Lord had not made a statement as plain and distinct as that which had been made by the noble Earl at the head of the Government.

MR. BOWYER said, he could not understand what the hon. Member for Warwickshire (Mr. Spooner) wanted. He had got three Protestant bishoprics in India made out of the revenues of India. The hon. Gentleman said that the influence of the Government ought to be used in the propagation of Christianity. [MR. SPOONER: No!] He (Mr. Bowyer) certainly understood the hon. Gentleman to say that we were not to use force or bribery, but to employ the moral influence of the Government in the promotion of Christianity. The hon. Gentleman, however, had not settled what Christianity was to be taught. The hon. Gentleman, no doubt, thought him (Mr. Bowyer) no better than a Hindoo, or any other idolater, and his hon. Friend behind him (Mr. Gilpin) no doubt did not come off much better in the opinion of the hon. Member, for though he might not think him an idolater, he probably did not come up to his idea of a Christian. Before the hon. Gentleman wished the Government to teach Christianity, he must decide what sort of Christianity they were to teach; and when he had solved that question, it would be time enough to undertake the task. He (Mr. Bowyer) wished to ask a question. One of the questions asked by the right hon. Gentleman the Member for Northampton (Mr. Vernon Smith) was, whether instructions were to be sent out to India to proclaim Her Majesty's name and authority. It would be recollected that he (Mr. Bowyer) had put on the Votes a notice of Motion, that after the transfer of India to the Crown the word "India" should be added to the style and title of the Crown. The noble Lord the Member for Tiverton had said that there could be no doubt of the effect which the name of the Queen would have on the Natives of India; but, in his (Mr. Bowyer's) opinion, the full advantage of the influence of the Queen's name over the Natives could not be obtained unless India were added to the style and title of the Crown. This would be in accordance with precedent, for history showed that whenever a regal or *quasi* regal territory was acquired by the Crown a corresponding addition was made to the Royal style and title. Thus in the case of Wales, which, having been added to the Royal dominions, was given in perpetuity to the eldest son of the Sovereign; so, also, in the case of France, in the time of Edward III., when a large part of that country was in the possession of the King of England; or that of Scotland, after the accession of James I., and in that of Ireland, all of which countries were contained in the style and title of the Crown; and since the union with Scotland and Ireland, the term "Queen of the United Kingdom of Great Britain and Ireland" included the

style and title which had been heretofore adopted. He was told that if this was done it would lead to an expectation on the part of the Colonies that they should be dealt with in the same manner; but there was no reason why that should be done, as it would be a novelty, and it was never the custom for a Sovereign of this country to take the style and title of a colony. He, therefore, would repeat his wish that some means might be devised for including India among the titles of Royalty, borne by Her Majesty.

COLONEL SYKES said, the declaration of the noble Lord the President of the Board of Control would, he believed, do more to remove the dangerous distrust which now pervaded the minds of the people of India than the most brilliant and continuous successes of our arms. He would, therefore, congratulate the noble Lord upon his declaration, upon his liberal feelings, his enlarged views, and his generous sentiments. From personal experience he could deny the existence of any prejudice against Christian converts in India. He had on former occasions given instances of their employment in the public service and of other advantages being conferred upon them. The principle in India had been invariably to select men for the public service according to their capacity for the duties they were required to perform, quite irrespective of their religious views or sentiments. It had also been the object of the Indian Government for many years to separate itself entirely from idolatrous usages and practices. It had given up the Pilgrim tax at Allahabad, and had abandoned the lands it held from Juggernaut, valued at three lacs of rupees. It would eventually entirely disconnect itself from the maintenance of idolatrous worship, but it could not do so all at once. He would repeat that the declaration of the noble Lord would do more for us in India than anything that had been spoken during the whole progress of the discussion in that House.

MR. GILPIN said, he also rose to express his unqualified satisfaction with the manner in which the question had been treated by the noble Lord. Those who truly desired the spread of Christianity in India would wish to see Christianity kept free from those horrible atrocities which, whether committed by black men or by white men, were utterly repugnant to its genius and its nature, and only asked for a fair field for the operations and exertions of those who were disposed to teach Christianity for its own sake. He could not understand that system of neutrality which supported bishoprics out of the funds of the State, and sought to promote Christianity in India only by the questionable establishment of a State Church.

THE CHANCELLOR OF THE EXCHEQUER: Sir, when the Lords' Amendments to the India Bill were brought down for consideration to this House, we made five objections to those Amendments, but agreed to a considerable number. The Lords have considered the objections of the Commons, and have waved their opinions in a majority of the cases. On three heads they have waved their opinions, and those three heads contain by far the most important objections of the Commons. But they have invited us to reconsider our objections on two points, and I wish to direct the consideration of the House to those points, feeling sure the House will reconsider their opinions in the same calm and considerate manner in which the Lords have expressed theirs. The first objection is not the one which has been read by the Clerk at the Table, but I will advert to it at once, in order that I may at the same time tender the advice which I would humbly venture to offer them on the subject. The first objection is contained in Clause 54, and it appears to have originated in a misconception, into which it is not remarkable that we should have fallen, because the language of the Amendment of the Lords is so obscure as to justify the interpretation which we had put upon it. The clause in question deals with the circumstance of instructions being sent out to India commanding a foreign war, and it is there provided that, when an order to commence hostilities is sent to India, the fact of such order having been sent shall be communicated to Parliament within three months after the sending of such order if Parliament be sitting; and, if Parliament be not sitting, then within one month after the next meeting of Parliament. There appeared to be some inconsistency in that language, and we proposed that one month should be inserted in both cases. But what was intended by the Amendment of the Lords was, that notice should be given of the fact within three months if Parliament should be sitting, and if it should not be sitting then within one month after the resumption of its deliberations after the lapse of that term. The Amendment of the Lords, though obscurely expressed,

was really wisely conceived, for, suppose the Government sent out orders to India to commence hostilities, a month would elapse before the Governor General could receive them. By that time, under the clause as amended by the Commons, the orders would have been communicated to Parliament; but on the arrival of the instructions in India the Governor General might possibly be unprepared at the moment to obey them, and in that case he would have no time to make the Home Government acquainted with his position. The communication of the order for the commencement of hostilities, however, would then have been made to Parliament, and so the very Power against which it was intended to wage war would become aware of the policy of this country before the Governor General was in a situation to give effect to it. Therefore the Lords suggested that in any event the term of three months should be allowed to elapse before the communication of the order to Parliament, so as to admit of time being given for communication with the Governor General. I hope the House will reconsider that Amendment, which is now sent down in language that cannot be misunderstood, and I venture humbly to recommend it as one calculated to promote the public advantage. I will now proceed to the consideration of the other Amendment of the Lords, which is one of great interest at this moment. The interest of this Amendment arises principally from this circumstance, that to a certain degree it has been supposed to affect the action of the competitive principle in public appointments. If I might presume to give an opinion on that subject, I would say that I am a firm, though not an extravagant or headstrong supporter of the competitive principle for public appointments. In the theory of that principle I entirely concur; but I know well that theory and practice do not always agree, and I have viewed the application of that principle with, I will not say great anxiety, but certainly with all that interest which attends the application of a novel principle to public affairs. As far as I am able to form an opinion, I think that principle, in its practical application, has been entirely successful. It has come out of the ordeal of proof a pure and perfect weapon; but still I cannot disguise from myself that it is a principle very novel in its character and likely to have important results, and I cannot suppose that on a question of that novelty and magnitude there can be throughout the community a perfect identity of sympathy and opinion. I am not, therefore, at all surprised that, when the Amendment of the Lords came down, we found an objection on their part to tie up in an Act of Parliament the application of the competitive principle, which they fully recognize, to so important a branch of the public service as that of the civil service in India. So far, therefore, from thinking that the Amendment was not entitled to the utmost respect and consideration, I felt the natural force of that objection, and the natural suspicion and jealousy with which a House of Parliament is no doubt bound to calculate all the consequences of a novel course. This House, however, decided after deliberation not to adopt the Amendment of the Lords, but to adhere to the clause in the Bill which gave what may be called a Parliamentary title to employment in the civil service of India obtained by unrestricted competition, and the Lords, respecting the decision, had yielded, and not ungracefully, to the opinion of the House on the subject. There is, however, another clause of a different character, in which that principle was to a certain degree involved, but on which no discussion has, as yet, taken place. To that clause the Lords object upon constitutional grounds, and to it I would draw the attention of the House. It certainly does seem rather inconsistent that in the very Bill which provides that Her Majesty shall appoint to all military Commissions, we should, at the same time, insert a provision which makes the appointments to a portion of those Commissions entirely independent of the will of Her Majesty. In that light the Lords have viewed this provision, and they are apprehensive that inconvenience may arise from a departure from a constitutional principle which has always prevailed in the military service, with respect to such appointments. As the clause went up to the Lords it was arranged, as in the case of the civil service, that these Commissions should be attained by open competition; and that according to the order of superiority, those who were successful should be appointed. Now, it does not appear that the Lords at all object to the principle of competition being applied to the scientific branches of the Indian army. That appears to be recognized as a course which it was desirable to promote and secure. Since the year 1853, the civil service of the East India Company has been open to unrestricted competition, and the civil patronage has been dis-

tributed entirely according to the order of merit, although it was not provided in the Act of that year that such a proceeding should absolutely be followed. It was there only provided that there should be public examinations, according to the regulations drawn up by the Secretary of State, and which should be approved by Her Majesty in Council, and that a copy of those regulations thus approved should be laid before Parliament, in order that Parliament might be aware of the existing regulations, with any alterations that might take place in them. Now, what the Lords object to in the 34th clause is not the principle of competition, or its being secured with respect to the scientific branches of the army as amply as it has been secured with regard to the civil service since 1853, but to this being done in a manner which would seem to violate the constitutional principle which hitherto has prevailed in all appointments to the military service. I am sure I do not mistake the feelings of the House, when I say that there can be no desire on our part to trench upon the prerogatives of Her Majesty. Those prerogatives during her beneficent reign have been so discreetly and wisely exercised, that there is a very general opinion throughout all classes of the community, that their existence has been beneficial to our liberties and to the good government of the country. But, in having to consider so large a question as the transfer of the government of India from the Company to the Crown, we have been placed in a difficult and delicate position, which required on the part of both branches of the Legislature very judicious discrimination. In this great work we have added greatly to the regality of Her Majesty. We have invested her with new prerogatives, new privileges, and new powers; but in doing that we have felt it our duty to insert conditions and regulations with respect to those new privileges, and prerogatives which we should not have thought of introducing, if we had had to deal with the ancient power belonging to the Crown. What has been the great difficulty which has prevented long before this the termination of that anomalous government of India which was carried on by the Company? It has been felt for nearly a century that it was a great anomaly that India should belong to the English, and yet should not be directly governed by the Sovereign of England. But the difficulty of solving this problem was, that no one could devise any means by which we cou'd deal with the vast patronage of India. It was always said, that it was more natural and would be more beneficial that the government of India should be carried on directly by the Sovereign of England; but there has been, in the first place, a great apprehension that the power of the Crown would be dangerously increased by the possession of all the patronage which would result from such a government, and there has been, secondly, a great suspicion in this country, remembering that India was gained by the energies of the middle classes, and that these classes have long possessed the patronage of that great empire, which they had fairly won, that the proposed change to a more direct and satisfactory polity could not be effected without injury to the legitimate interests of the bulk of the community, and a dangerous increase of the power of the Crown. It appears to me that that difficulty, which has baffled some of our wisest statesmen and the wisdom of many Parliaments, we have in a great degree solved by the creation and development of that very competitive principle of which I have been speaking. Those who before had to consider this question had not the means or the machinery by which they could meet the difficulty. We have met them in the present instance most efficiently and completely. Let us see how the patronage of India, as regards the middle classes, after this great revolution has taken place, of the transfer from the Company to the Crown, is affected by the Bill as it comes down from the Lords. Let us see whether, in accomplishing this great work, we have been mindful of the interests of those of our fellow-subjects who have such strong claims upon our consideration. The whole of the civil service, as the Bill comes from the Lords, is secured entirely to those who deserve to obtain, and who are qualified to possess these important offices; in other words, the whole of the civil administration of India is secured by a Parliamentary title to the great bulk of the community. If we look to the military portion of the patronage, we shall find that it will be distributed by a body of men who, in position, character, attainments, and connections, resemble in a great measure the late Court of Directors—of a body which must consist in part of members of the late Court, and which, as far as the nominated members are concerned, will be composed of gentlemen of Indian experience and connections; so that the larger portion of the military

patronage also will be distributed among the middle classes, through almost the same conduits as heretofore, except with this advantage, that the new distributors will not be checked in their action by the importunities of that contracted constituency which exercised a baneful influence upon the Court of Directors. So far, then, as those two sources of patronage are concerned, they will be naturally distributed or attained in a manner which will ensure the diffusion of the great mass of that patronage through the community. But we have thought it right, in deference to the enlightened spirit of the age, to withdraw from the distribution of the Council those military commissions which relate to the scientific branches of the army. We have thought that they ought to be obtained by the same intellectual merit and qualification which we would secure for the civil administration, and it is now proposed by the Amendments of the Lords that, in addition to giving the whole of the civil service, and the greater portion of the military appointments with a Parliamentary title to the middle classes, so also commissions of a scientific character in the army should be obtained by the same section of the community upon precisely similar conditions. Between the Amendment of the Lords, and the clause as it was first drawn, there is this difference that the constitutional forms which we ought to respect are more completely observed, but the same advantages are secured. Under these circumstances, I trust the House will consider without prejudice this particular Amendment of the other branch of the Legislature—will, upon reflection, be of opinion that it is an Amendment made in no spirit of hostility to that application of the competitive principle to the scientific branches of the army which we seek to maintain, or dictated by any other feeling than a respect to constitutional usages, and will be prepared, in the same spirit of conciliation and reciprocal respect which has attended these discussions, to accept the alterations inserted by the Lords. Let me impress upon the House one consideration which ought not to be absent from our minds in concluding our labours upon this important question. There has rarely been a subject of legislation more important than the one with which we have dealt in this Session respecting the Home Government of India. Let the House recollect, that for upwards of seventy years this question has been, at intervals, the subject of Parliamentary discussion; that it has given rise to the greatest acerbities of feeling and prolonged acrimony of political sentiments; that it has convulsed Cabinets, has dissolved Parliaments, and that finally it has been recognized by the country as one of those knots that no ingenuity and no impartiality could ever untie. I claim no merit for the Government in having brought this matter to some satisfactory conclusion. I claim some merit for Parliament and some for the House of Commons; but I claim the chief merit for the more enlightened spirit of the times in which we live, for the diffused education of the country where we have the happiness to be fellow-citizens, and the rising sense of the value which we all of us attribute to intellectual acquirements, and our recognition of them as a proper qualification for admission to civil office. This spirit has assisted us in bringing this Bill to its present state. It is, I think, only surprising that there have not been greater differences of opinion between the two Houses and among ourselves in this House; but what I would impress on the House of Commons is this—the great desirability there is that this legislation should be brought to a conclusion without leaving on any side and in any quarter, in any state or condition of this country, any feeling of irritation or jealousy. It is impossible that the middle classes, whose claims have been urged so freely, fairly, and constantly in this House and in other places — it is impossible that the great body of the community can for a moment feel that their claims have not been regarded. We have effected this change, if the House to-night consents to this final step; and so far as the patronage of the great empire of India —won, I freely admit, by the energies of the middle classes—is concerned, the great bulk will be obtained and enjoyed by those middle classes, not only with the certainty which they enjoyed in old days, but with far more honour and by a process infinitely more beneficial. Let not, therefore, the other House think that, in coming to what I may call a happy conclusion, we obtained that result by any disregard in this House of the fair prerogatives of the Crown. I am sure that those prerogatives are duly estimated, and will be, if necessary, properly protected in this House; and let us, by acceding to this suggestion of the Lords, conclude our labours with this conviction, that we have, after all our pains, established, on the whole, a home Govern-

ment for India adapted to the circumstances with which it will have to deal, and have at the same time effected this object without creating jealousy, suspicion, or dissatisfaction in any portion of the community over which Her Majesty reigns. I trust the House will, therefore, consent to the Amendment which the Lords have proposed to the 34th clause; and I can only say, on the part of the Government, that in making that recommendation we do it with the full and frank intention of establishing, with respect to the scientific branches, that wise and beneficial competition which will prevail in the civil service of India. It will be one of the first duties of my noble Friend, if the House accedes to this proposition, to draw up regulations which will rule the examinations in question, and which, when approved by Her Majesty in Council, will be laid on the table of this House. They will then be open to the criticism and vigilance of the House, and whenever any alterations are made, they will likewise be announced to the House. We shall then have the satisfaction of having established the competitive principle by Act of Parliament throughout the whole civil service of India; of having secured to the great body of the community the free enjoyment of military patronage, by its distribution through a Council sympathizing with them; and of having, at the same time, secured the competitive principle even in the scientific branches of the army, and that in a manner which no one can say has attacked or weakened any prerogative or right of any person in this country, from the Sovereign on her throne to the humblest of her subjects.

Motion made and Question proposed,—

"That this House doth not insist on its disagreement to the Amendment made by the Lords in page 11, line 6."

MR. ROEBUCK said, that in his opinion the right hon. Gentleman who spoke last had put the matter before the House on an unfair footing. There were three services in India to be considered—the civil service, the engineers and artillery, and, lastly, the army. If it were thought right that the competitive system should be introduced into the first two, why should it not be introduced into the third also? But it was now proposed that, whereas candidates were to be elected to the civil and the scientific branches by competition, they should be elected to the army by a certain other mode. This, he confessed, he could not understand. The right hon. Gentleman the Chancellor of the Exchequer said, that if the House did not agree to the Lords' Amendments, the prerogative of the Crown would be assailed, and that that prerogative had always been exercised in so mild and harmless a manner that no possible harm could arise from conceding in this matter. But if that ground were taken, he would ask whether the prerogative of the Crown had not been trenched upon already with reference to the first two branches of the service? The Chancellor of the Exchequer had also argued that the great difficulty heretofore felt in changing the Home Government of India arose from the apprehension which existed lest, by throwing so large an amount of patronage into the hands of the Crown, the equilibrium of society, which it was now so desirable to retain, might be endangered. In reply to that, he would ask in what other possible way could such a catastrophe as that apprehended be averted than by throwing the whole service open to unrestricted competition. That House had better apply itself, not to arranging the distribution of patronage between the aristocracy and the middle classes, but to obtain the best possible instruments for the public service, and this could only be effected by encouraging the principle of competitive examination. In the choice of clerks he considered that the name of every candidate should be put upon the list without the exercise of any patronage whatever, that a register of such names should be kept, and that if there were ten places and a thousand candidates, the thousand candidates should be examined. This would do away with the danger of upsetting that equilibrium the reversal of which the right hon. Gentleman the Chancellor of the Exchequer so much apprehended. A great mistake, however, existed on that subject. For instance, it was said that competition determined the appointment of clerks in the public offices. But what was the fact? He had that day, through the influence of a member of the Government, obtained the privilege of getting the name of a young man placed upon the list for competition, but this was an act of patronage. He was obliged for it, because the probability was, that if the name had not been so put down, the young man would never have had the opportunity of competing; but he considered the whole system of patronage in such matters much to be deprecated. He trusted the House would

not accede to the Lords' Amendment, but that they would insist on a perfect, open, and complete competition, in every case.

SIR HENRY RAWLINSON observed, that the only question before the House was with reference to competition for the scientific services. He did not oppose the Motion that the House should agree with the Lords' Amendment, but he thought the nature of the clause had been entirely misunderstood when it was supposed to affect the Queen's prerogative. It must be remembered that the system of appointments in the Indian army differed entirely from that in the royal army. Her Majesty never did nominate directly—and it was not proposed by this Bill that she should nominate directly—to any branch of the Indian army. Her Majesty merely appointed on the recommendation of the Secretary of State, and could it make any difference whether that recommendation was the result of competition or of private patronage? If officers of the artillery and engineers were not to obtain appointments by competition, they would obtain them in the first instance by the nomination of members of the Council, some of whom would not owe their position to the Secretary of State or to the Crown, but to the votes of the Court of Directors. So far as the prerogative was concerned, it seemed to him that there could be no difference between recommendations which were the result of competition and recommendations which were the result of private patronage. Still he was not prepared to oppose the Lords' Amendment, and he would state why. The 34th clause did not provide for an exclusive competition, for the word "only" in the civil service clause was designedly omitted from the clause relating to the scientific branches, in order that the establishment at Addiscombe might—if it were thought advisable by the Secretary of State—be maintained. The object was to secure a double competition, the open competition proposed by the clause, and the limited competition of Addiscombe. The system of competition had already been successfully adopted in the civil service. It was now proposed that the same experiment should be tried in the case of the artillery and engineers, and he entertained a confident belief that it would be equally successful in those branches of the service. He thought it desirable, however, that the establishment at Addiscombe should be kept up, and it was scarcely worth while to insist on disagreeing with the Lords' Amendment, for whether the competition was thrown entirely open, or the limited competition of Addiscombe was retained, the candidates for the scientific branches of the service would be drawn from the same class as at present.

SIR DE LACY EVANS said, the question under discussion seemed to become more and more complicated, for it now appeared that there had been some private understanding that there was not to be an open competition, but that Addiscombe was to have its chance, and that those candidates who proved their competency would not necessarily receive appointments. No intimation of such an arrangement had, as far as he was aware, been given by any Member of Her Majesty's Government during any of the discussions that had taken place; and, notwithstanding the very able and comprehensive speech of the Chancellor of the Exchequer, he felt bound —more so, indeed, than he had felt himself previously—to vote for disagreeing with the Lords' Amendment. He entirely concurred in the opinion of the hon. and gallant Member (Sir H. Rawlinson) as to the beneficial results which might be anticipated from competitive examinations; and the right hon. Gentleman had also made some observations for which he thanked him. He had borne testimony to the success with which the principle had been applied to the civil service in India. The question had very justly, during the present discussion, been connected with the subject of patronage, about which not a word had been said in the other House, where the question had been treated only as affecting the prerogative; but one of his main objects, in common with many other hon. Members, was to withdraw from the hands of the Minister a great portion of the patronage which this Bill would place at the disposal of the Government. He thought, also, that the effect of the competitive system upon the military information of the country ought not to be lost sight of in considering this question. The noble Member for Tiverton (Viscount Palmerston) had said on a former occasion that we were a warlike nation without being a military nation, and it was to be regretted that the people did not possess such an amount of military information as would be most useful in the defence of this country and its possessions against foreign Powers. It had been stated by two eminent Members of that House, one of them the present Lord Chancellor of Ireland,

who had strongly advocated the adoption of the competitive system, that its effect was to give a stimulus to scholastic education throughout the country. The noble Lord at the head of the Government (the Earl of Derby) had spoken on this subject in "another place" in a most conciliatory tone, but all the noble Lords who had expressed their opinions had not followed his example. One of those noble Lords (Lord Campbell)—one of the highest dignitaries of the law—had accused that House of having lost its senses on this subject. That noble Lord had said that the House of Commons had gone wild, and he added that the House of Commons ought to be resisted in this course. [The hon. and gallant Member was stopped by a call of "Order" from Mr. SPEAKER.] He must say he thought the noble and learned Lord had done himself injustice, for he believed the profession in which that noble and learned Lord had gained such distinguished and deserved honour was more exposed to the principle of competition than perhaps any other in this country. Not a day passes in which the learned Members of our bar were not competitors, in fact, in these examinations, for the highest prizes of the law. The noble Lord said he was in favour of discriminative examinations, though what he meant by that term the noble and learned Lord did not very clearly explain. A noble Earl, in "another place," contended that the introduction of a system of competitive examinations would produce a social revolution, that the sons of gentlemen and of officers in the army would be excluded from the service, and that in future the appointments would be confined to the sons of rich grocers and persons of that class. Those statements were, however, wholly at variance with the facts which had been brought forward by the present Lord Chancellor of Ireland when he was a Member of that House. He showed that the system of competitive examination in Ireland had worked in a totally contrary direction—that ninety-five out of one hundred of the young men examined belonged to the most respectable classes of society, being the sons of gentlemen and men of education. He therefore regarded the argument on the other side on this subject as altogether unworthy of notice. He had the fullest confidence in the noble Lord now at the head of the Board of Control; but the noble Lord had no permanent tenure of office, and then he could not forget that while the Members of the Government in that House were in favour of competitive examination, and only opposed a technical difficulty to its being enforced by Act of Parliament, the head of the Government in the other House spoke of the principle of competition as being "on its trial," and thought it would be "highly injudicious to tie up the hands of the Executive Government," and oblige them to take the persons who had sustained the best examinations. It did not, therefore, appear to be in the contemplation of the noble Earl to give appointments as a matter of course to those who sustained the best examinations. But, without detaining the House further, he would only add that, in his opinion, the competitive principle was the best security that could be adopted for securing the efficiency of the services in the Indian army, and, therefore, he hoped they would disagree with the Lords' Amendment.

VISCOUNT PALMERSTON: Sir, I will in one or two words explain the grounds on which I mean to give my vote. I am one of those who are entirely in favour of the principle of appointments by competitive examination. I think it is a great improvement of recent times; but at the same time it is not universally applicable. With regard to the Civil Service I think it is an excellent system, provided always that the standard of examination is not too high, and that persons are not expected to be full of more knowledge than is necessary as a test of their capacity for the service. My opinion is that it is also a good system for the officers of the scientific branches of the army, because in regard to them high attainments are of the first importance. At the same time, it is right to admit that the application of the system to the scientific branches of the army is but of recent standing; and, therefore, those who entertain a different opinion from me may fairly be entitled to require a somewhat longer experience of the practical result of the system than has yet been obtained. My hon. and gallant Friend who has just sat down is right in saying that the application of the system of competitive examinations to the scientific branches of the British army has been perfectly satisfactory, and especially in that country of which he is so distinguished an ornament, and which has contributed a very large number of young men who are a credit to the profession with which they are connected. I disagree, however, with the hon. and learned Member for Sheffield (Mr. Roebuck), when he speaks of the ap-

plicability of competitive examinations for officers of the line. The test of learning which you would apply to a young man who is a candidate for a commission would be no necessary test of his capacity for the service in which he is to be engaged. It would be just as if you wished to find out whether or not a man was an excellent pugilist, and the test you applied was whether he could run fast. The test is not at all of the kind which would prove whether the man was capable of discharging the duties which he had to perform. My opinion, then, is that the House is right in maintaining for the Civil Service of India the system of competitive examinations which has now been established for several years. I am also of opinion that it would be expedient to establish the same system for the scientific branches of the Indian army which you have established for the scientific branches of the general army, and as it appears to me that principle is conceded by every one. So far as I understand the question we are now called on to determine, it is simply one as to the manner in which the competitive examinations is to be adopted. I think there is great force in the argument that it would be a departure from the ordinary principles of the constitution if we were to pass an act of Parliament which should render it imperative on the Sovereign to give commissions to particular individuals. I think the regulations which shall establish a competitive examination for the scientific branches of the Indian army ought to be based on Orders in Council coming from the royal authority, and not be a system imposed by a standing law. If, therefore, I am to understand from the Government that they are prepared to pledge themselves that they will issue an Order in Council establishing competitive examinations for the scientific branches of the Indian army, I should prefer that mode of accomplishing the object to having it done by Act of Parliament. The question is simply as to the mode of doing the thing, and it is not a question whether the thing is to be done. We have now arrived at the moment when this Bill must pass into a law. We have all of us in the course of the discussions that have taken place been compelled to surrender opinions which we have entertained, and the result will be a general compromise on the part of all those who have taken any part in carrying forward the measure. As the Lords have adopted almost all the recommendations we made, I am inclined to think that it would be graceful on our part to yield to them upon this question. I think, also, that the method of proceeding by Order in Council would be more in accordance with the general principles of the constitution than if we were to enforce the principle we are in favour of by an Act of Parliament.

MR. WHITE said, he should be sorry to impute to the noble Lord at the head of Her Majesty's Government ignorance of constitutional forms, or to say that he attached not the slightest value to the remarks of the right hon. Gentleman the Chancellor of the Exchequer with regard to the prerogative of the Crown; but he must aver that the noble Lord and the right hon. Gentleman had wholly ignored the essential difference between the army of England and the army of India. He did not dispute the authority of the Crown with regard to the English army, but then there was a check upon it. Had they not a Mutiny Bill every year, and did they not grant supplies? There was no such check with regard to the army of India. He, as belonging to the middle classes, should stand by his order. He was not disposed to hand over to the Crown such power and such authority without those constitutional checks which they had a right to impose. They had a right to insist upon their original Bill; and as he considered that any one who was right could not be ridiculous, he, if he stood alone, should divide the House.

COLONEL SYKES said, that if, as he understood was the case, the Government intended to adhere in the Indian army to the practice adopted in the Queen's army —if cadets intended for the scientific branches were to compete for entry into a military college—he should vote with the noble Lord (Lord Stanley) on this question.

SIR JAMES GRAHAM: Before the President of the Board of Control addresses the House, it will perhaps be convenient for him to hear the opinion of different Members, who, like myself, have taken some little interest in the subject now under discussion. I entirely agree with the Chancellor of the Exchequer that this question of Indian patronage has really been the obstacle, certainly for half a century, to the transfer of the government of India from the Company to the Crown. It has really been at the root of the anomaly which has continued to the present time the government of that mighty empire in the hands of a commercial body. I have always felt the right solution of that ques-

tion to be one of immense constitutional difficulty ; and among other reasons which swayed me throughout this Session, in an earnest desire for the postponement of the decision upon this transfer of the government, was the difficulty which I felt respecting the future distribution of this Indian patronage. Now, I am bound to say, that in my humble judgment the Bill before us, as it went up from the Commons to the Lords, did in a very fair manner solve the difficulty by the distribution of patronage which it provided. To Her Majesty directly was given, by the 29th clause of this Bill, a great accession of patronage. The Governor General of India, the Governors of the Presidencies, the fourth member of the Council of India, and the Advocate General—all these officers are henceforth to be appointed by Her Majesty under warrant and by her sign manual. It placed these offices at the sole disposal of Her Majesty, acting by her constitutional advisers, whereas heretofore none of these appointments were made by the Crown ; and with respect, I think, only to one of them, that of the Governor General (I am not quite sure as to the Governors of the Presidencies), the power of veto only was heretofore vested in Her Majesty. Then with respect to the civil patronage, as has been already stated, the arrangement which has prevailed for three years under an Order in Council — namely, that the civil service shall be open to the free competition of all classes—has now been confirmed by a clause assented to by both Houses, and is thus rendered irrevocable, except by a repeal of this Act duly sanctioned by the Legislature. Such a concession appears to me a most important one. It recognizes, for the first time in an Act of Parliament, the principle of open competition with reference to a great branch of the public service. Much, therefore, as it appears to me, is gained by the measure as it stands. But then comes the constitutional question :—By tying up that, or other portions of the patronage, do we infringe the prerogative ? The House of Lords, in their Reasons, seem to assert that such an infringement is involved in the clause, as we sent it up to them, respecting a portion of the Indian patronage. Now, I cannot draw that fine distinction between the military patronage and other large portions of the civil patronage. In the very clause which gives to Her Majesty the great appointments I have mentioned, those of the Governor General and the Governors of the Presidencies, there is a special reservation of another very important branch of patronage relating to the Councils of the Governors of the different Presidencies ; and there is a statutable assignment of that patronage for ever, not to Her Majesty, but to the Secretary of State in Council, with the concurrence of a majority of his Council. The clause does not say that Her Majesty's pleasure shall be taken. It does not even provide that these appointments shall take place under the sign manual. As I read the clause, these appointments are absolutely vested in the Secretary of State and a majority of his Council. Here, then, is a very important branch of patronage not to be exercised by the Crown ; and with respect to the junior members of the civil service, I have already stated that these appointments are, by the consent of the House of Lords, henceforth to be given to those who upon an examination shall stand first in point of merit. The constitutional objection, therefore, whatever may be its force, appears to me to apply equally to both these provisions. Now, it is very remarkable that in the Bill of the noble Lord (Viscount Palmerston) it was provided that there should be an attestation in respect to the European troops, to be furnished by Her Majesty in Council. The Bill sent up to the Lords provides no such attestation, and does not deal in the slightest degree with the transfer to the Crown of the attesting power with respect to the European portion of the Indian army. Clause 40, in the noble Lord's Bill, declared that all Indian officers henceforth should be the officers of Her Majesty. There is no such declaration in the Bill which we sent up to the other House. We have hitherto studiously reserved the entire question of the Indian army. It was so stated by the noble Lord (Lord Stanley), who, in answer to the right hon. Gentleman (Mr. Vernon Smith), said that the whole question of the Indian army was referred to a Commission here, and partly also to a Commission in India, and that the subjects connected with the reorganization of that army were not to be mixed up with the question at present under discussion. Now, Clause 33 of this Bill, as we sent it up to the Lords, has drawn quite rightly the distinction between the military and the civil services. It has most guardedly recognized, to a certain extent, the authority of the Crown, yet without making a complete concession of the whole appointments

to the Indian army. With regard to the civil service, it is distinctly provided that those persons only, without exception, who shall succeed in open competition shall be appointed; and as to the military service, Clause 33 enacts that the names of all persons nominated in the manner which the Bill provides shall be submitted and recommended to Her Majesty. But there is a reservation as to the scientific branches —the artillery and engineers; and in the clause immediately following that to which I have adverted, even with respect to them, as we sent it up to the Lords, persons who receive the certificate of superior merit are to be recommended for these appointments; clearly, therefore, recognizing the general controlling power of the Crown—not going the length as regards the military which we went as regards the civil service—but adhering to the principle that open competition in the Indian army, as in Her Majesty's army in the scientific branches, ought to be the rule of appointment. Now, it only remains to consider the question as between an Order in Council and an enactment by statute. If I could bring myself to believe that the application of the statute to the Indian army, in which Her Majesty's authority is not now supreme, was a dangerous infringement of the prerogative, nothing would induce me to vote in favour of that principle. It appears to me, however, there is no such infraction of this prerogative. But we are told that we in this House are enamoured of this principle of open competition, and that it may with advantage be applied to ourselves. Now, I do not wish to bandy any jeers and gibes of that kind with the other House of Parliament. To do so would conduce neither to the dignity of either branch of the Legislature, nor be quite consistent with the public interests. I am, however, entitled, in reply to such an allusion, to ask where is hereditary wisdom to be found? In what consists the justice of the taunt that India must henceforward be governed by gentlemen to the exclusion of the middle classes—a gentleman being defined to be something between a Peer of Parliament and those who buy and sell? Is this, I would ask, the only argument that can be advanced against the system of competitive examinations? Who, let me ask, founded—who won our Indian empire? Those who bought and sold. Who extended it? Those who bought and sold. Who now transfer that empire to the Crown? Those who bought and sold—a company of merchants—merchants, forsooth! whose sons are now not thought worthy to have even inferior offices in India committed to their hands. But are the sons of those who buy and sell necessarily not entitled to the appellation of gentlemen? Definitions are dangerous, but I should, nevertheless, like to know what it is that constitutes a gentleman. Why, Sir, it appears to me that if a man be imbued with sound Christian principles, if he have received an enlightened and liberal education, if he be honest, and virtuous, and honourable — it appears to me, I say, that such a man is entitled to the appellation. And who will tell me that among the sons of those who buy and sell may not be found men possessing literary attainments and a refinement of mind which places them in a position to bear comparison with the highest born nobleman in the land? Who, let me ask, were the conquerors of India? From what class have they sprung? Who was Clive? The son of a yeoman. Who was Munro? The son of a Glasgow merchant. Who was Malcolm? The son of a sheep farmer upon the Scotch borders:—

> "Curibus parvis et paupere terrâ
> Missus in imperium magnum."

These, Sir, are the men who have won for us our Indian empire, and I entertain no fear that the sons of those who buy and sell, and who enter the Indian service by means of this principle of open competition, will fail to maintain a high position in our army, or that they will do anything to dishonour the English name. I have none of those fears, therefore, with respect to the adoption of this principle which are in some quarters entertained. I believe it gives a greater security to the appointment of efficient men than a mere system of patronage would afford. Patronage is liable to be constantly abused for personal or political purposes. It operates in many instances in cases in which the person who makes the appointment has little or no knowledge of the person upon whom the appointment is conferred. Open competition, on the contrary, brings the man before you. And what are his claims when he does present himself? In the first place, he brings with him the assurance that he is a man of industrious habits. He also affords some guarantee that he is a man of great self-control; that his life has been spent in virtuous pursuits, inasmuch as his attainments point out a preference for mental as contrasted with sensual enjoyments. Then, what is

the ennobling spirit of his life? Ambition. A desire for honourable fame. What are the domestic virtues which he exhibits? A desire to win the favour and approbation of his friends, and eventually, in many cases, to contribute to the support of aged parents and other relatives. Such are the moral qualities which the principle of open competition will evince and secure, and upon these grounds I for one prefer that principle deliberately to patronage with all its corrupting influences. I cannot believe that I am violating any public duty or infringing any prerogative of the Crown in advocating the extension to a small portion of the appointments in the military service in India of a principle which Parliament has consented to apply to the whole of the Civil Service in that country. I cannot see the fine-drawn distinction which appears to be made between the two services; and if I am driven to a division, I shall feel compelled to record my vote against the Amendment which has been introduced into this clause in the other House of Parliament. At the same time I will put it to the House whether, under all the circumstances, it be really right to go to a division. I wish to pay no fine compliment to the noble Lord the President of the Board of Control. He has told us in emphatic terms that he would rather resign his office to-morrow than take any step which, in his conscience and judgment, he believed to be subversive of the principle for which he, in common with myself, has contended. In the honour of the noble Lord I place the most implicit reliance. I am perfectly willing to place trust in him, but I must be permitted to say that I do not think he now knows all the difficulties with which this Amendment is surrounded. I feel confident, however, that he would not give to it his support if he were not of opinion that, consistently with his duty, he could uphold the principle which I advocate. I am also prepared to admit that there is this difference between the application of the principle of open competition to the civil and its extension to the military service. In the case of the former you have experience to guide you; while in the case of the latter you do not as yet possess that salutary advantage. If, moreover, we leave this important question for the present, subject to be dealt with by an order in Council, experience will soon come to our assistance and tell us whether it be or be not desirable to fix by means of a legislative enactment the footing upon which it is for the future to stand. Having made these observations, I beg again to repeat my adherence to the principle of unrestricted competition, and if, therefore, the House should go to a division—a course of which I doubt the policy—it will be my duty to vote against the Amendment to which the noble Lord asks us to assent.

LORD STANLEY: I concur with the right hon. Gentleman in every word which he has said with respect to the advantages of the system of open competition as opposed to the system of patronage. I agree with him, moreover, in the comments which by implication he has made upon the remarks to which expression has been given elsewhere upon this subject, and I am quite willing to repeat this evening to the House the pledge which a few days ago I ventured to give — namely, that I would support no proposition, come from what quarter it might, which in my judgment was hostile to the principle of open and unrestricted competition. What we have now to consider, however, is, whether, owing to the Amendment which has been introduced into this clause, that principle is or is not really in danger. We are not at present dealing with appointments in the Civil Service, or in the non-scientific branches of the army. It has been agreed on all hands that the Civil Service should remain open. It has been agreed, also, that for the present, at all events, the competitive principle should not be applied to the non-scientific branches of the military service. We are dealing exclusively with the Artillery and Engineers. The question which we have to consider, however, is not whether the system of open competition should be applied in the case of admissions to these two branches of the service. To its adoption in those instances the Government has given its assent. The real point at issue is, whether the application of that system should be regulated by an Act of Parliament or an Order in Council. The framing of such an Order in Council will necessarily rest with myself, and neither I, nor the Government of which I am a Member, could come to this House and say that we had fulfilled our pledges if that Order in Council were not to sanction the adoption of this principle of open competition in its fullest extent. Well, then comes the question, in what consists the difference, practically speaking, between the clause, as amended by the other House of Parliament, and as it stood when we

sent it up to that House? Merely in the circumstance that in the latter case the guarantee—for the maintenance of the principle of free competition was supposed to be contained—I say advisedly was supposed—in the Act itself, whereas, if the Amendment of the House of Lords be adopted, it will rest upon the security of an Order in Council, backed, as I believe, by the universal feeling of the public, and by the power of this House, to intervene at any future time in case the agreement that has been come to should not be observed. Now, I say, that this supposed guarantee appeared to be, rather than was, actually embodied in the clause as it left the House of Commons. The clause then provided, "that candidates who might be found entitled, &c., might be recommended for appointments according to the order of their proficiency." "Recommended;" yes, but not appointed. There was nothing in the clause as it originally stood to render it compulsory on the Crown to make those appointments. All that it made imperative was, that the Minister for India should "recommend" to the Crown those who had passed one of these competitive examinations in the order of their success. The clause, therefore, afforded no legal guarantee that they would receive the appointments to which they had become entitled. It, no doubt, gave you a moral guarantee upon the subject, and that guarantee, I contend, the clause, as amended, still contains. For my own part, I have great faith in the system of competition by means of examinations. It is of comparatively recent origin, but it has steadily made its way. Every year brings over to it some new converts from the ranks of those by whom it was at first opposed. It will, I believe, prove itself eventually to be stronger than all Governments and all Parliaments—superior to every influence which can be brought to bear against it. Holding that belief, I am the less solicitous about the precise degree of cogency which may be supposed to belong to the machinery by which this system is proposed to be carried into effect. I would now ask the House to consider what has been done by the supporters of the competitive principle during the progress of the measure under our notice. The scientific branches of the army were not open to competition of even a modified character, except in the case of that very limited competition which took place amongst those who had already been nominated to Addiscombe. Whatever may be done under the Order in Council in that direction is so much clear gain to the principle which we advocate. And this is not all: for though practically the civil service was open to competition after the pledge given by the Government of 1853, yet it was not until the present year that the pledge was embodied in an Act of Parliament, and thus placed on an irrevocable footing. I mention these facts, because I think hon. Gentlemen who object to this Amendment do not quite understand the advance that has been made in this respect. We have for the first time declared that a Parliamentary title shall be given to Executive appointments. That is a new principle, which has not hitherto prevailed in this country. That principle you have extended to the civil service. Let me say, in passing, that when you have once admitted the principle, and laid down a rule to give a Parliamentary title to one class of offices, it is very difficult to draw a distinction that will limit its application to the civil service only. I think, therefore, that the advocates of the competitive system have gained largely already. With respect to the military service, it is simply placed upon the same footing as was the civil service five years ago, when competition was established by Order in Council. Looking at that circumstance, and, seeing that the principle of a Parliamentary title to Executive appointments has already been recognized by both Houses, it seems to me that the difference between that which we proposed and that which the other House has adopted is so small that, considering upon how many points they have given way, we should be justified in accepting the Amendment of the House of Lords.

MR. CONINGHAM said, he must declare his preference for a statutory regulation over a mere Order in Council. He was in favour of open and fair competition as opposed to a system of patronage; and when they looked back to the way in which the patronage of the Horse Guards, which was in reality the patronage of the Court, had been administered for the last few years, he saw no reason to add to that patronage which the Court already possessed. Therefore he declared himself most strongly and emphatically in favour of open competition; and if the House of Commons yielded on this question, they would give way on a point which he considered to be of the utmost importance.

Question put.

The House *divided*:—Ayes 98; Noes 53: Majority 45.

On the Lords' Amendment, in page 17, line 18,

MR. GRIFFITH said, it appeared to him that the whole clause would be perfectly useless if that Amendment were retained, inasmuch as the announcement which it was proposed should be made to Parliament would merely state a fact which must previously have become known to the public.

LORD STANLEY said, what the Lords really meant was that in no case should publicity be required within less than three months after the order for commencing hostilities was sent out. The reason for inserting three months he took to be this—namely, to enable the Governor General to communicate with the Government at home, after he had received the order, and before it was made known to Parliament. It might so happen that the Governor General might reply that he had no means, without receiving reinforcements, of commencing hostilities. In that case the order would have to be suspended, and it would be very inconvenient if, in the interval, the order had been communicated to Parliament and the public, and the enemy had become acquainted with the intentions of the Government.

Resolved, that this House doth not insist on its disagreements to the Lords' Amendments in page 17, line 18.

Lords' further Amendment to Clause 54 *agreed to*.

REWARDS TO MEMBERS.—RESOLUTION.

MR. SCHNEIDER said, he wished to give some explanation with reference to a question which he had put the other night to the Attorney General. That question arose out of the Resolution passed on the 22nd of June, on the Motion of the noble Lord the Member for the East Riding (Lord Hotham) relative to remuneration given to Members for business done in the House. That Resolution he believed to be utterly impracticable with reference to the purpose for which it was introduced; and could not be carried into effect. He fully agreed with the spirit of the Resolution, but had divided the House against it, because he thought it highly inexpedient that a Resolution should be placed on the books of the House which must be continually evaded. He wished the House clearly to understand, that if this feeling which induced him and those who voted with him to oppose this Resolution, and he thought it only fair that this explanation should be put upon record as their motives had been much misinterpreted; but the language was so wide as to include cases which had not been contemplated by the noble Lord (Lord Hotham) who had moved it. Especially it had not been intended to apply to the case of the Attorney and Solicitor General, but yet the language embraced both of them. These officers were paid, not by salaries, but by fees, and it could not be the intention of the House that they should be deprived of their fees. But since the Resolution had been passed more than one member of the long robe had supported measures in reference to which he had at one time or another received a fee. The Resolution would even apply to the hon. Member for Whitby (Mr. Stephenson). Years ago that hon. Member had been asked to give his advice on the main drainage of the metropolis and had received a fee for so doing; and in this Session he had lent his assistance to carry out a Bill embodying his views. But no one ever thought of calling his conduct in question, although he had distinctly violated the language of the Resolution; on the contrary, the House felt deeply indebted to that hon. Gentleman for the able assistance he had rendered throughout the discussions on that Bill. In the present state of the House, and at this period of the Session, he (Mr. Schneider) felt that he would not be doing his duty if he did more than call the attention of the House to the subject; but he hoped that some Member of the Government would take the matter into his consideration, and would next Session bring forward some Resolution which would really carry out the intention of the noble Lord (Lord Hotham), while it should be free from the objections which he had stated. He was afraid that several hon. Members had had imputations cast upon them in consequence of the language of the Resolution. The noble Lord who had moved it, if he had been present, would, he felt confident, have corroborated his statement, that he had never intended to cast imputations upon hon. Members. In conclusion, he would move that the terms of the Resolution should be read.

Motion made, and Question, "That the Resolution of the House of the 22nd day of June last relative thereto be read," put, and *agreed to*.

Resolution read.

MR. WARREN said, that he rose before the Attorney General, for the purpose of saying a few words on this subject on his own account, and also on behalf of the noble Lord to whose recent Resolution the matter before the House related. He had received a letter from his noble Friend requesting him to explain the cause of his absence—a public engagement in the country made by him some time ago, when he could not have supposed that on the last day of the Session any such Motion as this could come on. His noble Friend further authorized him to state, that before leaving town, his attention had been called to this matter, in the House, by the hon. Member for Norwich, and that the case of the Attorney and Solicitor General, in respect of Government business, had not been unforeseen by him in framing his Resolution. What they did in the House of Commons, in Government matters, was part of their official duty, and their professional fees were their necessary official remuneration. Their conduct in Government cases, therefore, was no more open to exception than that of a Minister of the Crown who is paid by salary. Having thus expressed the views of his noble Friend, whose character and position gave him such great weight in this House, he (Mr. Warren) begged briefly to explain his own, by saying that they were in entire accordance with those of his noble Friend in framing his Resolution, in the policy of which he had concurred from the first. That Resolution had received, in a very decisive manner, the approbation of the House, after ample discussion, having passed by a majority of 210 against 27, and ought not lightly to be disturbed. If he (Mr. Warren) had considered that it involved any discredit or dishonour in respect of the great profession to which he had the honour to belong, he would on no account have supported it, but it did no such thing. He appealed to many of those then present to recollect how very guarded and courteous his noble Friend had been in advocating his Resolution, showing that nice regard for the feelings of the members of a powerful and honourable profession which characterized all that he (Lord Hotham) said and did, to all persons, whether in or out of the House. He did not even glance at any individual, or any particular transaction, but expressed what was, and ought to be, the opinion of the House on a matter of great moment to its own privileges and character before the country. He (Mr. Warren) said emphatically, that to do what that Resolution denounced, *was* contrary to the usage, and derogatory to the dignity of that House; and it was a Resolution perfectly intelligible as it stood, though its terms were certainly very comprehensive. Such a case as that now before the House, however, was clearly not within the spirit of the Resolution, and he urged the Government to pause before they unsettled and reopened a Resolution which had so unequivocally received the fiat of the House, and which related to a matter of so much difficulty and delicacy.

THE ATTORNEY GENERAL said, he regretted that the hon. Member for Norwich (Mr. Schneider) had been prevented from calling their attention at an earlier period of the Session to the terms of the Resolution. That Resolution was one of very great importance, not so much as affecting the interests of members of the bar who were also Members of that House, but as affecting in an important degree the independence of every Member of Parliament and the interests of every subject in the realm. If the Resolution had gone no further than absolutely to prohibit any Member of the House from receiving pecuniary or other rewards in respect of the discharge of his duties in that House, no one could have taken exception to it, for such a thing would not only be unconstitutional and illegal, but altogether unworthy and unbecoming any Member of Parliament; but the Resolution went much further than that. He had to express his grateful thanks to the hon. Member for Norwich, for having given him a private intimation of a report which he had heard, and which had been confirmed by his hon. and learned Friend the Member for Wallingford, that it was really believed by some persons that he (the Attorney General) had accepted a large sum—£500, he believed, had been named—from some Indian prince or gentleman, with a view to services to be performed in that House. He should not have thought it necessary to refer at all to so silly a story—which he need hardly say was absolutely untrue—were it not that it afforded him an opportunity of saying, that certainly on a recent occasion a very large sum of money was offered to him on behalf of one of those individuals who had lately sought justice, or what they thought justice, at the hands of the British Parliament. He took the opportunity of inform-

ing the gentleman—who was not any prince of the Royal House of Oude or of Surat—that anything of the kind was so utterly inconsistent with our notions of duty and propriety, and so contrary to the constitution of this country, that any one who made such an offer would be exposed to some personal risk, and he believed that no such offer had been made to any Member of that House since. In answer to the inquiry of the hon. Member for Norwich, he begged to state that it was his intention at the very earliest period of next Session to direct the notice of the House to the Resolution carried by his noble Friend, and to the effect it had in respect to the members of the Bar who were also Members of that House. From what passed when the Resolution was under discussion, it seemed to be believed, chiefly by Members on the other side of the House, that the Resolution would prohibit Members not only from accepting remuneration for anything done in the discharge of their duty, in the House, but that it would also apply to any Member who gave his legal opinion on any case which might result ultimately in proceedings before either House of Parliament. He would not refer to the well-known and ancient practice by which the Attorney and Solicitor Generals were bound, in the discharge of their duty, to give their opinions upon all Bills submitted to this House, and upon all proceedings taken out of this House in which the rights of the Crown were in any way concerned. If that practice were departed from the Crown would be left without the assistance which had always been deemed necessary for the protection of its interests; but without referring now to this question, it was perfectly obvious, and on a future occasion he should be able to satisfy the House, that if the noble Lord's Resolution was made applicable to the case of a counsel who, being consulted by an individual from India or elsewhere, and recommending an appeal to Parliament, was afterwards precluded from taking part in any discussion on the subject, the necessary and inevitable effect would be to prevent a person who had suffered wrongs in any of our Colonies from consulting the most eminent counsel (who were generally Members of this House) lest upon the opinion given, a resort to Parliament should ultimately be found necessary, and he should then be deprived of their advocacy. If a barrister had given his opinion professionally that the case submitted to him was a just and

The Attorney General

righteous one, upon what ground should he be prevented from advocating it in this House? The question involved large and important considerations, and his conviction was, that the Resolution was entirely superfluous and unnecessary, inasmuch as he scarcely believed there existed a member of the Bar—whether of England, Scotland, or Ireland—who had, within our own times, received any description of remuneration in any shape or way of which the most honourable, the most fastidious man in the Queen's dominions could complain. Entertaining this conviction, he would say no more than that, while on the one hand he should be among the first to stand forward and secure, if it were necessary, the dignity and the purity of the Bar from reproach or suspicion, he should certainly feel it his duty at an earlier period next Session to bring the whole question under the consideration of the House, and he was sure the members of the profession would be perfectly content with the decision at which the House might then arrive.

Mr. INGHAM said, he was glad to hear that there would be some general discussion upon the subject embraced in the noble Lord's Resolution. There was no case within his knowledge, nor did he believe that any existed, in which any member of the Bar, after giving his advice on a case submitted to him professionally, had received pecuniary compensation for his advocacy in Parliament; and if the Resolution which had been come to were carried out as strictly as it was said it might be, the result would be to deprive this House of the valuable information which its legal Members were able to bring to bear upon subjects which might come before it.

On the Motion that the House, at its rising, adjourn until Monday,

MAJOR GENERAL INGLIS.

QUESTION.

Colonel NORTH said, he rose to ask the President of the Board of Control whether it was intended, either by Her Majesty's Government or by the East India Company, to propose the grant of a pension to Major General Sir John Eardley Wilmot Inglis, K.C.B., for his distinguished services in the defence of the Residency at Lucknow. He had delayed any allusion to this subject until the last moment, hoping that the Government or the Company would

have rendered any such step on his part unnecessary, by themselves, recognizing the services of General Inglis; and it was with pain and regret that he asked the question now, convinced as he was that it would have been far more gratifying to the feelings of this distinguished officer if any such recognition of his services had been spontaneously made by them. He (Colonel North) would not do the House the injustice to suppose that the events of the siege of Lucknow and its heroic defence had passed from their memories. Viscount Canning, in his general order of the 9th of December, 1857, had done justice to this heroic defence, and had spoken of Brigadier Inglis in terms of the highest praise. He might refer to the despatches of Sir J. Outram and Sir C. Campbell to show the high sense which they entertained of the services which had been rendered by the magnificent defence made by the garrison of Lucknow, and their admiration of the gallantry and ability which had been displayed by Major General Inglis, its commandant. The three most remarkable events connected with the contests in which we had been recently engaged, and those which excited the highest admiration, were the defence of Kars, the defence of Lucknow, and the relief of that band of heroes, who had formed its garrison by Sir H. Havelock. The defence of Lucknow had lasted for no less a period than eighty-seven days, and had resulted in saving to the Indian Government no less a sum than twenty-four lacs of rupees, thirty guns in position, an immense amount of ammunition, the jewels of the King, and, above all, in the preservation of the lives and honour of a large number of our countrywomen and their children. Major General Inglis had conducted that defence to a successful issue, and had, moreover, retained the responsibility of the command of the garrison, even after it had been relieved by Outram and Havelock. Now, what reward, he would ask, had been conferred upon him for services such as these? The gallant defender of Kars, as a reward for what he had done, had been made a general officer, a Knight Commander of the Bath, a Baronet, had in addition received a pension, and was at the present moment Commandant at Woolwich. That gallant officer, he was ready to admit, merited all the honours which a grateful country could confer upon him, while Sir H. Havelock, who had also performed most distinguished services for England, and who had relieved the garrison at Lucknow, had been made a general officer, a Knight Commander of the Bath, a Baronet, had received a pension, had been appointed to the command of a regiment, and had received a command in India. Brigadier Inglis, however, whose conduct had been spoken of in terms so flattering by Sir J. Outram and Sir C. Campbell, who had prosecuted a "magnificent" defence to a successful issue, had up to this moment received merely the honour of being made a Knight of the Bath and a general officer. He held, it was true, also at the present moment a command in India; but what, he would ask, was the cause of his being present in England at this moment? It was the state of his health, which had become considerably impaired, and what, under these circumstances, would be likely to be the result of his return to India, whither he (Colonel North) believed he was about to proceed towards the close of the year? He would not be able to endure the climate of that country, and must, therefore, in all probability, return to England as a general officer, with £400 a year. In consequence of his having been removed from the command of the 32nd Regiment, and promoted to the rank of a general officer, he (Colonel North) believed that Major General Inglis was placed in a worse position than he had occupied before. As colonel of the 32nd Regiment he might, if his health had failed him, have exchanged into a regiment on home service, or to one which was on duty in a more favourable climate. He could also very easily have retired from the command of the regiment by the sale of his commission. Owing to his promotion, however, he would have great difficulty in disposing of his commission as a general officer. He should, under these circumstances, put it to the House whether in their opinion Major General Inglis had received a sufficient reward for the very distinguished services which he had rendered to his country? That gallant officer was, however, but a single instance of the pecuniary loss which promotions sometimes entailed. Colonel Lake, who had been the right-hand man of the hon. and gallant Member for Calne in his defence of Kars, furnished another example. That distinguished soldier had been removed from the East India Company's service to the Queen's, and that removal had, in a pecuniary point of view, been

his ruin. He found that, as an Engineer officer, there was no employment for him in our service, whereas if he had continued in the service of the Company he might have had an appointment of not less than £1,600 a year. True, he had been made an aide-de-camp to the Queen; but he might have received that honour and remained in the Company's service. With regard, however, to Sir John Inglis, he (Colonel North) was confident that there was not a man in the country who would not rejoice to find the Government rewarding him in a manner that was commensurate with the value of his services. For his part, he did not see why the same honours should not be conferred upon him that had been awarded to Sir H. Havelock.

SIR WALTER FARQUHAR said, he was glad that his hon. and gallant Friend had with so much ability brought under the consideration of the House the services of that most distinguished officer Sir J. Inglis. The House ought, of course, to be careful how they trenched upon the prerogative of the Crown in interfering with the recommendations of the executive Government; but he could not help recollecting that on a former occasion, when the services of that distinguished man, Sir Henry Havelock, were brought before the House by the noble Lord the Member for Tiverton, who proposed that a pension of £1,000 a year should be settled upon him, many hon. Members stated that they did not think that was an adequate remuneration for so great a man; and the feeling of the House was so unanimous against the grant of so small a remuneration, that the noble Lord yielded to it, and willingly, and he must say most gracefully, came forward on a subsequent occasion to propose that £1,000 should be settled upon Sir Henry Havelock for life, and that the pension on his death should pass to his most gallant son. And more than that, when the country had occasion to lament the loss of that valuable life—when that gallant man fell, borne down by fatigue, by action, by exposure, by over-strained exertions of body and mind, £1,000 was also settled upon Lady Havelock. That generosity on the part of the Government was hailed throughout the country with universal satisfaction; and he was confident that the country would be delighted to hear that it was the intention of the Government to recommend that a pension be settled on Sir J. Inglis. He held in

Colonel North

his hand an extract from a despatch written by Sir J. Inglis to General Havelock, on the 25th of August, which showed more clearly than any words which he could use what was the condition of the garrison of Lucknow at that time. He had seen the original of this most remarkable document, the smallest possible scrap of paper, which was carried to General Havelock by a cossid after that General's first retirement from Lucknow. He (Sir W. Farquhar) had had himself the satisfaction of taking it to Lady Chelmsford, the mother of Lady Inglis. Every word of it relating to Lucknow was written in Greek, for the purpose of preventing the information reaching the enemy should it fall into his hands; the rest was written in English. He would take the liberty of reading the extract, which was as follows:—

"You must bear in mind how I am hampered; that I have upwards of 120 sick and wounded, and at the least 220 women and 130 children, and no carriage of any description, besides sacrificing 23 lacs of treasure, and 30 guns of all sorts. In consequence of the news, I shall soon put the force on half rations, unless I hear again from you. Our provisions will last us till about the 10th of September. If you hope to save this force, no time must be lost in pushing forwards. We are daily being attacked by the enemy, who are within a few yards of our defences. Their mines have already weakened our post, and I have every reason to believe they are carrying on others. Their 18-pounders are within 150 yards of some of our batteries, and from their position and our inability to form working parties we cannot reply to them, and the damage done hourly is very great. My strength now in Europeans is 350, and about 300 Natives, and the men dreadfully harassed, and owing to part of the Residency having been brought down by round shot many are without shelter. Our Native Horse having been assured, on Colonel Tytler's authority, of your near approach some twenty-five days ago are naturally losing confidence, and if they leave us I do not see how the defences are to be manned. Since the above was written, the enemy have sprung another mine, which has given us a great deal of trouble and caused some loss.'

In giving praise to this distinguished man he wished it to be distinctly understood that he did not at all mean to detract from the praise due to the illustrious Sir Henry Lawrence; for it was owing to his precautions that the garrison were able to hold out at all. But Sir Henry Lawrence died on the 4th of July, and Mr. Banks, who succeeded him, was killed on the 22nd. From the 22nd of July till its relief the whole responsibility of the lives of the men, women, and children, and the garrison of Lucknow, devolved upon Sir J. Inglis. By God's mercy, he (Sir W. Farquhar) had

been permitted to see his son, who was lying prostrate with fever and wounds at Lucknow, and who lamented that on that account he was not able to do the hard work which others did, nor to be so useful as he could have wished, but who was ready to lay down his life to save those who were intrusted to his care. He had heard that son recount with his own lips in glowing terms what others did in defence of the garrison of Lucknow. He told him, with the highest pleasure, of the undaunted courage, unceasing vigilance, and heroic endurance of that noble garrison. It was due to that commander, who, by his energy, ability, and courage, gave so splendid an example to the garrison, that some great compliment should be paid to him by the country for which he had suffered and fought. He trusted that the Government would listen to the recommendations of his hon. and gallant Friend. The highest authority in "another place"—no less than the Prime Minister himself—had stated that the defence of Lucknow by Sir John Inglis was one of the most remarkable of modern times.

THE ACCOUNTS OF THE WAR DEPARTMENT.—OBSERVATIONS.

MR. MACARTNEY said, he rose to call the attention of the House to the paper No. 346 (Army Account 1856-7), in which appears the Report of the Commissioners of Audit, condemning the system of keeping and furnishing the accounts of army receipts and expenditure in the War Department, with the correspondence between the said Commissioners, the Treasury, and War Department. Also, to the paper, No. 424 (Establishment of the Consolidated War Department), with the view of pressing the appointment of professional actuaries to examine and arrange the army accounts for 1856, 1857, and 1858-9; so as to enable the House to ascertain the correct army expenditure previous to the next Session of Parliament, when forming estimates for the year 1859-60; and, further, to place the civil establishment under the Minister at War upon a better and more efficient system than exists at present. In the present mode of keeping the accounts in the War Department there was no means of arriving at a clear debtor and creditor account, and there was great danger, unless the Treasury and the War Minister took the matter up and remedied the false system which was pursued, that serious and heavy losses must occur. In one department of the War Office large defalcations and great mismanagement had already been made public. In 1855-56 the Commissioners of Audit recommended a similar system to be adopted in the War Department to that which prevailed in the navy. The system pursued at the War Office, if adopted by any man in trade, would prevent his being able at the end of the year to balance his books. In 1856-57, owing to the difficulty of dealing with the accounts, the Commissioners of Audit repeated their objection to the system pursued. The object he (Mr. Macartney) had in bringing this matter forward was, that before any further change was made, the Treasury and War Minister should look into this matter and see what could be done. It appeared that it had been resolved that the accounts of the Royal Artillery and Engineers were to be removed from the hands of Messrs. Cox and Co.; and a gentleman who had risen from the ranks, as gunner, no doubt a person of character and ability, had been made paymaster of those corps. He had been employed in the topographical department of the War Office, at a salary of £200 a year, and he was now to have £600 a year, and had given security for £8,000, whilst no less a sum than £50,000 would pass through his hands monthly. Such a serious change as this should be well considered, and he hoped that the Government before next Session would take steps to put the accounts of the War Office on the system recommended by the Commissioners of Audit. The great defect was, that there was no competent Accountant General attached to the department. When the consolidation of the Ordnance with the War Department took place, no such officer had been appointed; Mr. Henry Smith, who was chief clerk and accountant in the Ordnance Department, having retired, Mr. Kirby, who had been fifty-one years in the service, and had retired on his full pension in 1854, was induced to return to active life, and to accept the office of Accountant General of the amalgamated offices on a salary of £1,500 a year. There was not, he believed, a more upright or honourable man in the office than Mr. Kirby, but it was cruel to him to bring him back to the service in that way. Moreover it was notorious that his system of accounts was that which was objected to by the Commissioners of Audit. He mentioned this to show the necessity of adopting the recommendation of the Audit Office. There was another great source of complaint in the

system introduced into the Ordnance Office, arising out of the mode of promoting the clerks. He had brought that question before Parliament in 1854, but the House seemed impressed with the competitive principle, and it decided that the heads of departments had a right to select the best men for promotion instead of adhering to the system of seniority. Nevertheless, he wished now to call attention to the injustice towards the permanent clerks by the introduction of temporary clerks, many of whom obtained advantages over the permanent staff. Formerly there used to be very few clerks appointed in that way; but the late Minister for War had increased them to the number of 160. These men were not under the usual restrictions as to age. One temporary clerk was 54 when he entered only four years ago, and some of them enjoyed much larger salaries than were given to regular clerks of much longer standing. He hoped the minute would be produced next Session which granted to Colonel Mundy (who was appointed Under Secretary for War, under the Duke of Newcastle, and remained in office only two years and ten months) a pension of two-thirds of his salary. In 1855-56 the expenditure of the War Department exceeded the estimates by considerably more than £2,000,000, and in 1856-57 by no less than £1,194,927. All these matters he brought forward to show how imperfectly the accounts of the War Department were kept, and how impossible it was to ascertain and to check its expenditure. He hoped the subject would occupy the serious attention of the Chancellor of the Exchequer and the Minister for War during the recess.

MR. G. A. HAMILTON said, that the Government did intend during the recess to examine into the whole question of the mode of keeping the public accounts not merely in reference to the War Department, but with regard to all the Departments of the State. They had had before them the Report of the Committee on Public Moneys which sat two years ago. The Committee had dealt with the question in the fullest manner, and had suggested various improvements with regard to the mode of keeping and checking the accounts, and of laying them before Parliament. All these points had been considered, and a Treasury Minute had been drawn up with regard to them. That Minute would be considered by the Government during the recess, in the hope that they might be able early next Session to introduce some improvement in the present system. With regard to the complications in the accounts of some years' standing, he could not be expected to enter upon any explanation with regard to them. Whether the war had had anything to do with these complications it was impossible for him to say.

ARMY REGULATIONS.—THE ORDER OF THE BATH.

OBSERVATIONS.

LORD ELCHO said, he rose to call attention to the Army Regulation which requires an officer to have served six years before he can be promoted to the rank of Major; and further, to call attention to the limitation of the Order of the Bath to Field Officers, in consequence of which there are now no means of rewarding an officer below that rank in the British Army. His Motion had been on the paper for some months, but he had deferred it from time to time in the hope that he should have been able to have brought it on at an early hour on that, the last night of the Session. In the then state of the House, however—which, indeed, was not a House, there not being sufficient Members present to constitute a House—it would be as absurd to make a set speech on the matter as it would be to address an elaborate oration on the British constitution to a small dinner party of six. He should therefore confine his remarks within the smallest possible compass. He wished, first, to direct attention to the Army Regulation which required that an officer should have served six years before he could be promoted to the rank of Major. He was far from objecting to that regulation as a general rule, for he thought that it tended both to the efficiency of the public service and to the benefit of the officers themselves, preventing the possibility of favouritism or anything like jobbing in time of peace. Nor was it peculiar to this country, for both in the French and Sardinian armies an officer must serve eight years before he could be promoted, in time of peace, to a rank equivalent to that of Major in the British Army. The defect in our regulations, however, was that no provision was made for a modification of the rule in time of war. That was the time when a man showed what he was—whether he had aptitude and ability for his profession. In the French and Sardinian armies the probationary period was re-

duced one-half during war service—a year in Algiers or in the Crimea counting for two—so that in eight years in war time a man might become a major general, whereas it would require sixteen years in peace before he could do so. This was the principle which he wished to see adopted in this country; and the practice in the sister service warranted it. A man might become a post captain at twenty-two; but, supposing him to enter the army at eighteen, he could not be a major, a far less responsible position, before twenty-four. He ventured to suggest that some such system as that which prevailed in the French and Sardinian armies might in time of war be with advantage applied to our own, and that a man who showed a decided aptitude for his profession should be promoted, irrespectively of that period of service, which was proper and legitimate enough in times of peace, and at the discretion of those who were intrusted with the power of promotion. The second subject of which he had given notice related to the Order of the Bath, which was at present limited to field officers. He saw no reason why it should be confined to any one class of officers, but thought that it should be open to all ranks and grades of the army. Merit, not rank, ought to be the principle acted on, and the Order ought to be open to the ensign if he had sufficiently distinguished himself. The Bath was an old Order—a relict, in fact, of medieval times. In 1725 it first became a military Order, and then thirty-seven knights were made. It was a remarkable circumstance, however, that of those thirty-seven only two were military men. All the others were Members of Parliament, or gentlemen of the bedchamber. The two military men happened to occupy one or other of those positions, and it was extremely doubtful whether they would have received the Order if they had not. Soon after that, however, it did become essentially a military Order, and it was given to Nelson, Collingwood, Wellington, and men of that character. It so remained until the end of the war in 1815, when it was enlarged and put upon the footing upon which it now stands. Of the first class, that of G.C.B., there were to be seventy-two, of whom twelve might be civilians, and the military division was to be limited to major generals and rear admirals. In the second class, that of K.C.B., there were to be 180, and it was limited to lieutenant colonels and post captains. The third class, that of C.B., was to be open to officers holding commissions in Her Majesty's service by sea or land. In 1847 the civil service was admitted to the second and third classes of the Bath, and the military division of the third class was limited as to number and rank. The practical result had all along been that admission to the higher classes of the Order of the Bath had been limited to field officers, and that appeared to him unjust and unfair to the great body of officers in the army. In advocating the eligibility of junior officers of the army to participate in the honour of the Bath, he was fortified by the opinions both of the Duke of York and the Duke of Wellington as stated in a correspondence which passed between those illustrious persons in 1815. The Duke of Wellington on that occasion stated in a letter to his Royal Highness on the 28th of June, 1815, that he did not concur in the limitation of the order. Many captains of the army, he added, conducted themselves in a most meritorious manner, and he could never see the reason of excluding them from the honour. The Duke concluded his letter by proposing a fourth class of the Order of the Bath as a means of rewarding meritorious officers in the service. To that proposition the Duke of York replied in a letter dated from the Horse Guards on the 7th of September, 1815, from which he (Lord Elcho) would read an extract. His Royal Highness said—

"I did not fail to pay every attention to the suggestion, both in affording it my own mature consideration, and in bringing it under that of the Secretary of State, and though we both concur with your Grace as to the advantages which, in many points of view, would attend the future formation of a fourth class in the manner you propose, yet we are apprehensive that it would increase the difficulties and embarrassments which have been found to rise in the selection of individual candidates for past services. There can be no reason, however, for giving such a decision on the subject as may prevent your suggestion from being hereafter acted upon, and upon which footing it is that you have proposed it; and the present publication of what is now termed the third class cannot operate against the future re-organization of the order according to your idea. The argument in my mind in favour of the extension as the Order to a fourth class is the facility it would afford to the introduction of captains into that class. I regret the apparent necessity of their present exclusion, but when an order is first instituted and granted retrospectively, your Grace will agree as to the great difficulty which may arise to the opening of it at once to so numerous a class of officers as captains of the army. Hereafter, whether there may be a fourth instituted or not, I cannot see why an individual captain upon

the occurrence of any distinguished action should not have the order."

The very grounds on which the Victoria Cross was instituted afforded an additional illustration of the principle for which he (Lord Elcho) was contending, inasmuch as it was only to be given as a reward for individual instances of merit and valour in the field. But although that order remedied the difficulty so far as the want of a fourth class was felt it did not wholly meet the case. It was not given for those services for which the Order of the Bath was given. Under the terms on which the order was instituted such a man as Sir John Inglis, for example, would not be entitled to the Victoria Cross, but any bombardier under him would, who took up a live shell and threw it away, not, it might be, knowing the danger to which he was exposing himself. In point of fact, the Victoria Cross had a direct tendency to induce young men in the army to do things —gallant they might be, but still rash and contrary to discipline—in the hope of obtaining the reward and the honour which it conferred. He would suggest, therefore, that the Statutes of the Order, should be remodelled after those foreign orders, which were established for the encouragement of bravery, but of bravery in accordance with discipline. Such, for instance, was that of St. George, of which, provided that every officer should be inserted in the list who, when in the command of troops, and animating them by his own example, captured a ship, a battery, or any place held by the enemy, or stood a siege without surrendering. He would say, in conclusion, that he was anxious that his hon. and gallant Friend should consider the subjects which he had ventured to bring under the notice of the House, with the view, if his hon. and gallant Friend thought them consistent with the discipline and efficiency of the service, to his proposing a relaxation of the rule in reference to promotion, and an extension of the third class of the Order of the Bath, if not the institution of a fourth class.

SIR FREDERICK SMITH said, he thought the junior officers of the army were under great obligations to the noble Lord for advocating their claims to share in the distinguished honour of the Bath. The question, no doubt, was a very difficult one, as indeed was evident from the fact that the Duke of Wellington had been in power subsequently to 1815, and yet had done nothing in the matter. Perhaps, too, it might occasion heartburnings if it were given to very young officers who had been more fortunately placed than their brother officers, as brevet rank sometime was. Still, he hoped it would receive the consideration of the Secretary at War during the recess. With regard to the first part of the noble Lord's speech, looking to the very responsible positions which field officers were sometimes called on to hold, he questioned whether it was desirable to interfere with the regulation which required that an officer should have served a certain number of years before being promoted to the rank of major. Before sitting down, he wished to add his meed of praise to the eulogium passed upon Sir John Inglis by his hon. and gallant Friend near him (Colonel North). As an Engineer officer he had studied all the details of the siege of Lucknow, and he knew of no defence more distinguished for constancy, ingenuity, and gallantry than the defence of Lucknow by that brave officer.

GENERAL CODRINGTON said, there was no doubt that the limitation of the Order of the Bath to the superior ranks of the army was a great disadvantage and unfairness to the lower ranks. The establishment of a fourth class or an extension of the Order to the subalterns would be most agreeable to the army generally, and would produce a greater feeling of brotherhood between the superior and inferior ranks. No doubt, there would be some difficulty in extending the superior grade of the Bath to the inferior grade of officers, because, of course, the more generally it was bestowed, the less it would be valued. He questioned very much whether it was advisable to have made the Bath a civil order at all, for certainly the services of the army merited an exclusively military order. The Victoria Cross seemed originally intended for the purpose of rewarding the inferior grades of officers in the army and navy who could not receive the Bath, but in some way or other it had been appropriated to the reward of a totally different class of services. It was now put above the Bath, inasmuch as it was made to celebrate individual and marked services. Those, however, who had received it richly merited it, and a finer list of gallant deeds than that attached to the muster roll of the decoration had never been seen. No doubt it had been attended with its little inconveniences. Lord Hardinge said that the great object in the English army should

be to preserve the correct formation of regiments and brigades in line, and not to encourage officers to step out of the line and mar its completeness for the purpose of signalizing themselves by some special action of gallantry; and an order of this sort which was given for such actions might have its disadvantages. He hoped that the right hon. and gallant General who had shown in so many cases a disposition to do all in his power for the good of the army would take this matter into his consideration. With regard to the remarks of the hon. and gallant Colonel opposite (Colonel North) on the position of Sir John Inglis, no person had ever done more honour to the Bath, and nobody had more richly merited it, not only for his brilliant and gallant defence of Lucknow, but for his previous services at Moultan and in the Punjab. With regard to his pecuniary position, however, Sir John Inglis was absolutely worse off than he was before being made a Major General. But there was this to be said, that he was a young Major General, and he hoped he had still a long and brilliant career with the highest rewards before him.

GENERAL PEEL said, he could assure his hon. Friend behind him (Mr. Macartney) that as regarded the first part of his Motion every one of the recommendations of the Treasury had been carried into effect, and the improved mode of taking accounts was now in operation at the War Office. With regard to his remarks on the War Department generally, he might have contented himself with assuring him that, so far as in him lay, he would do his duty in connection with his office, if his hon. Friend had not referred to names of individuals connected with that department before his time. Major Marvin had been appointed paymaster at Woolwich long before he (General Peel) was at the head of the War Department, in consequence of the peculiar qualifications he possessed for the office, and his appointment would be the means of saving the country £4 000 a year. His hon. Friend had alluded to the fact of that gallant officer having risen from the ranks. All that he (General Peel) could say in reply was, that it was the more honour to him. As to the number of temporary clerks in the War Office, it was the most economical and efficient mode of conducting the public service, because if they were all permanent clerks, the staff could not be reduced without the payment of large sums for compensation. In consequence of the requisitions made upon the War Office by the East India Company there had been an increase in the number of letters received during the two months ending the 28th of June, as compared with the corresponding two months of 1857, of 14,653, and in the number of letters written of 16,607. There had also been an increase of 415 hours in the daily attendance, or equal to the service of 69 clerks at the ordinary rate of attendance. He could assure his hon. Friend that from himself down to the humblest person in the establishment they were all overworked. With regard to the superannuations, they had all taken place long before he came to the War Office, and he could therefore give no opinion on the subject. With regard to the remarks of his noble Friend (Lord Elcho) he thought it would be very unwise in that House to interfere with the regulations or discipline of the army, which had far better be left to the commanding officers and the head of the department. The present regulation as to the number of years' service was in operation during the whole career of the Duke of Wellington, and he must say that his experience was that six years was not too long a period for an officer to become acquainted with all his multifarious duties. He did not think the comparison of his noble Friend between a brevet major and a post-captain at all a suitable or appropriate one. It had been justly stated that the Victoria Cross was instituted as an extension of, or rather as a substitute for, the Bath. It was with great pain that they were often obliged to refuse the Bath to persons who were quite entitled to it in consequence of the number greatly exceeding that laid down by the regulations. That number was 550, but he believed at the present moment it was exceeded by more than 200. He would not say that the present constitution of the Victoria Cross might not be improved. At present it was requisite that some extraordinary proof of valour should be given in the presence of the enemy. The effect of that provision no one knew better than the hon. and gallant Gentleman opposite (General Codrington), who had addressed the House. There were, however, instances of valour exhibited not in the presence of an enemy that ought to be rewarded, such for example, as the case of the men on board the *Sarah Sands*. He was happy to say that he had received the sanction of Her Majesty to such an extension of that order as

would include them and persons in similar situations. In conclusion, he could assure the House that it was his earnest desire to promote the general welfare of the army.

SIR WILLIAM FRASER said, he hoped some arrangements would be made by which officers would be relieved from the liability to pay £200 or £300 in fees on their receiving the distinction of the Order of the Bath. He feared the institution of the Victoria Cross might have a slightly detrimental effect on the service. The great principle advocated by the late Duke of Wellington for the English army, which, he said, would have gone anywhere and done anything, was the principle of duty. Of all the despatches written by that great man there was not one in which the word "glory" did occur, nor one in which the word "duty" did not occur. Such was the mode of modern warfare that it was next to impossible for an officer of any rank to attain the honour of the Victoria Cross, and he doubted whether its being attainable by subalterns, corporals, and men of the line would not lead them to neglect duty in the pursuit of glory.

ORDNANCE SURVEY.—QUESTION.

SIR DENHAM NORREYS said, he wished to ask the noble Lord the President of the Board of Control, in the absence of the Chancellor of the Exchequer, whether, before final determination on the scale to be adopted in future, the Chancellor of the Exchequer will cause inquiry to be made, firstly as to the expense, and secondly, as to the correctness of the system of reduction by photography now practised by the Ordnance Department for forming the six-inch and one-inch maps. He must complain that a Commission had been issued upon a Motion in the House of Lords, in order to upset a decision of the House of Commons upon this subject. He did not wish to say a word against the gentlemen composing the Commission, except that they were known to entertain decided opinions as to the scale of survey. The Government had taken it upon themselves to act contrary to the opinion of the House of Commons, and the responsibility now rested upon them. He was greatly afraid that the reduction of these maps by photography would not realize the expectations entertained of it.

LORD STANLEY said, he could not pretend to have any information of his own upon that subject; but he had been informed, on the authority of those who had conducted that survey, that the reduction by photography was perfectly and minutely accurate, and that a saving of 650 per cent. was effected by that process, the actual cost being only 16*d*. per sheet. In reply to the question whether any further inquiry was to be made into that subject he had to state that the Government did not believe any inquiry would be necessary after the report of the present Commissioners should have been received. Another question had been put to him some time before, to which he regretted that he could not return a very definite answer. He had been asked whether anything would be done in the way of proposing the grant of a pension to Major General Inglis. Perhaps in the present state of the case it would be enough for him to say that the distinguished services of General Inglis were as fully appreciated by the Government as they were by the hon. Members who had spoken on the subject and, as he believed, they were by the public.

RAILWAY AND CANAL LEGISLATION.
OBSERVATIONS.

MR. RICH, in rising to bring under the notice of the House the Report from the Select Committee on Railway and Canal Legislation, said that the contradictory and unjust decisions of Parliament had produced a state of insecurity and uncertainty most prejudicial to the important interests concerned. More than £300,000,000 had been spent in the construction of railways, but from the causes alluded to the value of that immense property was much depreciated, and much suffering was the result among the shareholders. Many persons said, "Let them suffer, the public gains." The public did not gain, would not gain, and ought not to gain, by the commission of injustice to large bodies. He wished to impress upon the Government the necessity of their attending to this important subject. They ought either to appoint a commission of inquiry composed of properly qualified persons, or early next Session move for a Committee of that House, a majority of the Members of which should be cognizant of and interested in railway matters. In no other way would the railway interest find itself fairly treated.

Motion *agreed to*.

House, at rising, to adjourn till *Monday* next.

House adjourned at half after Eleven o'clock, till Monday next.

HOUSE OF LORDS,

Monday, August 2nd, 1858.

MINUTES.] ROYAL ASSENT.—Consolidated Fund (Appropriation); Copyright of Designs; Inclosure of Lands; Sheep, &c. Contagious Diseases Prevention; Turnpike Acts Continuance; Police (Scotland) Act Amendment; Bishops' Trusts Substitution; Titles to Land (Scotland); Sale and Transfer of Land (Ireland); Stipendiary Magistrates; County Court Districts; Chelsea Bridge Act Amendment; Returns to Secretary of State; Detached Parts of Counties; Herring Fisheries (Scotland); Cowley's Charity; Leases and Sales of Settled Estates Act Amendment; Administration of Oaths by Committees; Four Courts (Dublin) Extension; Railway Cheap Trains, &c.; Lunatics (Scotland) Act Amendment; Medical Practitioners; Joint Stock Banking Companies; County Property Conveyance; Legitimacy Declaration; Copyholds Acts Amendment; Universities (Scotland); Probates and Letters of Administration Act Amendment; Turnpike Trusts Arrangements; Vaccination (Ireland); Drafts on Bankers Law Amendment; Incumbered Estates (West Indies) Act Amendment; Militia Pay; Militia (Service Abroad) Act Continuance; Militia Act Continuance (No. 2); Corrupt Practices Prevention Act Continuance; Public Health; Local Government; Government of British Columbia; Clerk of Petty Sessions (Ireland); Friendly Societies Act Amendment; Art Unions Indemnity; Reformatory Schools (Ireland); New Writs; Metropolis Local Management Act Amendment; Civil Bills, &c. (Ireland) Act Amendment; Judgments (Ireland) Act Amendment; Government of India; Divorce and Matrimonial Causes Act Amendment; Cornwall Submarine Mines.

PROROGATION OF THE PARLIAMENT. SPEECH OF THE LORDS COMMISSIONERS.

THE PARLIAMENT was this day prorogued by Commission.

The Lords Commissioners, the LORD CHANCELLOR, (Lord Chelmsford) the LORD PRESIDENT OF THE COUNCIL (the Marquess of Salisbury), the LORD PRIVY SEAL (the Earl of Hardwicke), the LORD CHAMBERLAIN (Earl De LaWarr), and the DUKE of BEAUFORT, being in their robes and seated on a form between the Throne and the Woolsack; and the Commons being come, with their Speaker, the Royal Assent was given to several Bills.

Then THE LORD CHANCELLOR *delivered* the Speech of the LORDS COMMISSIONERS as follows:—

"*My Lords and Gentlemen,*

"WE are commanded by Her Majesty to express Her Satisfaction at being enabled to release you from the Duties of a Session, which, though interrupted, has, by your unremitting Assiduity, been productive of many important Measures.

"HER Majesty is happy to believe that Her Relations with Foreign Powers are such as to enable Her Majesty to look with Confidence to the Preservation of General Peace.

"HER Majesty trusts that the Labours of the Plenipotentiaries now sitting in Conference at *Paris* may lead to a satisfactory Solution of the various Questions which have been referred to them.

"THE Efforts, the Gallantry, and Devotedness, displayed in *India* by Her Majesty's Forces, and those of the East India Company, have been above all Praise; and Her Majesty hopes that those Efforts have already been so far crowned with Success that the formidable Revolt which has raged throughout a large Portion of Her Indian Possessions may now, under the Blessing of Almighty God, be speedily suppressed, and Peace be restored to those important Provinces.

"IN this Hope Her Majesty has given Her willing Assent to the Act which you have passed for transferring to Her direct Authority the Government of Her Indian Dominions; and Her Majesty hopes to be enabled so to discharge the high Functions which She has assumed, as, by a just and impartial Administration of the Law, to secure its advantages alike to Her Subjects of every Race and Creed, and, by promoting their Welfare, to establish and strengthen Her Empire in *India*.

"*Gentlemen of the House of Commons,*

"HER Majesty commands us to thank you for the judicious Liberality

with which you have made Provision for the Exigencies of the Public Service.

"The present State of the Revenue authorises Her Majesty to entertain a confident Hope that the Supplies which you have granted will be found fully adequate to the Demands upon them.

"*My Lords, and Gentlemen,*

"The sanitary Condition of the Metropolis must always be a Subject of deep Interest to Her Majesty, and Her Majesty has readily sanctioned the Act which you have passed for the Purification of that noble River, the present State of which is little creditable to a great Country, and seriously prejudicial to the Health and Comfort of the Inhabitants of the Metropolis.

"Her Majesty has also willingly assented to an Act whereby greater Facilities are given for the Acquisition by Towns and Districts of such Powers as may be requisite for promoting Works of local Improvement, and thus extending more widely the Advantages of Municipal Self-government.

"Her Majesty trusts that the Act which you have passed for the future Government of the Scotch Universities will be found highly advantageous to those venerable Institutions, and will greatly promote and extend a System of sound Moral and Religious Education in *Scotland*.

"The Transfer of Land Bill, which extends the Powers hitherto exercised by the Incumbered Estates Commissioners, and facilitates the Acquisition of an indefeasible Title by Purchasers of Land in *Ireland*, cannot fail to be highly beneficial to the Landed Proprietors, and to advance the Prosperity of that Part of Her Majesty's Dominions.

"The Act to which Her Majesty has assented for the Establishment of the Colony of *British Columbia* was urgently required in consequence of the recent discoveries of Gold in that District; but Her Majesty hopes that this new Colony on the *Pacific* may be but one Step in the Career of steady Progress, by which Her Majesty's Dominions in *North America* may ultimately be peopled, in an unbroken Chain, from the *Atlantic* to the *Pacific*, by a loyal and industrious Population of Subjects of the British Crown.

"Her Majesty thankfully acknowledges the Diligence and Perseverance which has enabled you in a comparatively short Time to pass these and other Measures of inferior but not insignificant Importance.

"Many of you, in returning to your respective Counties, have extensive Influence to exercise, and Duties to perform of hardly less Value to the Community than those from the Labours of which you are about to be released; and Her Majesty entertains a confident Assurance that, under the Guidance of Providence, that Influence will be so employed, and those Duties so performed, as to redound to your own Honour, and to promote the general Welfare and the Happiness of a loyal and contented People.

Then a Commission for proroguing the Parliament was read.

After which

The LORD CHANCELLOR said,

"My Lords and Gentlemen,

"By virtue of Her Majesty's Commission under the Great Seal, to us and other Lords directed, and now read, we do, in Her Majesty's Name, and in obedience to Her Commands, Prorogue this Parliament

to *Tuesday* the Nineteenth Day of *October* next, to be then here holden; and this Parliament is accordingly prorogued to *Tuesday* the Nineteenth Day of *October* next."

HOUSE OF COMMONS,

Monday, August 2nd, 1858.

NATIONAL GALLERY—.QUESTION.

MR. T. DUNCOMBE said, he would beg to ask the Chancellor of the Exchequer whether he has succeeded in carrying out arrangements for opening the National Gallery on Saturday afternoons?

THE CHANCELLOR OF THE EXCHEQUER said, he had great pleasure in informing the hon. Gentleman that he had succeeded in accomplishing that object. He was bound at the same time to say that he had received from Sir Charles Eastlake great assistance and sympathy in making the arrangements; and after some short time, which must necessarily elapse before the arrangements could be made complete, the National Gallery would be open on Saturday afternoons.

WEIGHTS AND MEASURES.—QUESTION.

MR. JOHN LOCKE said, he rose to ask the Secretary of State for the Home Department when the Copies of Standards of Weights and Measures were issued from the Exchequer under which 1,555 tradesmen have been convicted by the Police for using false Weights and Measures in 1857, and whether the accuracy of the said Copies of Standards have been legally tested since they were first issued; and, if so, at what period? And, whether the Police Constables now engaged as Inspectors of Weights and Measures are authorized to seize all Weights and Measures indiscriminately under the Act *5 & 6 Will.* IV. c. 63, which deviate from the Standards, or whether they are instructed to distinguish between cases of intentional fraud and trifling inaccuracies arising from friction, atmospheric influence, or ordinary wear and tear?

MR. WALPOLE said, he was sorry to say that he had not yet been able to obtain the desired information; but as the matter was of considerable importance he would take care that due inquiry should be made respecting it, and if any alteration should be required to have the Standards properly rectified he would take care that it should be made.

GENERAL CHESNEY'S WORK.
QUESTION.

MR. WILSON said, he wished to ask the Secretary to the Treasury whether the sum voted in the present year in aid of the expenses in bringing out General Chesney's work is to be given with the understanding that the work is to be completed; and, also, whether the East India Company have contributed any sum for the same purpose? In putting this question, he wished to observe that £6,000 had already been paid for what was only a mere preface, and that but one volume had as yet been published, which contained, not useful matter with regard to the exploration of the East, but was a mere history of commerce.

MR. G. A. HAMILTON said, he could not at present give the hon. Gentleman the assurance he required, because the Government had not yet considered the expediency of publishing the remainder of the work. His own impression was, that three volumes had been published. The arrangement with General Chesney, upon which £4,000 had been voted by that House, and £1,000 by the East India Company, was that, in the first place, the copies of the work were to be at the disposal of the Government; next, that the materials for its completion were also to be at the disposal of the Government; and, thirdly, that General Chesney should, without any charge, edit the remainder, when the Government thought it expedient that it should be completed.

MR. WHITE said, he wished to point out that as he had been the first to mention this subject, that two volumes had been published, the first of which contained, he believed, a history of the world, and the other a history of Asia, mixed up with every variety of matter. There were two more volumes yet to be published to complete the work.

THE PARKS.—QUESTION.

VISCOUNT PALMERSTON said he wished to ask a question of the noble Lord the Chief Commisioner of Works, of which he had not given notice; but as it related to a matter respecting which he had had private communication with the noble Lord some time ago, he had no doubt the noble Lord would be able to give him an answer one way or the other. He would like to know when it was the intention of the noble Lord to remove those abominable iron

hurdles which now fenced the parks, and prevented the people of the metropolis from the free enjoyment of them, although they were maintained at the public expense simply for the public recreation. His right hon. friend the late Chief Commissioner had assured him that they would be removed last spring, and he had understood from the noble Lord (Lord J. Manners) that he also intended to remove them. But there they are still, and there they appeared likely to remain, so far as he could see, until the iron had disappeared by the process of time. Meanwhile the public are precluded from that power of free expatiation over their own parks which is essential to their health and amusement. Perhaps the noble Lord will say that the object of these hurdles is to prevent the people from walking over the grass; but he (Viscount Talbot) did not know for what purpose the grass was there, except to be walked upon. If it were to be kept for the purpose of being looked at only, it ceased to have the advantage it was intended to confer upon the population. He wished to know, therefore, when the noble Lord intends taking the people of the metropolis out of irons, so far as related to the parks.

LORD JOHN MANNERS said, that having completed the removal of the hurdles from the whole of Hyde Park, the question of the noble Viscount must relate chiefly to the Green Park. It had been his intention to remove all the hurdles from that park also; but unfortunately, as the noble Viscount was thinking proper, there came a plague of chronicles [illegible] early in the spring which destroyed the grass in a very extraordinary manner, and in consequence it became necessary to enclose with the hurdles all that portion of the park which had been so injured. He had great hopes, however, that the grass would soon recover; and he trusted that the noble Viscount would rely the removal of the hurdles from Hyde Park as an earnest of his (Lord John Manners') desire to remove them also from the Green Park.

OUR RELATIONS WITH NAPLES.

MR. T. DUNCOMBE said, he wished to ask a question of the right hon. Gentleman the Chancellor of the Exchequer, and for the purpose of doing so he could move the adjournment of the House, if that were necessary. Nearly two years ago the Government of this country broke off diplomatic relations with the Government of Naples; and the question he now begged to ask was, whether any change has taken place, or is likely to take place, in our relations with that country? The breaking off of those diplomatic relations grew out of the barbarities which were committed by the prisoners of the Neapolitan detention towards political offenders. The imprisonment and torture to which so many persons, and those foreigners even, had been subjected, and the horrible circumstances of ill-treatment to an Italian prince. The question he brought was a most important one to be put at the present moment, and the House ought not to separate for six weeks without receiving some reply. The Sovereigns of England and France were about to meet on a day or two. Her Majesty would be surrounded by Peers and Commoners, and attended by very many of her British subjects, and he did think that a whisper or a word in the interval from Her Majesty's lips might suggest to the Monarch of France just in the midst of all the festivity and magnificence, that should any altogether hinge the struggle of Italy. The occurrence of such a sentiment would, he believed, be highly acceptable to the Emperor of the French, because it was well known, on all sides, to the Government, and ought to be known, from what had occurred between himself and him, that during the Session was the Emperor of the French, in his address, suggested that the restoration of Venice and the independence of Italy should form part of any general scheme for the settlement of peace. That proposal, however, he was grieved to understand, was unanimously rejected by the Government of England; but to that as it might, he believed that the reproach which was sometimes levelled against England, that they were very fond of constitutional freedom and liberty at home, but that they acted with despotism abroad, was but too true. The question he had to put to the right hon. Gentleman, therefore, was whether any change has taken place, or is likely to take place, with regard to our relations with the Government of Naples?

THE CHANCELLOR OF THE EXCHEQUER: Sir, I did not collect from the observations of the hon. Gentleman whether he thinks that the renewal of diplomatic relations with Naples would be a

proof of our sympathy with despotism abroad, or the reverse, though the inference from his observations may be taken either way. I think, however, all must feel that to terminate diplomatic relations between two States is always an extremely inconvenient and injurious course, and one that can only be justified by very strong reasons indeed. With regard to the case of Naples, perhaps a great deal of what has occurred, and which has very much interested this House of late, between the King of the Two Sicilies and this country, might not have occurred had Her Majesty been directly represented at that Court. But it is unnecessary now to speculate upon those circumstances. I am bound to say that the late negotiations between England and Naples, which were of an extraordinary character, and occasioned by a remarkable event—I allude to the seizure of the *Cagliari*—were certainly conducted in a manner which was satisfactory to this country, and, at the same time, not at all, I think, to the discredit of the Neapolitan Government. Whether those relations which subsisted heretofore will soon be revived it is impossible for me at the present moment to state. No doubt it is extremely desirable that there should be direct communications between this Government and the Neapolitan Government; and I trust that whenever those communications are restored, they will be restored under circumstances which will be generally satisfactory to the people of this country.

HARBOURS OF REFUGE.—REPLY TO ADDRESS.

MR. WALPOLE appeared at the Bar, and read the following reply from the Queen to an Address from the House for the issue of a Royal Commission relative to Harbours of Refuge in the Report of a Select Committee of this House upon Harbours of Refuge.

Answer to Address [26th July] *reported*, as follows:—

I have received your Address, praying that I will give directions for the appointment of a Royal Commission to complete the Inquiry in the terms recommended in the Report of the Select Committee of the House of Commons, in the present Session, on Harbours of Refuge.

And I have given directions that a Royal Commission shall issue for the purpose which you have requested.

MILITARY OPERATIONS IN CHINA. QUESTION.

MR. WHITE said, he would beg to ask the Chancellor of the Exchequer if he is in possession of any further information relative to proceedings in China which would encourage the hope of such a satisfactory result as is referred to by Lord Elgin in his address to the merchants of Shanghai?

THE CHANCELLOR OF THE EXCHEQUER said, that the latest accounts received from China were of a satisfactory character; and, if they did not tend to encourage a hope of the immediate conclusion of difficulties, justified him in believing that increased activity in that quarter would lead to the result which the hon. Gentleman desired.

PROROGATION OF THE PARLIAMENT.

Message to attend the LORDS COMMISSIONERS.

The House went, and the ROYAL ASSENT was given to several Bills. And afterwards a Speech of the LORDS COMMISSIONERS was delivered to both Houses by the LORD CHANCELLOR.

Then a Commission for Proroguing the Parliament was read.

After which

THE LORD CHANCELLOR said:

"MY LORDS, AND GENTLEMEN,

"By virtue of Her Majesty's Commission, under the great Seal, to us and other Lords directed, and now read, we do, in Her Majesty's Name, and in obedience to Her Commands, Prorogue this Parliament to *Tuesday* the Nineteenth day of *October* next, to be then there holden; and this Parliament is accordingly Prorogued to *Tuesday* the Nineteenth day of *October* next.

[LIST OF STATUTES.

A TABLE

OF

ALL THE STATUTES

PASSED IN THE SECOND SESSION OF

THE SEVENTEENTH PARLIAMENT OF THE UNITED KINGDOM

OF GREAT BRITAIN AND IRELAND.

21° & 22° *VICT.*

PUBLIC GENERAL ACTS.

I. AN Act to indemnify the Governor and Company of the Bank of *England* in respect of certain Issues of their Notes, and to confirm such Issues, and to authorize further Issues for a Time to be limited.

II. An Act to settle Annuities on Lady *Havelock* and Sir *Henry Marshman Havelock*, in consideration of the eminent Services of the late Major General *Havelock*.

III. An Act for enabling the *East India* Company to raise Money in the United Kingdom for the Service of the Government of *India*.

IV. An Act to continue an Act of the last Session to authorize the embodying of the Militia.

V. An Act to apply the Sum of Ten Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-eight.

VI. An Act to apply the Sum of Five hundred thousand Pounds out of the Consolidated Fund to the Service of the Year ending the Thirty-first Day of *March* One thousand eight hundred and fifty-eight.

VII. An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.

VIII. An Act to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for *England* and *Wales*.

IX. An Act for punishing Mutiny and Desertion, and for the better payment of the Army and their Quarters.

X. An Act to confirm a certain Provisional Order of the General Board of Health, applying the Public Health Act, 1848, to the District of *Skipton* in the West Riding of the County of *York*; and to further declare the Limits of the District of *Toxteth Park* in the County Palatine of *Lancaster*, for the Purposes of the said Act.

XI. An Act to repeal the Stamp Duties payable on Matriculation and Degrees in the University of *Cambridge*.

XII. An Act for the Alteration of certain Duties of Customs.

XIII. An Act for raising the Sum of Twenty million nine hundred and eleven thousand five hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and fifty-eight.

XIV. An Act for raising the Sum of Two Millions by Exchequer Bonds.

XV. An Act for granting certain additional Rates and Duties of Excise.

XVI. An Act for the further Amendment of the Duties of Customs.

XVII. An Act to apply the Sum of Eleven Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-eight.

XVIII. An Act to effect an Exchange between the Commissioners of *Chelsea Hospital* and the Governor and Company of *Chelsea* Waterworks of Lands in the Parishes of *St. George Hanover Square* and *Saint Margaret Westminster* in the County of *Middlesex*.

XIX. An Act to continue an Act of the Third and Fourth Years of Her Majesty, Chapter One hundred and ten, to amend the Laws relating to Loan Societies.

XX. An Act for granting a Stamp Duty on certain Drafts or Orders for the Payment of Money.

XXI. An Act to confirm a Contract for the Sale by the Commissioners of Her Majesty's Works of certain Lands to the Commissioners of *Chelsea Hospital*.

XXII. An Act to abolish Franchise Prisons.

XXIII. An Act for abolishing the Tolls now levied

on the Bridge over the *Shannon* at *Portumna* in *Ireland*.

XXIV. An Act to reduce the Stamp Duty on Passports.

XXV. An Act to amend the Act concerning Non-parochial Registers, and the Acts for Marriages, and for registering Births, Deaths, and Marriages, in *England*, and concerning Vaccination.

XXVI. An Act to abolish the Property Qualifications of Members of Parliament.

XXVII. An Act to amend the Course of Procedure in the High Court of Chancery, the Court of Chancery in *Ireland*, and the Court of Chancery of the County Palatine of *Lancaster*.

XXVIII. An Act to continue the Peace Preservation (*Ireland*) Act, 1856.

XXIX. An Act for confirming a Scheme of the Charity Commissioners for Sir *Eliab Harvey's* Charity in the Town of *Folkstone*.

XXX. An Act for confirming a Scheme of the Charity Commissioners for certain Municipal Charities in the City of *Bristol*.

XXXI. An Act for confirming a Scheme of the Charity Commissioners for certain Charities in the Parishes of *Saint Nicholas* and *Saint Leonard* in the City of *Bristol*.

XXXII. An Act to make valid certain Acts of the late Chief Justice of *Bombay*.

XXXIII. An Act for the better Management of County Rates.

XXXIV. An Act to continue "The Railways Act (*Ireland*), 1851."

XXXV. An Act to remove Doubts as to the Operation of a Convention between Her Majesty and the Emperor of the *French* relative to *Portendic* and *Albreda*.

XXXVI. An Act for releasing the Lands of the Commissioners for the Exhibition of 1851, upon the Repayment of Monies granted in aid of their Funds.

XXXVII. An Act to provide for the Allotment of the Commonable Lands within the Boundaries of the late Forest of *Hainault* in the County of *Essex*.

XXXVIII. An Act to repeal certain Provisions for the Issue out of the Consolidated Fund of fixed Amounts for the Reduction of the Funded Debt.

XXXIX. An Act to suspend the making of Lists and the Ballots for the Militia of the United Kingdom.

XL. An Act to confer Powers on the Commissioners of Her Majesty's Works and Public Buildings to acquire the Theatre Royal, *Edinburgh*, and adjacent Property, for the Erection of a new General Post Office, and for other Purposes.

XLI. An Act to extend the Time for making Advances towards Navigations in *Ireland*, under the Provisions of an Act of the Nineteenth and Twentieth *Victoria*, Chapter Sixty-two.

XLII. An Act for shortening the Time of Prescription in certain Cases in *Ireland*.

XLIII. An Act to amend the Municipal Franchise in certain Cases.

XLIV. An Act to give to the Universities of *Oxford*, *Cambridge*, and *Durham*, and the Colleges in those Universities, and to the Colleges of *Saint Mary* of *Winchester* near *Winchester*, and of King *Henry* the Sixth at *Eton*, Power to sell, enfranchise, and exchange Lands, under certain Conditions, and also to grant Leases for Agricultural, Building, and Mining Purposes, and to deal with the Interests of their Lessees under proper Reservations and Restrictions.

XLV. An Act to amend the Provisions of an Act of the Sixth Year of King *William* the Fourth, for separating the Palatine Jurisdiction of the County Palatine of *Durham* from the Bishoprick of *Durham*; and to make further Provision with respect to the Jura Regalia of the said County.

XLVI. An Act to remove Doubts as to the Validity of certain Marriages of *British* Subjects abroad.

XLVII. An Act to amend the Law of False Pretences.

XLVIII. An Act to substitute One Oath for the Oaths of Allegiance, Supremacy, and Abjuration; and for the Relief of Her Majesty's Subjects professing the Jewish Religion.

XLIX. An Act to provide for the Relief of Her Majesty's Subjects professing the Jewish Religion.

L. An Act to continue certain temporary Provisions concerning Ecclesiastical Jurisdiction in *England*.

LI. An Act further to continue the Exemption of certain Charities from the Operation of the Charitable Trusts Acts.

LII. An Act to appoint a Clerk of Nisi Prius for the Consolidated Nisi Prius Court in *Ireland*, and to make Provision for the Appointment of Tipstaffs in the Superior Courts of Common Law and Equity in *Ireland*.

LIII. An Act to continue Appointments under the Act for consolidating the Copyhold and Inclosure Commissions, and for completing Proceedings under the Tithe Commutation Acts.

LIV. An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themseves for Offices and Employments, and to extend the Time limited for those Purposes respectively.

LV. An Act to revive and continue an Act amending the Act for limiting the Time of Service in the Army.

LVI. An Act to amend the Law relating to the Confirmation of Executors in *Scotland*, and to extend over all Parts of the United Kingdom the effect of such Confirmation, and of Grants of Probate and Administration.

LVII. An Act to amend the Act of the Fifth and Sixth Years of Her present Majesty, for enabling Ecclesiastical Corporations, aggregate and sole, to grant Leases for long Terms of Years.

LVIII. An Act for the future Appropriation of the Tithe or Tenth of Lead Ores in the Parishes of *Stanhope* and *Wolsingham* in the County of *Durham* belonging to the respective Rectors thereof, subject to the existing Incumbencies, and for making other Provisions for the Endowment of the said Rectories in lieu thereof, and for other Purposes connected therewith.

LIX. An Act further to amend the Law relating to the Erection and Endowment of Churches, Chapels, and Perpetual Curacies in *Ireland*.

LX. An Act to amend the Joint Stock Companies Acts 1856 and 1857, and the Joint Stock Banking Companies Act, 1857.

LXI. An Act to authorize the Inclosure of certain Lands in pursuance of a Special Report of

the Inclosure Commissioners of *England* and *Wales*.

LXII. An Act to continue certain Acts to prevent the spreading of contagious or infectious Diseases among Sheep, Cattle, and other Animals.

LXIII. An Act to continue certain Turnpike Acts in *Great Britain*.

LXIV. An Act to make further Provision for the Practice of Vaccination in *Ireland*.

LXV. An Act to amend an Act of the last Session, to render more effectual the Police in Counties and Burghs in *Scotland*.

LXVI. An Act to amend the Act of the Ninth and Tenth Years of Her present Majesty, Chapter Thirty-nine, and to abolish Foot Passenger Tolls on *Chelsea Bridge* after Payment of the Sum of Eighty thousand Pounds and Interest.

LXVII. An Act to repeal certain Enactments requiring Returns to be made to one of the Secretaries of State.

LXVIII. An Act to amend the Law concerning detached Parts of Counties.

LXIX. An Act to impose Fees on the branding of Barrels under the Acts concerning the Herring Fisheries in *Scotland*.

LXX. An Act to amend the Act of the Fifth and Sixth Years of Her present Majesty, to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture.

LXXI. An Act to substitute in certain Cases the Bishop of one Diocese for the Bishop of another as a Trustee of certain Trusts.

LXXII. An Act to facilitate the Sale and Transfer of Land in *Ireland*.

LXXIII. An Act to amend the Law concerning the Powers of Stipendiary Magistrates and Justices of the Peace in certain Cases.

LXXIV. An Act for the Re-arrangement of the Districts of the County Courts among the Judges thereof.

LXXV. An Act to amend the Law relating to Cheap Trains, and to restrain the Exercise of certain Powers by Canal Companies being also Railway Companies.

LXXVI. An Act to simplify the Forms and diminish the Expense of completing Titles to Land in *Scotland*.

LXXVII. An Act to amend and extend the Settled Estates Act of 1856.

LXXVIII. An Act to enable the Committees of both Houses of Parliament to administer Oaths to Witnesses in certain Cases.

LXXIX. An Act to amend the Law relating to Cheques or Drafts on Bankers.

LXXX. An Act to confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts.

LXXXI. An Act for confirming a Scheme as amended of the Charity Commissioners for *Cowley's* Charity in the Parish of *Swineshead* in the County of *Lincoln*.

LXXXII. An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in *Great Britain* and *Ireland*; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons' Mates of the Militia; and to authorize the Employment of the Non-commissioned Officers.

LXXXIII. An Act to make Provision for the better Government and Discipline of the Universities of *Scotland*, and improving and regulating the Course of Study therein; and for the Union of the Two Universities and Colleges of *Aberdeen*.

LXXXIV. An Act for enabling the Commissioners of Public Works in *Ireland* to acquire certain Lands and Houses for the Site of a new Court or Courts and other Offices and Buildings required for the Public Service, in Extension of the *Four Courts* in the City of *Dublin*; and for other Purposes.

LXXXV. An Act to continue an Act to enable Her Majesty to accept the Services of the Militia out of the United Kingdom.

LXXXVI. An Act further to continue an Act to authorize the embodying of the Militia.

LXXXVII. An Act to continue and amend the Corrupt Practices Prevention Act, 1854.

LXXXVIII. An Act to amend an Act of the Fourteenth and Fifteenth Years of Her present Majesty, to consolidate and amend the Laws relating to Civil Bills and the Courts of Quarter Sessions in *Ireland*, and to transfer to the Assistant Barristers certain Jurisdictions as to Insolvent Debtors.

LXXXIX. An Act to amend an Act of the last Session, for the Regulation of the Care and Treatment of Lunatics, and for the Provision, Maintenance, and Regulation of Lunatic Asylums, in *Scotland*.

XC. An Act to regulate the Qualifications of Practitioners in Medicine and Surgery.

XCI. An Act to enable Joint Stock Banking Companies to be formed on the Principle of Limited Liability.

XCII. An Act to provide for the Conveyance of County Property to the Clerk of the Peace of the County.

XCIII. An Act to enable Persons to establish Legitimacy and the Validity of Marriages, and the Right to be deemed natural-born Subjects.

XCIV. An Act to amend the Copyhold Acts.

XCV. An Act to amend the Act of the Twentieth and Twenty-first *Victoria*, Chapter Seventy-seven.

XCVI. An Act to amend "The *West Indian* Incumbered Estates Act, 1854."

XCVII. An Act for vesting in the Privy Council certain Powers for the Protection of the Public Health.

XCVIII. An Act to amend the Public Health Act, 1848, and to make further Provision for the Local Government of Towns and populous Districts.

XCIX. An Act to provide for the Government of *British Columbia*.

C. An Act to regulate the Office of Clerk of Petty Sessions in *Ireland*.

CI. An Act to amend the Act of the Eighteenth and Nineteenth Years of Her present Majesty, Chapter Sixty-three, relating to Friendly Societies.

CII. An Act to indemnify certain Persons who have formed a voluntary Association for the Disposal of Works of Utility and Ornament by Chance or otherwise as Prizes.

CIII. An Act to promote and regulate Reformatory Schools for juvenile Offenders in *Ireland*.

CIV. An Act to alter and amend the Metropolis Local Management Act (1855), and to extend the Powers of the Metropolitan Board of Works

for the Purification of the *Thames* and the Main Drainage of the Metropolis.

CV. An Act to amend an Act of the Thirteenth and Fourteenth years of Her present Majesty, to amend the Laws concerning Judgments in *Ireland*.

CVI. An Act for the better Government of *India*.

CVII. An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and fifty-eight, and to appropriate the Supplies granted in this Session of Parliament.

CVIII. An Act to amend the Act of the Twentieth and Twenty-first *Victoria*, Chapter Eighty-five.

CIX. An Act to declare and define the respective Rights of Her Majesty and of His Royal Highness the Prince of *Wales* and Duke of *Cornwall* to the Mines and Minerals in or under Land lying below High-water Mark, within and adjacent to the County of *Cornwall*; and for other Purposes.

CX. An Act to extend the Act of the Twenty-fourth Year of King *George* the Third, Chapter Twenty-six, for issuing Writs during any Recess of the House of Commons, whether by Prorogation or Adjournment.

LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

i. AN Act to empower the *Birmingham and Staffordshire* Gaslight Company to raise a further Sum of Money.

ii. An Act to amend the Act, Fifty-sixth King *George* the Third, Chapter Forty-four, for improving the Port, Harbour, and Town of *Whitehaven* in the County of *Cumberland*, in relation to the Securities to be granted for borrowed Money.

iii. An Act for conferring additional Powers and Privileges on the *Edinburgh* Life Assurance Company.

iv. An Act to empower the *Cheltenham* Waterworks Company to raise a further Sum of Money.

v. An Act for Supplying with Water the Inhabitants of *Gosport, Forton*, and *Anglesey*, and other Places in the Parish of *Alverstoke* in the County of *Hants*.

vi. An Act to incorporate the *Chester United* Gas Company, and to confer upon them further Powers for the Supply of Gas to the City and Borough of *Chester* and the Suburbs thereof.

vii. An Act to extend the Time for the Construction of the *Haslingden and Rawtenstall* Waterworks.

viii. An Act for incorporating "The *Madras* Irrigation and Canal Company," and for other Purposes connected therewith.

ix. An Act to enable the *Nottingham* Gaslight and Coke Company to raise a further Sum of Money, and to afford a Supply of Gas to Places in the Neighbourhood of *Nottingham;* and for other Purposes.

x. An Act to enable the *Folkstone* Waterworks Company to raise further Moneys; and to confer upon them other Powers.

xi. An Act to empower the *Liskeard and Looe Union* Canal Company to construct a Railway from *Moors Water* to *Looe*, all in the County of *Cornwall;* and for other Purposes.

xii. An Act to confer upon the Local Board of Health for the District of *Merthyr Tydfil* further Powers with reference to the Supply of Water; and for other Purposes.

xiii. An Act to enable the *Caledonian* Railway Company to make a Branch Railway to *Dalmarnock* in the County of *Lanark;* and for other Purposes.

xiv. An Act to authorize the making of a Railway from the *Lancaster and Carlisle* Railway at or near *Clifton* to the *South Durham and Lancashire Union* Railway at or near *Kirby Stephen*, all in the County of *Westmoreland;* and for other Purposes.

xv. An Act for making a Railway from the *Caledonian* Railway, near *Symington* Station to *Biggar* and *Broughton;* and for other Purposes.

xvi. An Act to enable the *Dundalk and Enniskillen* Railway Company to raise further Money; and for other Purposes.

xvii. An Act for better enabling the *British* Gaslight Company, Limited, to light with Gas certain Parts of the Town or Borough of *Kingston-upon-Hull;* and for other Purposes.

xviii. An Act fot better supplying with Water the Town and Parish of *Aberdare* in the County of *Glamorgan*.

xix. An Act for making a Railway from the *Craven Arms* Station of the *Shrewsbury and Hereford* Railway in the County of *Salop* to the Borough of *Knighton* in the County of *Radnor;* and for other Purposes.

xx. An Act for better supplying with Water the Borough of *Barnstaple* and places adjacent thereto, in the County of *Devon;* and for other Purposes.

xxi. An Act for providing a Market House and Market Place and other Buildings for Public Accommodation at the Town of *Newport* in the County of *Salop*, and for establishing and

regulating Markets and Fairs there; and for opening a new Street and widening other Streets, and otherwise improving the Town; and for other Purposes.

xxii. An Act for supplying and lighting with Gas the several Townships of *Peniston*, *Thurlstone*, and *Oxspring*, and Places adjacent, all in the Parish of *Peniston* in the West Riding of the County of *York*.

xxiii. An Act to repeal the Act relating to the Company of Proprietors of the *Liverpool Exchange*, and to substitute other Provisions in lieu thereof.

xxiv. An Act for enabling the Justices of the County of *Lancaster* to erect or provide Assize Courts in or near *Manchester* in the Hundred of *Salford;* and for other Purposes.

xxv. An Act for enabling the Corporation of the City of *Manchester* to raise further Sums of Money; and for other Purposes.

xxvi. An Act to regulate the Annual Close Time for Salmon Fisheries in the River *Tay* and its Tributaries and on the Sea Coasts adjoining.

xxvii. An Act for enabling the Company of Proprietors of the *Birmingham* Canal Navigations to raise further Money; and for other Purposes.

xxviii. An Act to provide for the better Maintenance of the *Garngad Road* in the County of *Lanark*.

xxix. An Act to enable the *Selkirk and Galashiels* Railway Company to raise additional Capital.

xxx. An Act to authorize the *Ely Valley* Railway Company to make a Branch Railway, to be called "The *Mwyndy* Branch;" and for other Purposes.

xxxi. An Act for granting further Powers to the *Malvern* Improvement Commissioners.

xxxii. An Act for repealing so much of the several Acts for building *Vauxhall Bridge*, and for making convenient Roads thereto, as relate to certain of such Roads; providing for the future Maintenance and Repair of such Roads; and for other Purposes.

xxxiii. An Act for better enabling the *British* Gaslight Company, Limited, to light with Gas certain Parts of the District called the *Staffordshire Potteries;* and for other Purposes.

xxxiv. An Act for more effectually maintaining the Navigation of the River *Trent* from *Wilden Ferry* in the Counties of *Derby* and *Leicester*, or One of them, to *Gainsborough* in the County of *Lincoln*, and other Works connected therewith.

xxxv. An Act to enable the *London* Dock Company to raise a further Sum of Money, and to augment their Capital Stock; and for other Purposes connected with their Docks.

xxxvi. An Act for lighting with Gas the Parish of *Maidstone* and the Neighbourhood thereof in the County of *Kent*.

xxxvii. An Act for the more effectual Management and Repair of the Road from *Manchester* in the County Palatine of *Lancaster*, through *Hyde*, to *Mottram-in-Longdendale* in the County Palatine of *Chester*.

xxxviii. An Act to authorize the Metropolitan Board of Works to form an improved Communication between *Limehouse* and the *Victoria Park* in the County of *Middlesex;* and for other Purposes.

xxxix. An Act for extending, improving, and maintaining the Port and Harbour of *Burghead* in the County of *Elgin*.

xl. An Act for incorporating the *Stoke, Fenton, and Longton* Gaslight Company, and extending their Powers; and for other Purposes.

xli. An Act for the Regulation of certain Public Sufferance Wharves in the Port of *London*.

xlii. An Act to repeal the Acts relating to the *Besselsleigh* Turnpike Road in the County of *Berks*, and to make other Provisions in lieu thereof.

xliii. An Act for making a Railway from the *Meigle* Station of the *Scottish North-eastern* Railway to the Town of *Alyth*, to be called "The *Alyth* Railway;" and for other Purposes in relation thereto.

xliv. An Act for increasing and regulating the Capital and Borrowing Powers of the *Brentford* Gas Light Company; for consolidating into One Act the Provisions of the several Acts relating to the Company; and for other Purposes.

xlv. An Act for vesting the *Inverury and Old Meldrum Junction* Railway by way of Lease in the *Great North of Scotland* Railway Company; and for other Purposes.

xlvi. An Act for making a Railway from *Banbridge to Lisburn*, to be called "The *Banbridge, Lisburn, and Belfast* Railway;" and for other Purposes.

xlvii. An Act to enable the *East Suffolk* Railway Company to construct a Branch Railway near *Lowestoft;* to raise further Sums of Money; and for other Purposes.

xlviii. An Act to confer upon the *Waterford and Kilkenny* Railway Company Facilities for raising Money.

xlix. An Act for repairing and maintaining the Road from *Horsham* in the County of *Sussex*, through *Dorking* and *Leatherhead*, to *Epsom* in the County of *Surrey*, and from *Capel* to *Stone Street* at *Ockley* in the said County of *Surrey*.

l. An Act for extending the Time for the Completion of the Works authorized by "The *Stokes Bay* Railway and Pier Act, 1855;" and for other Purposes.

li. An Act to amend the Acts relating to "The *East Kent* Railway (Extension to *Dover*)."

lii. An Act for better supplying with Water the Inhabitants of the Town of *Taunton* in the County of *Somerset*.

liii. An Act to enable the *Ballymena, Ballymoney, Coleraine, and Portrush Junction* Railway Company to sell their Undertaking to the *Belfast and Ballymena* Railway Company.

liv. An Act to amend "The *Tramore* Embankment Act, 1852."

lv. An Act for incorporating the City of *Waterford* Gas Company, and for authorizing them to acquire the existing Gasworks at *Waterford*, and to supply Gas; and for other Purposes.

lvi. An Act for authorizing the Abandonment of Part of the authorized Line of the *Exeter and Exmouth* Railway, and the making, instead of the Part so abandoned, of an Extension of the Main Line of the Railway; and for reducing and regulating the Capital and Borrowing Powers of the *Exeter and Exmouth* Railway Company; and for other Purposes.

lvii. An Act to confer upon the *London, Brighton, and South Coast* Railway Company further

Powers for raising Money, and to authorize the Purchase and Lease by them of the Undertakings of certain other Railway Companies.

lviii. An Act to authorize a Lease of the *Staines, Wokingham, and Woking* Railway to the *London and South-western* Railway Company, and for other Purposes connected with the *Staines, Wokingham, and Woking* Railway Company.

lix. An Act for enabling the *Eastern* Steam Navigation Company to extend their Powers of trading, to increase their Capital, and to alter and amend their Charter and Deed of Settlement.

lx. An Act to enable the *Globe* Insurance Company to alter and amend some of the Provisions of their Deed of Settlement; and to confer further Powers on the Company.

lxi. An Act to authorize the *Cromford and High Peak* Railway Company to raise further Sums of Money; and for other Purposes.

lxii. An Act providing for the separate Incorporation of the Overseers of the several Townships of *Manchester, Ardwick, Chorlton-upon-Medlock,* and *Hulme* for specific Purposes; for the levying and Collection of Rates; for the extinguishing the Exemption of Gasworks from Rates.

lxiii. An Act for enabling the Local Board of Health for the District of *Wallasey* to construct Works and supply their District with Water and Gas; for enlarging their Powers with respect to the Acquisition and Maintenance of Ferries; and for other Purposes.

lxiv. An Act to vest the *Stirling and Dunfermline* Railway in the *Edinburgh and Glasgow* Railway Company, and for other Purposes.

lxv. An Act for the Formation of a Junction between the *Fife and Kinross* and *Kinross-shire* Railways, and the Construction of a joint Station at *Kinross*.

lxvi. An Act to enable the *Caledonian* Railway Company to make a Branch Railway to the *Port Carlisle* Railway; and for other Purposes.

lxvii. An Act to extend the Time for the Completion of the *Salisbury and Yeovil* Railway, and to authorize the Sale thereof to the *London and South-western* Railway Company.

lxviii. An Act to repeal "The *Blyth* Harbour and Dock Act, 1854," and to regulate the Company constituted thereby, and for other Purposes.

lxix. An Act for the Improvement of the Parish of *Chiswick,* in the County of *Middlesex;* and for other Purposes.

lxx. An Act to incorporate the *Luton* Gas and Coke Company, to authorize the Adjustment and Increase of the present Capital, and for other Purposes.

lxxi. An Act to repeal *An Act for amending and maintaining the Turnpike Road from the Northern End of the Village of* Balby *in the County of* York *to* Worksop *in the County of* Nottingham, and to make other Provisions in lieu thereof, so far as regards a Portion of the said Turnpike Road.

lxxii. An Act to alter and amend the Acts for the Improvement of the Navigation of the Rivers *Burry, Loughor,* and *Lliedi,* in the Counties of *Carmarthen* and *Glamorgan,* and to improve the Harbour of *Llanelly* in the said County of *Carmarthen*.

lxxiii An Act for enabling the *Ayr and Dalmellington* Railway Company to raise additional Capital; for vesting their Undertaking in the *Glasgow and South-western* Railway Company; and for other Purposes.

lxxiv. An Act for the Amalgamation of the *Hertford and Welwyn Junction* Railway Company and the *Luton, Dunstable, and Welwyn Junction* Railway Company into One Company, to be called "The *Hertford, Luton, and Dunstable* Railway Company," and for regulating the Capital of the Company formed by the Amalgamation; and for other purposes.

lxxv. An Act for enabling the *Manchester, Sheffield, and Lincolnshire* Railway Company to make a Railway from near their *Newton and Hyde* Station to the Township of *Marple* in the Parish of *Stockport* in the County of *Chester,* to be called the *Newton and Compstall* Branch; and for other Purposes.

lxxvi. An Act for extending the Limits of the *Bradford* Waterworks, and for authorizing the Construction of new and altered Works; and for empowering the Corporation of *Bradford* to borrow a further Sum of Money; and for other Purposes.

lxxvii. An Act for enabling the *Wexford* Harbour Embankment Company to alter the Number of their Shares, and to issue Preference Shares in lieu of unissued Shares; and for other Purposes.

lxxviii. An Act to extend the Time for purchasing certain Lands required by the *Belfast and County Down* Railway Company, and for other Purposes connected with the same Company.

lxxix. An Act for better enabling the *British* Gaslight Company, Limited, to light with Gas the City of *Norwich* and Suburbs thereof; to dissolve the *Norwich* Gaslight Company, and to repeal the Acts relating thereto.

lxxx. An Act for enabling the Mayor, Aldermen, and Burgesses of the Borough of *Liverpool* to acquire Lands for a Post Office and Public Offices, and to make a new and widen existing Streets within the Borough; and for other Purposes.

lxxxi. An Act for making and maintaining a Bridge over the River *Yar* in the *Isle of Wight,* with Approaches and Roads thereto; and for other Purposes.

lxxxii. An Act to authorize the Construction of a Railway from *Andover* to *Redbridge* in the County of *Southampton,* and for that Purpose to convert the *Andover* Canal into a Railway.

lxxxiii. An Act to incorporate and regulate "The *Oude* Railway Company;" to enable the Company to construct and maintain Railways in the *East Indies,* and to enter into Contracts with the *East India* Company; and for other Purposes.

lxxxiv. An Act to enable the *London, Brighton, and South Coast* Railway Company to complete the Communication by Railway between *Shoreham, Henfield,* and the *Mid-Sussex* Railway; and for other Purposes connected with their Undertaking.

lxxxv. An Act to amend the *Birkenhead* Improvement Amendment Act, 1850, especially with respect to the General Mortgage Debt of the Commissioners and their Powers to sell certain Lands; and for other Purposes.

lxxxvi. An Act to repeal the Act relating to the *Dean Forest* Turnpike Roads, and to make other Provisions in lieu thereof, and to autho-

rize the Construction of a new Road; and for other Purposes.

lxxxvii. An Act for amending the Acts relating to the *Manchester* Corporation Waterworks.

lxxxviii. An Act to extend the Time for the Completion of so much of the *Cornwall* Railway as lies between *Truro* and *Falmouth;* and for other Purposes.

lxxxix. An Act for authorizing the *London and South-western* Railway Company to make new Works, and to make Arrangements with other Companies, and for authorizing a Lease to them of the *Salisbury and Yeovil* Railway, and for regulating their Capital and borrowing Powers; and for other Purposes.

xc. An Act to enable the *Mersey* Docks and Harbour Board to construct certain Works at *Birkenhead,* in substitution for and in addition to those already authorized, and for other Purposes.

xci. An Act for confirming the Gift by *Francis Crossley,* Esquire, to the Borough of *Halifax,* of a Park for the Benefit of the Inhabitants of the Borough, and for authorizing the Mayor, Aldermen, and Burgesses of the Borough to maintain and regulate the Park, and to provide, maintain, and regulate Public Baths in the Park, and for making a Cemetery, and for making further Provision with respect to the Waterworks and the Gasworks, and the Improvement of the Borough; and for other Purposes.

xcii. An Act to consolidate and amend the Provisions of the several Acts relating to the *Liverpool and Birkenhead* Docks and the Port and Harbour of *Liverpool,* and for other Purposes connected therewith.

xciii. An Act to afford Facilities to the *Limerick and Foynes* Railway Company for raising the Funds necessary to enable them to execute their Undertaking.

xciv. An Act to enable the *Midland Great Western* Railway of *Ireland* Company to make an Alteration in the Line of their *Streamstown and Clara Junction* Railway; and for other Purposes.

xcv. An Act for making a Tramroad from the *Aberllefenny* Slate Quarries, in the Parish of *Talyllyn,* in the County of *Merioneth,* to the River *Dovey,* in the Parish of *Llanfihangel-Geneu'r-Glyn,* in the County of *Cardigan,* with Branches therefrom; and for other Purposes.

xcvi. An Act to enable the *Great Northern and Western* (of *Ireland*) Railway Company to make Deviations in their authorized Railways, and to empower the *Midland Great Western* Railway of *Ireland* Company to acquire Shares in the Undertaking of the *Great Northern and Western* (of *Ireland*) Railway Company; and for other Purposes.

xcvii. An Act for making a Railway from the *Hertford and Ware* Branch of the *Eastern Counties* Railway to Buntingford.

xcviii. An Act for authorizing the raising by the *Ulverstone and Lancaster* Railway Company of further Money, and the selling or leasing of their Railway to the *Furness* Railway Company; or the making by the Two Companies of Working Arrangements; and for giving further Powers to the Two Companies respectively; and for other Purposes.

xcix. An Act for enabling the *Eastern Counties* Railway Company to abandon a Portion of the *Newmarket and Chesterford* Railway, and also a Railway to the River Thames at *Galleon's Reach.*

c. An Act to enable the *Bury and Radcliffe* Waterworks Company to raise further Sums of Money; and to amend the Act relating to the Company.

ci. An Act for enabling the *Portsmouth* Railway Company to extend their Railway from *Havant* to *Hilsea;* to acquire additional Lands; to use a Portion of the *London and South-western* and *London, Brighton, and South Coast* Railways; and for other Purposes.

cii. An Act to authorize the *South Devon and Tavistock* Railway Company to lease their Railway, to enable them to raise further Capital for the Completion of their Undertaking, and to make Arrangements as to their Share and borrowed Capital; and for other Purposes.

ciii. An Act for lighting with Gas the Town of *Northampton,* and the Neighbourhood thereof, in the County of *Northampton.*

civ. An Act for enabling the *Battersea Park* Commissioners to sell, and the *West End of London and Crystal Palace* Railway Company to purchase, Pieces of Land situate near the South End of the new Bridge leading from *Chelsea* to *Battersea Park,* for Lease of Undertaking to the *London, Brighton, and South Coast* Railway Company, for extending the Time for completing Extension to *Farnborough;* and for other Purposes.

cv. An Act for constructing a Market, Market Places, and Slaughter-houses, with all necessary Conveniences, within the Hamlet of *Canton,* in the County of *Glamorgan,* to be called "The *Llandaff* and *Canton* District Markets."

cvi. An Act for vesting the Undertaking of the *Backburn* Railway Company in the *Lancashire and Yorkshire* and *East Lancashire* Railway Companies; and for other Purposes.

cvii. An Act for enabling the *East Kent* Railway Company to extend their Railway from *Strood* to join the *Mid Kent* Railway (*Bromley* to *Saint Mary's Cray*); and for other Purposes connected with their Undertaking.

cviii. An Act for making a Railway from the *Great North of Scotland* Railway to *Old Deer,* and thence to *Peterhead* and *Fraserburgh,* with a Branch to *Ellon,* all in the County of *Aberdeen,* to be called "The *Formatine and Buchan* Railway."

cix. An Act for consolidating and amending the Acts of the *North British* Railway Company, and for authorizing Alterations in the *Leith* and *Fisherrow* or *Musselburgh* Branches thereof, and for other Purposes.

cx. An Act for extending the Powers of the *Shrewsbury and Welchpool* Railway Company for purchasing Lands and completing their Railway; and for other Purposes.

cxi. An Act for the Amalgamation of the Undertakings of the *East Suffolk* Railway Company, the *Yarmouth and Haddiscoe* Railway Company, and the *Lowestoft and Beccles* Railway Company; for leasing the same; and for other Purposes.

cxii. An Act for making a Railway from *Athenry* to *Tuam* in the County of *Galway,* and for other Purposes.

cxiii. An Act to authorize the *Great Northern* and the *Manchester, Sheffield, and Lincolnshire* Railway Companies to work in common, and

for certain other Purposes relating to the *Great Northern* Railway.

cxiv. An Act for making a Railway from or near *Guisbrough* to or near to *Skinningrove*, all in *Cleveland* in the North Riding of the County of *York;* and for other Purposes.

cxv. An Act for enabling the *Stockton and Darlington* Railway Company to make a new Railway in the County of *Durham* in connection with the *Wear Valley* and *Stockton and Darlington* Railways; to acquire additional Lands; and for other Purposes.

cxvi. An Act for the Amalgamation of the *Stockton and Darlington*, the *Wear Valley*, the *Middlesbrough and Redcar*, the *Middlesbrough and Guisbrough*, and the *Darlington and Barnard Castle* Railway Companies; and for regulating the Capital and Borrowing Powers of the *Stockton and Darlington* Railway Company formed by the Amalgamation; and for other Purposes.

cxvii. An Act for enabling the *Stockton and Darlington* Railway Company to make new Railways in the North Riding of the County of *York;* and for other Purposes.

cxviii. An Act to authorize the Construction of a Station near *Victoria Street, Pimlico*, in the County of *Middlesex*, and of a Railway to connect the same with the *West London and Crystal Palace* Railway at *Battersea* in the County of *Surrey*, in order to afford improved Communication between certain of the Railways South of the *Thames* and the Western Districts of the Metropolis; and for other Purposes.

cxix. An Act for making a Railway Communication between *Dublin* and *Meath*.

cxx. An Act for the Improvement of the Western Parts of the Parish of *Hove* in the County of *Sussex*, and for establishing more efficient Police Regulations within the whole of the said Parish.

cxxi. An Act to make Provision for better supplying *Birkenhead* and *Claughton* with Gas and Water, and for transferring the Undertaking of the *Birkenhead and Claughton* Gas and Water Company to the *Birkenhead* Improvement Commissioners; and for other Purposes.

cxxii. An Act for making a Railway from the *Tillicoultry* Station of the *Stirling and Dunfermline* Railway to the *Fife and Kinross* Railway at *Hopefield*, to be called "The *Devon Valley* Railway," and for other Purposes in relation thereto.

cxxiii. An Act to confer further Powers upon the *Oxford, Worcester, and Wolverhampton* Railway Company with respect to the Completion, Alteration, or Abandonment of certain of their Branch Railways, and to authorize certain Arrangements with respect to their Share Capital and the Purchase of the *Stratford-upon-Avon* Canal; and to amend the Acts relating to the Company; and for other Purposes.

cxxiv. An Act to authorize the making of a Turnpike Road from *Thames Street* in the Parish of *Clewer* in the Borough of *New Windsor* in the County of *Berks* to *Oxford Road* in the said Parish; and for other Purposes.

cxxv. An Act for carrying into effect an Agreement between the *Ribble Navigation* Company and Sir *Thomas George Hesketh* Baronet.

cxxvi. An Act to enable the *Newport, Abergavenny, and Hereford* Railway Company to divert their Railway in the Parish of *Aberdare* in *Glamorganshire;* and to confer upon them other Powers.

cxxvii. An Act to enable the *Whitehaven Junction* Railway Company to construct new Branches, to widen their Line, to erect Shipping Places and other Works, to raise a further Sum of Money; and for other Purposes.

cxxviii. An Act to empower the *Lancaster and Carlisle* Railway Company to abandon a Part of the *Lancaster and Carlisle and Ingleton* Railway, and to alter and divert certain Roads in connection with their Railway; to acquire additional Lands; and for other Purposes.

cxxix. An Act to incorporate the *Crystal Palace District* Gas Company; to enable the said Company to raise further Money; to authorize the Company to contract for and purchase the Undertaking, Land, and Premises of the *Sydenham* Gas and Coke Company; and for other Purposes connected therewith.

cxxx. An Act to authorize Arrangements between the *Chester and Holyhead* Railway Company and *London and North-western* Railway Company, and to authorize the *Chester and Holyhead* Railway Company to raise a further Sum of Money; and for other Purposes.

cxxxi. An Act for enabling the *London and North-western* Railway Company to construct Works and to acquire additional Lands in the Counties of *Salop, Middlesex, Hertford, Buckingham, Warwick, Chester, Stafford, Northampton, Leicester*, and *Lancaster;* for authorizing Arrangements in reference to "The Improved Postal and Passenger Communication between *England* and *Ireland* Act, 1855;" and for other Purposes.

cxxxii. An Act for the Establishment of a Board of Guardians of the Poor in the Parish of *Saint Leonard, Shoreditch*, in the County of *Middlesex*; and for other Purposes with respect to the Parish.

cxxxiii. An Act to consolidate and amend the Acts relating to the *Stockton, Middlesbrough, and Yarm* Water Company; to change the Name of the Company, and authorize the Construction of additional Works and the raising of further Monies; and for other Purposes.

cxxxiv. An Act to enable the *North Yorkshire and Cleveland* Railway Company to construct a new Branch from their Railway; to make a Deviation in the Main Line and other Works; to alter and amend the Acts relating to the Company; and for other Purposes.

cxxxv. An Act for making further Provision with respect to the *Severn Valley* Railway, in order to the Completion thereof; and for other Purposes.

cxxxvi. An Act to improve the Management of the *Manchester South Junction and Altrincham* Railway.

cxxxvii. An Act to authorize the Construction of a Railway from *Redditch* to the *Midland* Railway.

cxxxviii. An Act to incorporate and regulate the *Great Southern of India* Railway Company, and for other Purposes connected therewith.

cxxxix. An Act for extending the Powers of the *Plymouth Great Western* Dock Company; and for other Purposes.

cxl. An Act to alter and improve the Boundaries of the Municipal Borough and District of *Middlesbrough;* to enable the Local Board of Health of the District to enlarge the Market

Place; to enable the Corporation to construct Landing Places on the North Side of the River *Tees*, and to establish a public Passage up and over the said River; to transfer the Powers of the Burial Board to the Local Board; and to confer other Powers on the Local Board and the Corporation; and for other Purposes.

cxli. An Act to confer additional Powers on the *Tees* Conservancy Commissioners; to regulate the Fisheries in the River *Tees;* to vest the Anchorage and Plankage Dues in the said Commissioners; to alter and amend their existing Acts; and for other Purposes.

cxlii. An Act to extend the Time for making the *Worcester and Hereford* Railway, and for granting further Powers with respect to that Undertaking.

cxliii. An Act to make further Provisions for vesting the *Sheffield, Rotherham, Barnsley, Wakefield, Huddersfield, and Goole* Railway in the *Lancashire and Yorkshire* Railway Company, and for other Purposes.

cxliv. An Act for enabling the *Limerick and Castle Connell* Railway Company to extend their Railway from *Castle Connell* to *Killaloe;* to issue Preference Shares; and for other Purposes.

cxlv. An Act for the Abandonment of the *West End of London and Clapham and Norwood Junction* Railway, and for other Purposes.

cxlvi. An Act to enable the *South Wales* Railway Company to acquire additional Lands at *Newport;* and for other Purposes.

cxlvii. An Act for authorizing a Lease of the *Vale of Towy* Railway to the *Llanelly* Railway and Dock Company.

cxlviii. An Act for enabling the *Atlantic* Telegraph Company to create and issue Preference Capital, for the Extension of Borrowing Powers, and Amendment of Act.

cxlix. An Act to consolidate and amend the Acts relating to the River *Clyde* and Harbour of *Glasgow.*

cl. An Act for limiting, defining, and regulating the Capital and Debt of the *Warrington and Stockport* Railway Company; for amending the Acts relating to the Company, and conferring on them further Powers; and for other Purposes relating to the Company.

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER, AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act for enabling Mining Leases to be granted of an Estate in the North Riding of *Yorkshire*, late of *Henry Darley* Esquire, deceased, and for other Purposes, and of which the Short Title is "*Darley's* Estate Act, 1858."

2. An Act to confirm certain Arrangements with regard to the Trust Estate of the late *George* Viscount *Keith*, and to enable his Trustees to carry the same into effect.

3. An Act for confirming and giving effect to an Agreement for a Lease by the *Westminster* Improvement Commissioners of Land in *Victoria Street* and *Tothill Street* in the City of *Westminster* to the *Westminster Palace* Hotel Company, Limited, and of which the Short Title is "*Westminster Palace* Hotel Company's Act, 1858."

4. An Act to authorize the raising of Money to be expended in permanent Improvements on the Entailed Estates of *Braco, Marr, Carraldstoun* and others, and the granting of Feus and long Leases of Parts of the said Estates.

5. An Act for vesting Estates of the late Mr. *Henry Holroyd* deceased in Trustees for Sale, and for authorizing Grants in Fee and Building Leases for long Terms of Years of the same Estates; and for other Purposes.

6. An Act to grant further Powers and to make further Provisions in respect to the Estates subject to the Trusts of the Will of *Benjamin Hall* Esquire, deceased.

7. An Act for authorizing the Trustees of the late *James Davidson* of *Ruchill* to sell Part of his Lands of *Ruchill, Garrioch*, and *Balgray* in the County of *Lanark*, and to reinvest the Prices of such Lands; and for other Purposes.

8. An Act for regulating the *Dundonald* Bursaries in the University and College of *Glasgow;* and for other Purposes.

9. An Act for authorizing Mining, Building, and other Leases, the obtaining of the Enfranchisement of Copyholds and the Renewal of Leases, and the making of Partitions, Sales, and Exchanges of the Estates devised and bequeathed by the Will of *Henry Belward Ray* Esquire, deceased; and for other Purposes.

10. An Act to amend an Act of the Parliament of *Ireland* passed in the Eleventh and Twelfth Years of the Reign of King *George* the Third, intituled *An Act for vesting the Estate of the Right Reverend Father in* God *Doctor* John Stearne, *late Lord Bishop of* Clogher, *deceased, in Trustees in trust for carrying the charitable and other Bequests of his Will into execution.*

PRIVATE ACT,

NOT PRINTED.

11. An Act to repeal so much of an Act passed in the Seventh Year of the reign of His late Majesty King *William* the Fourth and in the First Year of the Reign of Her present Majesty, intituled *An Act for naturalizing Dame* Marie Louise Pelline De Dalberg Acton *and her infant Son, Sir* John Emerich Edward Dalberg Acton *Baronet*, as enacts that the said Sir *John Emerich Edward Dalberg Acton* Baronet shall not thereby be enabled to be of the Privy Council, or a Member of either House of Parliament, or to take any Office or Place of Trust, either Civil or Military, or to have any Grant of Lands, Tenements, or Hereditaments from the Crown, to himself or any other Person or Persons in trust for him.

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IN THE SECOND SESSION OF

THE SEVENTEENTH PARLIAMENT OF THE UNITED KINGDOM,

21° & 22° VICTORIA,

1857-8.

EXPLANATION OF THE ABBREVIATIONS.

1*R.* 2*R.* 3*R.* First, Second, or Third Reading.—*Amend.*, Amendment.—*Res.*, Resolution.—*Com.* Committee.—*Re-Com.*, Re-committal.—*Rep.*, Report.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*l.*, Lords.—*c.*, Commons.—*m. q.*, Main Question.—*o. q.*, Original Question.—*o. m.*, Original Motion.—*p. q.*, Previous Question.—*r. p.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—*1st Div.*, *2nd Div.*, First or Second Division.

☞ When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorised Report.

When in the Index a † is prefixed to a Name or an Office (the Member having accepted or vacated office during the Session) and to Subjects of Debate thereunder, it indicates that the Speeches on those Subjects were delivered in the Speaker's private or official character, as the case may be.

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